

4.2 22/03313/FUL

Revised expiry date 16 June 2023

Proposal:

Clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House.

Location:

Oast House Nursery, Ash Road, Ash Sevenoaks Kent TN15 7HJ

Ward(s):

Ash And New Ash Green

### **Item for decision**

Cllr Manston referred this application to Development Management Committee to consider its impact upon the Metropolitan Green Belt and local community.

**RECOMMENDATION:** That the Committee resolve that planning permission be GRANTED subject to:

a) After the expiry date of the site notice and newspaper advertisement (03 August 2023) – any representations received raising no new issues;

b) Referral of the application to the Secretary of State as major development in the Green Belt, to decide whether to call-in the application or not;

c) The conditions set out below, subject to any minor changes to wording

being agreed in writing by the Chief Officer for Planning and Regulatory Services; and

d) A satisfactory legal agreement made under section 106 of the Town and

Country Planning Act 1990 (as amended) being completed within three months of the date of the decision, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services.

### **Section 106 Agreement**

The Section 106 Agreement shall include the following requirements:

- KCC Primary and Secondary Education Contributions – Total - £255,796
- Off-site affordable housing contribution – Total - £16,532
- Land set-aside for biodiversity net gain/enhancements and development free for a minimum of 30 years.

### **Planning Conditions**

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1000 Rev.I, 1200 Rev.C, 1201 Rev.A, 1202 Rev.B, 1203 Rev. B, 1204 Rev.B, 1205 Rev.B, 1300 Rev.F, 1301 Rev.E, 1302 Rev.D, 1303 Rev.E, 1304 Rev.E, PLAN1305 Rev.E, 1306 Rev.F, H01 Rev.P2, H02 Rev.P1, PJC.1173.001 Rev. D (Sheets 1 and 2), PJC.1173.002 Rev. D (Sheets 1 and 2) - Design and Access Statement by PWP Architects Ref: 5886, Planning Statement by DHA dated Nov 2022 ref: DHA/DB/17092, Transport Statement by DHA dated Nov 2022 ref: PL/TV/17689, Pre-Tree survey report by Invicta Arboriculture dated Nov 2022, Land Contamination Assessment Dated July 2022 ref: 4002/22, Financial Viability Assessment by DHA dated Nov 2022 ref: AGH/DC/RD/17264, Preliminary Ecological Assessment by PJC Consultancy dated June 2022 ref:4872E/22, Bat Emergence Survey by PJC Consultancy Dated Nov 2022 ref: 4944E/22/02, Drainage Strategy Report by RCD dated Sept 2022.

For the avoidance of doubt and in the interests of proper planning.

3) Prior to above ground works (excluding clearance and demolition operations), further details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and approved in writing by the local planning authority. The content of the LEMP will be based on the Biodiversity Net Gain Design Stage Report (PJC March 2023) and will include the following: Description and evaluation of features to be managed; Ecological trends and constraints on site that might influence management; Aims and objectives of management; Appropriate management prescriptions for achieving aims and objectives; Preparation of a work schedule (including an annual work plan); Details of the body or organisation responsible for implementation of the plan, and; Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

To accord with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 180 of the National Planning Policy Framework.

5) No development (excluding clearance and demolition operations) shall take place within the site until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report dated 26th November 2022 prepared by RCD Consultants Ltd and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

6) The dwellings hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

7) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area and to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan.

8) No development (excluding clearance and demolition operations) shall take place until details to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented in full prior to the first occupation of the dwellings hereby approved and thereafter retained.

In the interests of good design and the creation of development where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with the aims and objectives of the National Planning Policy Framework.

9) No development shall take place until details of a Construction Management Plan have been submitted to and approved by in writing by the local planning authority. The construction management shall include details of:

(a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

(f) Dust mitigation measures

The development shall be carried out in accordance with the approved details.

In the interests of highway safety in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

10) No development (excluding clearance and demolition operations) shall take place until details of off-site highway improvements to the access from Ash Road and proposed uncontrolled pedestrian crossings as shown on drawing ref. H01 Rev. P2 have been submitted to and approved by in writing by the local planning authority. The development shall be carried out in accordance with the details unless otherwise agreed (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement). The off-site highway works shall be completed in full prior to the first occupation of the new dwellings hereby approved.

In the interest of highway safety as supported by Policies EN1, T1 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential unit would conform to Table 4: Indoor Ambient Noise Levels for Dwellings identified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. LAmax,F during the period 2300hrs to 0700hrs should not exceed 45dBA. Work specified in the approved scheme shall then be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and maintained thereafter. If mechanical acoustic ventilation needs to be provided, self-noise must not cause the internal noise levels to exceed the BS8233:2014 criteria.

To safeguard the amenities of the future occupiers of properties hereby approved as supported by Policies EN2, EN7 of the Sevenoaks Allocations and Development Management Plan.

12) No new dwelling shall be occupied until the vehicular visibility splays as shown on drawing ref. H02 Rev.P1 has been provided. No fence, wall or other obstruction to visibility above 1.05m in height above ground level shall be erected within the area of such splays.

In the interest of highway safety as supported by Policies EN1, T1 of the Sevenoaks Allocations and Development Management Plan.

13) If during the works unexpected contamination is encountered which has not previously been identified after the development has begun, then the development must be halted on that part of the site affected by the unexpected contamination and shall be fully assessed and an appropriate remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority.

To ensure that the site is remediated appropriately for its intended use and to accord with the aims and objectives of the National Planning Policy Framework.

14) The hard and soft landscaping and boundary treatments as shown on the approved plans, shall be implemented in full and all planting, seeding or turfing approved shall be

carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

15) Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of works above damp proof course level for the dwellings hereby approved. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire/lux profiles). The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

To enable the Local Planning Authority to regulate and control light spillage in order to protect the character and visual amenity of the locality in accordance with policies EN1 and EN6 of the Sevenoaks Allocations and Development Management Plan.

16) Prior to the first occupation of the development hereby approved the vehicle parking spaces as shown on the approved plans shall be constructed, surfaced and retained for vehicle parking, turning and deliveries, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and visual amenity as supported by Policies EN1, T1 and T2 of the Sevenoaks Allocations and Development Management Plan.

17) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and development Management Plan.

18) Prior to completion of the damp proof course of the development hereby permitted, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and provision of bird nest space. The approved details will be implemented and thereafter retained.

To enhance the ecological value of the site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 180 of the National Planning Policy Framework.

19) The refuse and cycle storage facilities as shown on approved plan number 1000 Rev.1 shall be fully implemented and made available for user prior to the first occupation of the development hereby permitted and shall thereafter be retained for such use at all times.

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles in accordance with Policies T1, EN1 of the Sevenoaks Allocations and Development Management Plan.

20) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Pre-Tree survey report by Invicta Arboriculture dated Nov 2022 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

21) During the demolition and construction phases, no works of demolition or construction shall take place other than within the hours Monday to Friday 0800 to 18.00 hours, Saturday 08.00 to 13.00 hours and not at all Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN2 of the Sevenoaks Allocation and Development Management Plan.

22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, F of that Order and Schedule 2, Part 2, Class A.

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development, the amenities of future occupants of the development and not to impede surface water drainage within the site in accordance with Policies EN1, EN2 of the Sevenoaks Allocations and Development Management Plan

### **Informatives**

1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.

3) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

4) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and

creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### **Description of site**

- 1 The application site comprises 0.54 hectares of land on the western side of Ash Road. It is located outside the southern edge of the village of New Ash Green.
- 2 The site comprises of a former horticultural nursery and associated buildings, a dwelling, a number of glasshouses and polytunnels and an open area of land. The site is bounded by trees and vegetation along the majority of its boundaries, and is well screened on its eastern boundary to the road.
- 3 To the rear of the nursery is an open field that is largely enclosed by development on all sides. Further to this, the site is surrounded by a number of properties, comprising residential and commercial uses.
- 4 The site is located within walking distance of New Ash Green with a range of services accessible, which is approximately a 15minute walk away from the site. The site is also closely located to existing bus stops which provide services to Longfield and onward rail connections.
- 5 The site is within the designated Metropolitan Green Belt.

### **Description of proposal**

- 6 The application seeks planning permission for the demolition of the existing commercial buildings and the erection 18 residential units with off-street parking provision, and hard and soft landscaping, the retention of an existing residential unit on site and land that is being set-aside from biodiversity net gain purposes.
- 7 The residential development will consist of a housing mix proposed of:  
  
4no. x 2 bed  
  
13no.x 3 bed  
  
1no. x 4 bed
- 8 These properties will consist of two storeys and will have pitched roof and gable ends. All buildings will use traditional materials which reflect Kentish vernacular.
- 9 The scheme will utilise the existing vehicular access and will provide access to 43no. parking spaces including visitor provision. These will consist of surface level parking.

### **Relevant planning history**

- 10 Not applicable

### **Policies**

- 11 National Planning Policy Framework (NPPF)

- 12 Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay. The same paragraph states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 13 Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 14 Core Strategy (CS)
- SP1 Design of New Development and Conservation
  - SP2 Sustainable Development
  - SP5 Housing Type and Size
  - SP7 Density of Housing Development
  - SP8 Economic Development and Land for Business
  - SP11 Biodiversity
  - LO1 Distribution of Development
  - LO8 The Countryside and the Rural Economy
- 15 Allocations and Development Management (ADMP)
- EN1 Design Principles
  - EN2 Amenity Protection
  - EN5 Landscape
  - EN6 Outdoor Lighting
  - EN7 Noise Pollution
  - EMP5 Non-allocated Employment Sites
  - T1 Mitigating Travel Impact
  - T2 Vehicle Parking
  - T3 Provision of Electric Vehicle Charging Points
- 16 Other
- Kent Parking Standards
  - Development in the Green Belt SPD
  - Affordable Housing SPD
  - National Planning Practice Guidance
  - CIL Regulations



## Constraints

17 The following constraints apply:

- Metropolitan Green Belt

## Consultations

18 Ash Parish Council – Objects for the following reasons:

- Inappropriate development
- Lack of affordable housing
- Additional demand on infrastructure provision  
Not a brownfield site

19 Natural England – No response received

20 National Highways – No objection

21 Environment Agency – No comment received

22 South East Coast Ambulance Service – No comment received

23 KCC Local Lead Flood Authority – No objection subject to conditions

24 KCC Ecology – No objection subject to securing land for off-setting impact and imposition of conditions.

25 KCC Highways – No objection subject to condition relating to visibility splays, construction management plan, construction of a pedestrian crossing, retention of parking spaces within the development

26 KCC Archaeological Officer – No comment

27 KCC Economic Development – “The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.”

28 Request has been made for the following contributions:

Via Section 106 Agreement:

Secondary Education - £93,168

Secondary Land - £79,072

Primary Education - £83,556

Through a CIL allocation:

Community Learning – £295

Youth Service – £1,179

Library Service – £998

Social Care - £2,644

Waste - £980

29 Kent Police – No objection recommend condition relating to secure by design.

30 Kent Wildlife Trust – No comment received.

31 SDC Planning Policy – **“Development in the Green Belt**

32 The entire site is set within the Metropolitan Green Belt. Policy LO8 (The Countryside and the Rural Economy) states that the extent of the Green Belt will be maintained.

33 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, but with a number of exceptions including:

“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

34 The NPPF glossary defines previously developed land (PDL) as:

“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...”

35 As was included in our pre-application comments, it is our opinion that the south eastern portion of the wider site contains defined previously developed land and therefore, could be considered appropriate development in the Green Belt.

#### **Mix/type of units’ proposed and affordable housing requirement**

36 The Strategic Housing Market Assessment (SHMA) (2015) sets out that the greatest need within the District is for 3 bed units, followed by 2 bed, and then 1 and 4 bed units. We consider that the scheme is aligned with the identified need, and sets out a mix of 2 and 3 bedroom units, with an additional 4 bedroom unit.

37 It is noted that the District has an acute identified need for affordable housing, as set out in the Council’s Targeted Review of Local Housing Needs (TRLHN 2022). It identifies an affordable housing need of 423 units per year, representing almost 60% of the overall housing requirement of 714 units per year determined using the government’s standard methodology.

- 38 Core Strategy Policy SP3 seeks the provision of affordable housing on new residential developments. Details are set out in the Affordable Housing SPD December 2021 update. This scheme of 18 units triggers a requirement to provide 40% affordable housing, equating to 7 units. It is understood that the applicant has submitted evidence that an on-site affordable housing contribution may not be viable. This will need to be independently verified. Further guidance should be sought from the Housing Strategy team.

### **Emerging Local Plan**

- 39 This site was included as a proposed site allocation in the 2019 submitted Local Plan for 20 residential units. The site appraisal sets out that the site area was reduced to only what was considered previously developed land in the Green Belt, which is the south eastern half of the site.
- 40 However, the Council recognises the acute housing need in the District. It has recently concluded a Regulation 18 public consultation on a new Local Plan, which proposes a strategy that focuses on making the best and most effective use of land within existing settlements. It is clear that Green Belt land will only be released where there are exceptional circumstances for doing so, when all reasonable alternatives have been explored including opportunities in neighbouring authorities. However, given that the new Local Plan is only at first stage
- 41 Regulation 18 consultation, it only carries limited weight and therefore the scheme must be considered in light of existing adopted policy, both local and national.
- 42 SDC Urban Design Officer – No objection raised. The scheme responds in design to National Design Guidance.
- 43 SDC Tree Officer – No objection subject to landscaping condition and conforming to arboricultural report
- 44 SDC Housing Policy – “As per Core Strategy Policy SP3, we would expect an application comprising 18 homes to provide 40% on-site affordable housing (7 homes). However it is noted the applicant is claiming insufficient scheme viability to conform with Policy SP3.
- 45 As set out in the Affordable Housing SPD 2011 (and accompanying policy update 12/2021), the viability of the scheme therefore requires independent testing.”
- 46 SDC Environmental Health – No objection subject to conditions relating to noise, contaminated land, external lighting and vehicle charging provision.
- 47 Thames Water – No objection

### **Representations**

- 48 2 representations of support.
- 49 18 objections received. Objecting for the following reasons:
- Highway safety and inadequate parking provision;
  - Inadequate visibility splays;
  - Impact upon infrastructure provision;
  - Loss of Green Belt;

- Inappropriate development;
- Loss of privacy/overlooking;
- Unsustainable location;
- Traffic generation;
- Noise;
- Maintenance of boundaries;
- Lack of affordable housing provision

### Chief Planning Officer's appraisal

50 The main planning consideration are:

- Principle of development
  - Green Belt
  - Loss of a Non-Allocated Employment Site
  - Efficient use of Land
- Housing Type and Size
- Density
- Affordable Housing
- Impact on the character of the area
- Impact on residential amenity
- Highways, access and parking
- Ecology and Biodiversity
- Other Issues

### Principle of the development

51 Green Belt

52 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the local authority's development plan unless material considerations indicate otherwise. The Council's Development Plan includes the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP) 2015.

53 Core Strategy Policy LO8 (The Countryside and the Rural Economy) states that the extent of the Green Belt will be maintained.

54 Paragraph 147 of the NPPF states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in "very special circumstances".

55 Paragraph 149 of the NPPF states that a "local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. However, a list of exceptions are provided, including the:

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting

an identified affordable housing need within the area of the local planning authority.” [my emphasis]

- 56 It is therefore first necessary to establish whether the proposed development would be considered inappropriate under the criteria of paragraph 149(g) in order to determine whether it should be considered inappropriate. This is the only exception relevant to this development.
- 57 Whether the development is inappropriate development in the Green Belt
- 58 In applying the test, the first requirement is to establish whether the site would constitute as limited infill development or not. The NPPF does not define what limited infilling is. It could be defined as small-scale development which fills a gap in an otherwise built-up area. However, further guidance can be found within Section 3 of the Development within the Green Belt Supplementary Planning Document. This documents defines limited infill development as the completion of an otherwise substantially built up frontage by the filling of a narrow gap. It also cites in paragraph 3.6:
- “Where a change of character is not apparent between the defined settlement and development within the adjoining Green Belt, there may be circumstances where infill development is appropriate in the Green Belt, provided the purposes of the Green Belt would not be compromised.”
- 59 The proposal would result in the erection of 18 dwellings on a relatively small site surrounded by existing dwellings to the north and south of the site and Heaver Trading Estate abutting the site to the west. The proposal would result in frontage development being provided onto Ash Road between two existing properties, utilising the existing access onto the site. Therefore it can be considered as being infill development.
- 60 Notwithstanding the above, the applicant has put forward the case that the site is a single planning unit and is a composite use, as the site is comprised of a variety of residential, nursery, agricultural resulting in the site in its entirety being Previously Developed Land (PDL).
- 61 The main case law relevant to the consideration of whether a site is a single planning unit is *Burdle v Secretary of State for the Environment* 1972. This established a number of principles in considering a planning unit, including the following relevant to this application:
- that where there are a variety of activities on a site, none of which are incidental or ancillary to another and which are not confined within separate and physical distinct areas of land, the whole unit of occupation can be the planning unit and usually considered a composite use.
  - Where there are two or more physically separate and distinct areas occupied for substantially different and unrelated purposes, each area should be a separate planning unit.
- 62 In this case, having regard to case law, that there are a variety of activities on the site, none of which are they confined within separate or physically distinct areas within the site. It is therefore my view that the site is a single planning unit and a composite use. As such, it is considered that the site is previously developed land.

- 63 Turning to whether the development would have a “greater impact on openness”, the national Planning Practice Guidance states that “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case.” It notes that openness is capable of having both spatial and visual aspects - so both scale and distribution of built development, and the visual impact of the proposal may be relevant. The degree of activity likely to be generated on a site is also a relevant factor in the consideration of openness.
- 64 At present the single storey buildings on the site are dispersed within the site and retain areas of open land between them, including the parking areas and open spaces. By contrast, as a result of the proposals, development and built form would be arranged in a cul-de-sac layout. While this does retain some sense of openness within, there would be a greater sense of enclosure within the site, while each new property would include a garden that would be enclosed with closed boarded timber fencing. In addition to the new buildings the proposals would also see the introduction of residential paraphernalia across the site including the parking areas, garden stores and other items which generally emerge as a result of a residential use. This would also represents a visual change in the perception of the openness of the site, as appreciated from surrounding public and private viewpoints. However, the development would be enclosed within a specific area, visible from nearby dwellings as glimpses from Ash Road. Despite the existing buildings and hard surfacing on the site, the site is of a separate character to the wider Green Belt due to the self-contained and previously developed nature of the site as well as the visual context established by surrounding built development, being other residential properties and Heaver Trading Estate.
- 65 It is considered that site would continue to make a contribution to the transition between the linear development along Ash Road and the wider Green Belt, albeit that this contribution would be diminished when comparing the existing and proposed built form. As such due to the proposed layout of the development and the increase in building heights and massing, there would be harm to the openness of the Green Belt. However, it is considered that this identified harm is moderate and less than substantial. Nevertheless the proposal, would represent as inappropriate development within the Green Belt contrary to Paragraph 145(g) of the NPPF.
- 66 Paragraph 148 of the NPPF advises that Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 67 Loss of a non-allocated employment site
- 68 It has been established that the site has a lawful existing employment use –horticulture.
- 69 Core Strategy Policy LO1 states that development will be focussed within built confines of existing settlements, while Policy LO8 confirms that the extent of Green Belt will be maintained.
- 70 SDC Planning Policy have raised concern for the loss of the existing use and the conflict with policy EMP5 of the ADMP which seeks to protect employment uses. The applicant has not undertaken active marketing of the site as required by policy
- 71 EMP5. The proposals therefore conflict with the aims of the policy.

- 72 As above, the site is one which was put forward as part of the previous emerging Local Plan for redevelopment as housing. This similarly would have resulted in the loss of all existing uses on the site. However that proposed allocation was not tested through the examination process, and the allocation is not afforded substantial weight in decision making at this time.
- 73 The proposals, however, would contribute 18 new market homes including a small contribution to off-site affordable housing provision, which is welcome. The development is located on the edge of New Ash Green and within 15 minutes' walk from provision of goods and services. The site also would benefit from pedestrian access to the services and public transport links are nearby.
- 74 The Council has an unmet need for housing and cannot demonstrate a 5 year supply of housing at this time. The contribution of the proposals to the housing supply should therefore be afforded weight. The loss of the existing employment is weighed up within the Planning Balance section at the end of this report.
- 75 Efficient use of land
- 76 Paragraph 120 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and also to promote and support the development of under-utilised land and buildings especially if this would help to meet identified needs for housing where land supply is constrained.
- 77 Further to this Paragraph 124 (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 78 As previously mentioned above, the site is considered to represent previously developed land. Due to the location, development is required by the NPPF to make efficient use of said land.
- 79 In conclusion, and subject to further consideration of other material considerations, the proposed development would help deliver on a current, identified need for housing within the District, and that loss of the employment site would not have a detrimental impact upon the rural economy. Therefore the principle of the re-development of the site is accepted.

### **Housing size and Type**

- 80 Policy SP5 of the Core Strategy states that the Council will expect new development to contribute to a mix of different housing types in residential areas, taking into account of specific local circumstances. The policy guidance indicates that the Strategic Housing Market Assessment (SHMA) recommends the following targets:

20% - 1 bedroom

30% - 2 bedroom

35% - 3 bedroom

15% - 4 bedroom

- 81 The guidance states that an average of 50% 2 bedroom or less units across all developments. The proposal seeks the creation of 18 residential units. These would be broken down into:
- 4 x 2 bed (22%)
  - 13 x 3 bed (72%)
  - 1x 4 bed (6%)
- 82 The proposal would not meet 50% of all units comprising 2 bedrooms, however the guidance confirms that this should not be used as a quota; rather, it is set as a general average across the district and this development would provide at a level of 22%. SDC Planning Policy Team has also commented that the proposed housing mix is aligned with the identified need with the Strategic Housing Market Assessment 2015 that cites the greatest need within the District if for 3 bed units.
- 83 Notwithstanding this, the development would be located near to an existing settlement with links to public transport and the provision of units as sought after would be appropriate to the location.
- 84 The proposal would generally reflect the housing size and type required by policy SP5 of the Core Strategy.
- 85 Overall, the proposal would seek the redevelopment of previously developed land in this Green Belt location. The housing type reflects the requirements of the District.

### **Density**

- 86 Policy SP7 of the ADMP states that new housing will be developed at a density that is consistent with achieving good design. The policy states that outside urban areas new residential development would be expected to achieve a density of 30 dwellings per hectares (dph). The policy recognises that development that fails to make efficient use of land for housing may be refused permission.
- 87 The density figure of 30dph is a base line figure i.e. development should at least meet 30dph as a minimum. Further, this policy and the density targets can no longer be regarded as up to date and in accordance with the NPPF. Density of development calculations do not always illustrate the formation of a development. Density is not a proxy for well-designed buildings and functional open spaces.
- 88 The key test of policy SP7 is how the proposal would perform against design criteria and impact on the character of the area, rather than how the development performs against the density figure.

Paragraph 125 of the National Planning Policy is clear that:

‘.....Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site’.



- 89 The proposed development would result in an approximate density figure of 33dph for the site as a whole. Against the design criteria, the proposal is considered of good quality design and as such the density is considered appropriate for this location and makes efficient use of the land in accordance with SP7 and paragraphs 120, 125 of the NPPF.

### **Affordable Housing**

- 90 Policy SP3 of the Core Strategy states that the Council expects the provision of affordable housing in all types of residential development. The policy considers that in all residential developments of 15 dwellings or more gross 40% of the total number of units should be affordable. In exceptional circumstances, Policy SP3 allows for a reduced level of provision or, failing that, an off-site financial contribution to affordable housing, but only where it is demonstrated that the required on-site provision is not viable.
- 91 The proposal does not seek the provision of affordable housing units. The proposal would not comply with policy SP3 of the Core Strategy.
- 92 Notwithstanding the above, a viability assessment has been undertaken to establish whether on-site or off-site affordable housing provision can be sought. The applicant has submitted a viability appraisal concluding that on-site affordable housing cannot be provided on-site, however there is surplus monies available to allow for a commuted sum for off-site affordable housing provision.
- 93 The applicant's viability statement has been externally examined by an independent assessor in accordance with National Planning Practice Guidance and concludes that on site affordable housing is not possible. However, it does conclude that there would be surplus monies available to make a contribution towards off-site provision whilst making the development financially feasible. In this instance, it would be reasonable and necessary to secure the commuted sum for off-site affordable housing provision by use of a section 106 agreement. This would comply with CIL Regulation 122 and paragraph 57 of the NPPF.

### **Impact on the Character of the Area**

- 94 The relevant policies relating to design and the character of the area are Policies EN1 of the ADMP and SP1 of the Core Strategy. Policy EN5 also seeks to protect the character of the landscape in the District. The NPPF highlights good design as a key aspect of sustainable development, creating better places in which to live and work and making development acceptable to communities (paragraph.126). Planning decisions should ensure developments function well and add to the quality of an area over the lifetime of the development, are visually attractive and are sympathetic to local character. They should also optimise the potential of the site to accommodate an appropriate amount and mix of development (paragraph 130).
- 95 The character of the site is defined by its former uses, dominated by a cluster of utilitarian buildings and a residential property, set around yard space and a shared access road.
- 96 Overall, the site itself is considered of little townscape or landscape value. The only area of distinctiveness is in the front boundary landscaping to frontage of Ash Road.

- 97 Beyond the site boundary to the south and north of the site are residential properties, with the commercial trading estate to the west. Beyond this, the landscape is characterised by settled farmland, with gently undulating slopes overlain by agricultural fields and scattered farmsteads and built development. The character and screening around the site results in it being spatially separated from the countryside beyond.
- 98 The site sits upon level ground and, with the partial screening afforded to the site by boundary planting and surrounding development, has limited visibility from surrounding views. These are limited principally to immediate, glimpsed views from the adjoining roads, with some seasonable glimpsed views from the surrounding countryside.
- 99 The proposed development will undoubtedly change the character of the site, which would be residential development. The new buildings would reflect the Kentish vernacular with a chosen palette of materials representative of local building typology and sympathetic to architectural styles found within the locality. The scale of the buildings are considered to be appropriate and sympathetic to those within the locality.
- 100 The proposed houses are all of a similar height, comprising two storeys with pitched roofs above. There is some variation in the individual design and architectural features of the houses, for example through the inclusion of small gable features and hipped roofs. The palette of materials is also proposed to vary across the development to including facing materials including varying brick tones, tile hanging and composite weather boarded cladding. Roof materials are shown to be either concrete roof tiles or grey slate-appearance tiles. In any event, further details of the proposed materials can be secured by condition.
- 101 A comprehensive hard and soft landscaping scheme has been submitted and includes varying use of hard surfacing materials from paving to tarmac and a soft planting landscaping plan that includes the planting of native hedgerow, shrub mix, standard tree planting in and around the site and further planting to the set aside field to enhance its biodiversity value. The scheme as a whole would increasingly over time, assist in softening the impact of buildings and integrate the development into the street scene and improving the quality of the environment and the surrounding area. The SDC Tree Officer has raised no objection.
- 102 During the course of the application, the Council's Urban Design officer has been consulted and amendments have been made to the scheme. As such, the Urban Design Officer raises no objection to the scheme.
- 103 Overall, it is considered that the proposed scheme has adopted a sensitive approach to delivering a small residential development on the site. With appropriate landscaping, the development would sit comfortably on the site and integrate successfully into the surrounding area.
- 104 It would therefore accord with the national and local policy requirements as highlighted above.

#### **Impact on Residential Amenity**

- 105 Policy 130 of the NPPF states that planning decisions should ensure developments meet a number of requirements, including creating places that have a high standard of amenity for existing and future users.

- 106 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by complying with a number of criteria. These include preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.
- 107 At paragraph 185 of the NPPF, it states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 108 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of nearby properties.
- 109 Contamination
- 110 SDC's Environmental Health Officer has reviewed the submitted land contamination assessment submitted with the application and confirms its findings as reliable. The assessment finds that the site is suitable for the proposed residential use. The Officer has recommended a condition to ensure that, in the event that unknown contamination is found during the course of the development, remediation can be effectively remediated.
- 111 With the recommended condition, it is considered that contamination can be appropriately addressed, if found and as such that the site and development would not pose unacceptable risks to human health or to ground water sources, property and ecological systems.
- 112 Outlook, visual amenity and privacy
- 113 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 114 It is also important to reflect on paragraph 125 (c) of the NPPF:  
  
'local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'.
- 115 The nearest residential properties are those to the north of the application site being Fiacre and to the south High Leigh and Church End. The existing property on the site is owned by the applicant, is also being retained.
- 116 The proposed plans show new boundary 1.8m high close boarded fencing would be erected along the boundaries with these properties, together with the retention of existing landscaping, which is notable to the neighbouring boundary to High Leigh which the existing treatment is approx.4-5m in height. That said, there is a change in ground levels between the site and High Leigh, and it would be necessary to secure details on the final ground levels by condition.

- 117 Loss of privacy
- 118 High Leigh is the closest property to the proposed development having its side elevation being approximately 14m at its closest point. As previously mentioned there is foliage and trees which exist along neighbouring the boundary.
- 119 Proposed Plot 5 is sited approx. 15m away from the rear amenity area of this property and plot 6, approximately 17m. Plot 5 would have no direct views into the windows of this property even though the rear bedroom window would face directly into the rear amenity area of this property. However, due to retention of the existing boundary treatments, this would screen views into the rear amenity area and would be some direct inter-visibility that is caused by it.
- 120 In terms of plot 6, again with the retention of the boundary treatment, this too would have the same effect and the view from the rear bedroom would also be an oblique one.
- 121 It is noted that the rear garden area of High Leigh is large. Plots 7 to 9 would have first floor windows that face onto the rear garden area of High Leigh. That said, these properties would only have oblique views of the neighbouring property and the separation between properties become further distant. With this in mind, whilst there would be some perceived overlooking into the rear of High Leigh, it is considered to be a justified one, as rear private amenity area is protected or the separation distances are considered to be appropriate in this instance.
- 122 Church End is located to the south, the next property along from High Leigh. Due to the approximate separation distance between the site and rear garden area of this property of 43m, it is not considered that this property would be unduly impacted by the development.
- 123 Fiacre is located to the north of the site. Due to the siting of the proposed units namely plot 18 and separation distance between them of approximately 37m and the oblique view from the first floor of plot 18, it is not considered that this property would be unduly impacted by this proposal in terms of overlooking.
- 124 With regard to the existing dwelling on site, there is approximately a 29m separation distance between the rear of the dwelling and proposed plots 16-18 and distance of approximately 17m between the proposed plots 4-5. The boundaries of existing dwelling on site would be enclosed by a 1.8m brick wall and the planting of native hedgerow together with installation of 1.8 m high timber close-boarded fencing. Taking this into account, it is considered that the existing amenity of this property would be well shielded from the rest of the development and would not unduly harmed by this proposal.
- 125 Loss of sunlight and Daylight
- 126 Due to the separation distances between the development and neighbouring properties and the proposed layout of the dwellings, it is not considered that any neighbouring property would be unduly impacted by the development in terms of loss of sunlight and daylight.
- 127 Outlook

- 128 There would undoubtedly be a change in the outlook from the rear of neighbouring properties; however, given the distance between the properties it is not considered that the development would cause visual intrusion or be overbearing in the outlook from those properties.
- 129 Future Occupants
- 130 All properties benefit from access to outdoor amenity space. All units benefit from good standards of outlook and visual amenity and the units proposed would meet or exceed the minimum space standards.
- 131 Due to the site layout there are few occasions where new habitable rooms would directly face each other. However, where they do these are predominately where the buildings face the street and views are only oblique ones. Overall, taking into account the development as a whole, the privacy of future occupants is acceptable. There would also be an element of 'buyer beware' for future occupants.
- 132 The SDC Environmental Health Officer has recommended a condition relating to the submission of an acoustic assessment in relation to noise from commercial premises on Heaver Trading Estate and from Ash Road. Having visited that site, due to the separation distance from the road and that from the nearest commercial premises to the nearest residential plots of the development, the background noise at that time would not be expected to cause harm upon the amenities of future occupants and therefore the principle of the development is accepted. However, it would be beneficial to request further information on this matter, as some form of mitigation may be required should the use of the buildings on the Trading Estate change. This can be secured by condition.
- 133 Other matters
- 134 Due to the proximity of the site to adjoining residential properties, a condition is recommended to secure details of a construction management plan to minimise noise, dust and disturbance experienced by neighbouring properties. Separate legislation also exists outside the planning system to help enforce against significant disturbance should it occur.
- 135 In terms of external lighting within the development, further details can be secured by condition
- 136 Overall, it is considered that the development would comply with Policies EN2, EN6, EN7 of the ADMP.

### **Highways, Access and Parking**

- 137 Paragraph 111 of the NPPF states that; ... 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 138 Policy T1 of the ADMP states that new development will be required to mitigate any adverse impacts that could result from the proposal. Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision for non-residential developments should be made in accordance with advice by Kent County Council has the Highway Authority. Policy T3 of the ADMP also seeks the delivery of electric vehicle charging points.

- 139 Access and movement
- 140 The existing site access is from Ash Road and the development will make various improvements including the provision of uncontrolled pedestrian crossings across Ash Road and the creation of appropriate visibility splays.
- 141 The assessment of the access has taken into account surveyed traffic speeds along this stretch of road and accident data, which showed there have been no significant crash records in the vicinity of the site.
- 142 Trip generation is predicted within the Transport Assessment utilising data from the TRICS (Trip Rate Information Computer System) database, which provides a source of data on trips rates for types of development in the UK and is used as an industry standard. The results show that that the development would generate 75 additional two-way trips for 18 residential units when taking into account the existing use of the site. The Highway Authority has commented that the additional number of vehicle movements in and out of the residential development site would not be significant and would not have any detrimental impact on the local highway network, despite the concerns raised by the Parish Council and third parties. As such, the impact on the local roads is therefore not of concern.
- 143 The proposed internal road layout complies with Kent Design Guide and provides sufficient circulation space for larger vehicles e.g. refuse freighters, to turn on site.
- 144 As previously mentioned, the existing access is to be improved upon and to ensure the safety of this access, appropriate visibility splays will be provided and planning permission would be conditional on these being in place prior to occupation and for the life of the development.
- 145 A preliminary Road Safety Audit has been undertaken and presented and KCC Highways have acknowledged that the off-site highway works could be undertaken.
- 146 The works that include new uncontrolled pedestrian crossing lies outside the red line of the application site and relate to works on the highway; as such, the works will need to be subject to a Section 278 Agreement. This is an agreement for the works to be undertaken by the Highways Authority but at the expense of the applicant to facilitate the development. Noting examples of other major development where
- 147 S278 agreements have been secured by condition, it is considered appropriate that a condition is used to secure these works in this instance.
- 148 The concerns raised by the Parish Council and third parties have been considered; however, as demonstrated above, there is no justification to refuse this proposal on highway safety matters.
- 149 Parking
- Policy T2 of the ADMP requires that parking for residential developments should be made in accordance Appendix 2 of the ADMP. In this respect, the parking provision for the proposed development is 2 spaces which are allocated to each dwelling and a further 7 unallocated visitor parking spaces. This exceeds minimum parking standards.
- 150 Cycle storage

The development would provide 2 cycle storage spaces per unit. This can be secured by condition to ensure sufficient on-site cycle provision and assist in providing alternative modes of movement.

151 Electric Vehicle charging provision

Policy T3 of the ADMP seeks electric vehicle charging provision to be present in new development. The charging provision can be secured by planning condition and would comply with Policy T3 of the ADMP.

152 Construction phase

The Highways Officer has recommended that the proposal is conditioned to provide a Construction Management Plan to limit the impact on the highway during the construction process. A condition would be applied to any grant of planning permission.

153 Summary

Paragraph 111 of the NPPF is clear that development should not be prevented on highway grounds unless the impact is severe. The proposal would not result in a severe impact and would have an acceptable overall impact on the junctions and highway network. Neither KCC Highways nor National Highways have raised an objection to the proposal. The proposal is considered to comply with highways and parking policies EN1, T1, T2 and T3 of the ADMP, subject to condition.

### **Ecology and Biodiversity**

154 Paragraph 174 of the NPPF sets out a number of principles relating to the conservation and enhancement of the natural environment. This includes the requirement that development should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Development resulting in significant harm to biodiversity should be avoided, adequately mitigated or compensated for, or, as a last result, refused (para.180). Development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

155 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. Policy EN1 of the ADMP states that proposals should incorporate natural features such as trees and hedges.

156 The application site is currently almost entirely developed, covered by buildings and hard surfacing. Specific surveys were undertaken and confirmed the presence of a bat day roosts one of the buildings within the site.

157 The presence of protected and notable species has been carefully considered as part of the proposal. Further ecological mitigation and enhancement measures are included within the ecological survey, including proposals to create new wildlife habitat upon land under the ownership of the applicant which will offset the impact of the development; this will be secured via an obligation as part of an s106 agreement. It would ensure that this parcel of land is free-from development for a minimum of 30 years and will include periodic monitoring of the site to ensure its establishment.

- 158 The KCC Ecology Officer has reviewed and verified the information and has proposed that planning permission be subject to conditions and securing land for further enhancements.
- 159 Overall, the scheme is would allow for the conservation of biodiversity assets and, through additional planting and screening, would deliver a net benefit in terms of landscape and biodiversity in accordance with SP11 of the Core Strategy.

#### **Other Issues**

- 160 KCC Economic Development have raised requests for funding for services that the County Council provide via s106 funding arrangements. The applicant has agreed pay for education contribution via a Section 106 agreement. With regard to other monies as requested by KCC, it is considered that those contributions can be delivered via CIL receipts, as Sevenoaks District Council is a CIL charging authority.
- 161 The site is not within a designated flood risk area and is identified on the Environment Agency's website as being within an area with very low risk of flooding from rivers, sea or reservoirs or from surface water flooding. No further mitigation is therefore required in respect of this type of flooding. The Local Lead Flood Authority has raised no objection with regards to flood issues but have requested further details on drainage, which can be secured by condition.
- 162 Many of the representations make reference to the impact of the proposed development upon the existing infrastructure and provision of services. In terms of education, a contribution is being made to KCC for the provision additional primary and secondary school places. For other infrastructure provision, the Council is a Community Infrastructure Levy charging authority, to which money is available communities for seek for additional service provision. That said, the development is small scale, and is not considered that it would detrimentally harm existing infrastructure provision.

#### **Community Infrastructure Levy (CIL)**

- 163 The development would be CIL liable.

#### **Planning Balance/very special circumstances case**

- 164 In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the NPPF), indicate otherwise.
- 165 There is no dispute that the application proposal would be inappropriate development in the Green Belt, nor is there any dispute that the proposal would have a moderate impact upon the openness of the Green Belt. The Framework makes it clear that substantial weight should be attached to this harm, and that planning permission should not be granted except in very special circumstances.
- 166 There are, however, a number of factors which weigh in the proposal's favour, as detailed below, and it is therefore necessary to assess whether or not these would clearly outweigh the harm to the Green Belt, and any other identified harm.



167 Accepting that it is likely that the release of Green Belt land for housing will be necessary during the emerging plan period, it is important that such releases respect the purposes of the Green Belt as far as possible. In this case, the proposal would not conflict with the Green Belt purposes of checking unrestricted sprawl of large built up areas; preventing the merger of neighbouring towns; or preserving the setting of historic towns. Nor would it encroach into open countryside, as it would be set within the surroundings of existing built form and the harm to the openness of the Green Belt is moderate. In this case, the actual harm to the Green Belt does not provide a clear reason for refusing the development.

168 Paragraph 11 of the National Planning Policy Framework States that:

Plans and decisions should apply a presumption in favour of sustainable development. ... For decision-taking this means:

c) approving development proposal that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date <sup>7</sup>, granting permission unless:

- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

169 Footnote 7 of paragraph 11 d) states:

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

170 Sevenoaks District Council can only demonstrate a 2.9 year supply (inclusive of the buffer), which falls below the required 5-year supply. Further, Sevenoaks District Council Housing Delivery Test is below the 75% threshold.

171 In the absence of a 5 year housing supply, paragraph 11d) of the NPPF contains a presumption in favour of granting permission, unless the application of policies in the Framework that protect areas or assets of particular importance (such as Green Belt) provides a clear reason for refusing the proposed development. In this case, the actual harm to the Green Belt is not considered to provide a clear reason for refusal and it is therefore found that the tilted balance applies. The absence of a 5 year housing supply in the District holds significant weight.

172 The NPPF emphasises the need to make effective use of land in meeting the need for homes and other uses (paragraph.119). Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account identified needs for development, and the availability of land suitable for accommodating it to which that this site is available and can deliver. The proposal

would have the benefit of delivering much needed housing in the Sevenoaks area. A large part of the District is designated Green Belt and much of this is also in Areas of Outstanding Natural Beauty, for which restrictive development policies apply. It therefore makes sense to make full use of this 'windfall' site without compromising its character and appearance of the area. The proposal would deliver a modest but valuable contribution of homes, which attracts substantial weight, given the acute housing land supply position.

- 173 The proposals would result in the loss of some employment function on the site as a result of the loss of this non-allocated employment site and this is a harm or disadvantage arising from the development. Notwithstanding this, it is noted, as commented by SDC Planning Policy, that the site was included as a proposed residential allocation for 20 homes within the earlier draft Local Plan (prior to it failing examination (policy ST2 (40)). Whilst the plan was unable to proceed, the Council has previously made a formal decision, based on evidence, to support housing development on the site. This represents a judgement that exceptional circumstances existed to justify the redevelopment for housing, to which limited weight is attached. This, together with the benefits of the proposals in this instance, being the delivery of housing, improved opportunities for landscaping and biodiversity net gain arising from the development, would clearly outweigh harm by loss the of this employment site.
- 174 Furthermore, there are also some social and economic benefits from such a scheme, by providing jobs in the short term during construction and assist with the support of local services within village. Other economic benefits which would arise in "first occupation expenditure" and additional local expenditure, Council Tax payments, and CIL payments. These matters add further weight in support of the application proposal. The proposal would also minimise the need to build in areas of greater sensitivity, to which I attach moderate weight.
- 175 Despite the objections raised by the Parish Council and third party representations, the delivery of the proposed 'windfall' scheme that has a moderate impact upon the character of the area would outweigh and any other harms that have been previously identified.
- 176 Upon considering the above, although substantial weight has to be given to the Green Belt by reason of inappropriate development and the impact on its openness, and the other harms identified, it is considered that that these would be clearly outweighed by the very special circumstances case.

### **Conclusion**

- 177 It is concluded that very special circumstances exist, which would justify this development in the Green Belt and that in accordance with paragraph 11 of the Framework, this application should be approved without delay.
- 178 It is recommended that the application be approved and planning permission be granted subject to conditions.

**Background papers**

179 Site and block plan

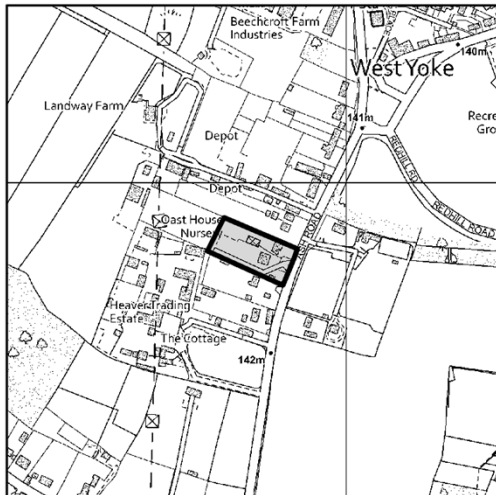
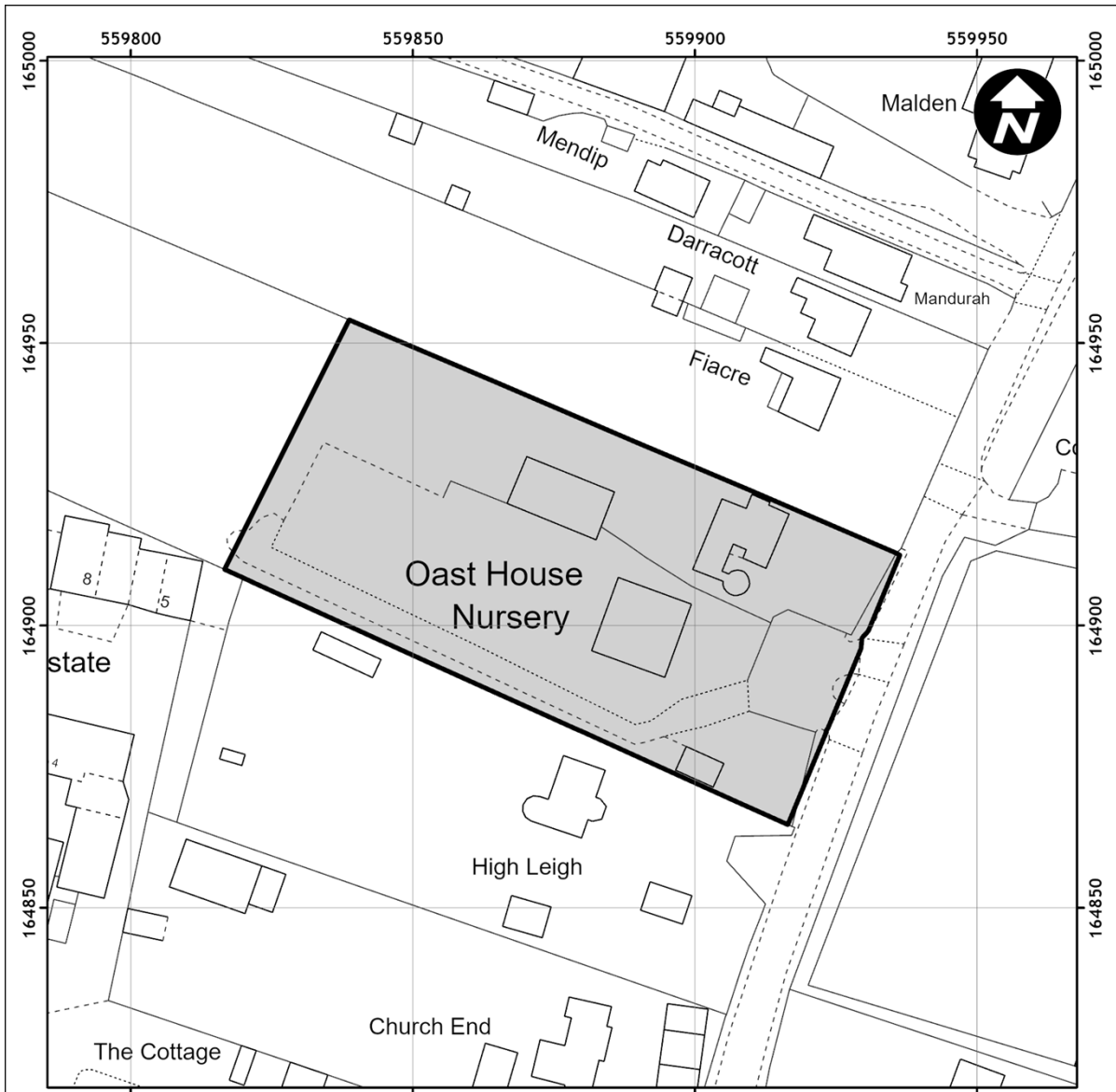
Contact Officer(s): Sean Mitchell

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**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250

Date 29/06/2023



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Ordnance Survey 100019428.

BLOCK PLAN

