

4.1 - 23/00925/FUL

Date expired 4 August 2023

Proposal: Demolition of community hall and retail unit and the construction of 23 new residential units (Class C3) with associated vehicular and pedestrian access, car parking (23 spaces), cycle parking, refuse storage, landscaping, play area and construction of new community hall (Class F2(b)) and new retail unit (Class E), and construction of 4 new areas of car parking on Four Elms Road, Foxglove Close, Wayside Drive, and Field Drive (total 41 spaces).

Location: Land Off Farmstead Drive, Edenbridge, Kent TN8 6DX

Ward(s): Edenbridge North & East

Item for decision

The application is referred to Development Control Committee as the application has been submitted in behalf of Sevenoaks District Council.

RECOMMENDATION: That planning permission be GRANTED subject to the completion of a S106 to provide for KCC Education Contributions, either in full or subject to clawback clauses agreed with KCC, and the following 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:

L-109 P01	Site Location Plan
L-100 P07	Landscape General Arrangement Plan
L-101 P06	Rendered Landscape Plan
L-111 P04	Wider Estate Parking Plan
1125	Proposed Block
1310	Proposed Ground Floor Plan
1311	Proposed First Floor
1312	Proposed Second Floor

1313	Proposed Third Floor
1314	Proposed Roof Plan
1330	Proposed West Block Ground Floor Plan
1331	Proposed West Block First Floor Plan
1332	Proposed West Block Second Floor Plan
1340	Proposed East Block Ground Floor Plan
1341	Proposed East Block Typical 1 st to 3 rd Floor Plan.
1350	Proposed elevations 01
1351	Proposed elevations 02
1352	Proposed elevations 03
1370	Proposed section 01
1371	Proposed section 02
	Design and Access Statement
	Landscape Design and Access Statement
	Transport statement
220070-GSL-XX-XX-RP-C-0001	Flood Risk Assessment & SuDS Report

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

3) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) programme of works (including measures for traffic management)

- e) provision of boundary security hoarding behind any visibility zones
- f) wheel washing facilities
- g) measures to control the emissions of noise, dust and dirt during construction
- h) a scheme for the recycling/disposing of waste resulting from demolition and construction works
- i) hours of operation.

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

To ensure that the development does not compromise safety on the highway or cause inconvenience to other highway users and protects the amenity of residents, in accordance with Policies EN1, EN2 and T1 of the Sevenoaks Allocations and Development Management Plan. Also to ensure the development does not unacceptably impact the amenities of neighbouring residents in accordance with policy EN2.

4) No new windows or external doors shall be installed in the development until details have been submitted to the Local Planning Authority for approval in writing, such details to include elevations and sections. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first occupation of any building and thereafter retained in that condition.

To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and section 15 of the NPPF.

6) From commencement of works (including site clearance), a precautionary approach as detailed within the Bat Survey report (KB Ecology, September 2022) will be followed during the felling of the oak tree with moderate suitability for roosting bats. Felling will be carried out under the supervision of a licensed ecologist.

To ensure the construction of the proposed development does not result in harm to protected species in accordance with policy SP11 of the Sevenoaks Core Strategy.

7) Prior to completion, a lighting design plan for biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed, as well as the expected vertical and horizontal light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not impact on existing and proposed trees and other landscaping. All lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

To ensure any proposed external lighting will not result in harm to protected species in accordance with policy SP11 of the Sevenoaks Core Strategy.

8) Prior to completion, details of how the development will provide enhancement for biodiversity will be submitted to, and approved in writing by, the local planning authority. Measures will include a predominantly native species landscaping scheme and measures detailed within Section 4.10 of the Preliminary Ecological Appraisal, KB Ecology, July 2022. All wildlife boxes should be made of Woodstone/Woodcrete to ensure durability. The plan should also detail proposals for habitat management and remedial measures. The approved measures will be implemented and retained thereafter.

To ensure the proposed development will enhance the biodiversity of the site and area in accordance with policy SP11 of the Sevenoaks Core Strategy.

9) Notwithstanding the approved plans, further details of the cycle stores shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. The development shall be carried out in accordance with the approved details.

To ensure adequate provisions for cycle storage are included in accordance with policy EN1 of the Allocations and Development Management Plan.

10) 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.

To ensure the proposed development is safe for future residents in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11) 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-E.

To ensure the council can retain control over the design and scale of the development to preserve the character of the area and neighbouring amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

12) No development shall take place until a foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

To ensure the development is served by adequate means of foul drainage in accordance with policy EN1 of the Allocations and Development Management Plan.

13) 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.

14) The vehicle parking spaces shown on the submitted plans shall be provided and retained in perpetuity prior to the use of the site commencing. No on-site parking spaces shall be allocated to specific residential or commercial units.

To accord with policy T2 of the Sevenoaks Allocations and Development Management Plan.

15) Samples of the materials for the walls and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above damp proof course level.

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.

16) Within 6 months of the date of this permission full details of soft landscape works shall be submitted to the Council for written approval. These details shall include:

- planting plans (identifying existing planting, plants to be retained and new planting);
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate); and
- a programme of implementation.

To enhance the visual appearance of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season¹ (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately

prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

2) Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street

furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 is a parcel of land located towards the centre of the Spitals Cross residential estate east of Edenbridge. The Spitals Cross estate is located off Four Elms Road and is a roughly triangular shaped residential estate built in the 1960s by the then London County Council as part of their overspill programme in Edenbridge.
- 2 The site currently comprises two buildings, one is the community centre, and one is a small convenience store. Also on site is a children's playground and an area of open space with a number of mature trees. The area is within Flood Zone 2 and 3 and within an area subject to a risk of surface water flooding.

Description of proposal

- 3 The proposal is for the construction of 23 residential units alongside a replacement retail unit and community hall. The development will also see the relocation/re-creation of the play area and will include new soft landscaping. This built development is located towards the centre of the Spitals Cross Estate just south of the two existing tower blocks. It is also proposed to create 41 additional parking spaces across the wider estate by altering areas of parking and open space at Foxglove Close, Field Drive, Rowfield Drive and Four Elms Road.
- 4 The proposal for 23 residential units is for 8 houses and 15 flats/maisonettes. The development would be over two blocks/sections. The western block comprises the two rows of terrace housing with their gardens in between and the maisonettes would be located to the eastern ends of the blocks. The terraces are two and three storeys in height with a design that blends the low pitch roof form design of the rest of the estate with more a contemporary fenestration design. The eastern block would comprise of a replacement retail unit with three floors of residential flats located above. This features a flat roof design with recessed balconies and contrasting materials.
- 5 Between the two blocks lies the replacement community hall which features an angular mono-pitch roof, large windows and an outdoor seating area. The form of the community hall is similar to the existing whilst providing a design that better meets the needs/requirements of the intended use as a community centre.

Relevant planning history

- 6 SW/5/54/8 – application for the wider estate.

Policies

7 National Planning Policy Framework (NPPF)

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.

Para 11 of the NPPF also 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:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); 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.

Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

8 Core Strategy (CS)

- LO1 Distribution of Development
- LO6 Development in Edenbridge
- SP1 Design of New Development and Conservation
- SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
- SP11 Biodiversity

9 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- GI2 Loss of Open Space
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Electric Vehicle Charging

Constraints

10 The following constraints apply:

- Edenbridge Urban Confines
- Archaeological Notification Area
- Flood Zone 2 and 3
- Open Space Allocation - Amenity Greenspace no. 367
- Medium to High Risk of Surface Water Flooding

Consultations

11 Edenbridge Town Council:

Members supported this application but commented:

- Members expressed concern over the loss of Green Space caused by the application.
- It was important to provide CCTV in the area, particularly where the playground was being re-sited and between the new buildings and Templars' Court.
- Members required clarification of the noise, dust, and transportation in the Management Scheme for contractors regarding this application.
- Members wished to bring attention to the residents' association being made 'homeless' and some consideration should be given to ensure that the association is still active in two years.
- SUDS report – the ground contamination described need to be addressed.

12 SDC Housing Policy:

Initial comments -

Core Strategy Policy SP3 triggers provision of 40% affordable housing (9 units). The applicant has submitted a financial viability appraisal. The appraisal claims there is no scope to provide any affordable housing.

It is recommended the financial viability of the scheme is independently tested. Housing Policy will provide further comments should affordable housing be deemed viable following independent testing.

13 Further comments -

It is noted independent viability testing confirms the scheme is unable to support any affordable housing. On this basis, Housing Policy have no further comment.

14 SDC Environmental Health:

I have reviewed the revised noise impact assessment and am satisfied that the noise exposure to the proposed dwellings has been properly characterised, and the mitigation proposals identified are suitable for the intended use. I therefore have no adverse comments or observations regarding the proposal.

15 SDC Urban Design Officer:

Design comments were provided at pre-application stage generally supporting the layout and massing of the scheme and highlighting areas which raised concern. A number of these concerns have been addressed within the current proposal including improvements to the frontage to the community centre and entrance to the flats within the Eastern block.

16 Outstanding issues are outlined below.

17 Homes and Buildings: functional, healthy and sustainable -

18 There remains concern towards the level of privacy provided and overlooking to the rear amenity space and ground floor living space of the terrace houses due to the separation distance between rear windows being less than 15m (NDG:para.129, NMDC:p.27). The applicant should demonstrate how this has been considered and mitigated.

- 19 External panels, perforated screens, louvres, frosting and other methods used to obscure views could be an acceptable if well integrated into the architecture.
- 20 Landscaping, such as trees and hedges, along the rear boundary of the gardens could also provide an attractive methods for resolving overlooking. The type of planting would need to be carefully chosen here to ensure it would not result in unacceptable the loss of sunlight if unmaintained.
- 21 KCC Ecology:
- 22 We have reviewed the ecological information submitted by the applicant and advise that sufficient information has been provided. We have taken this view due to our understanding from the ecological survey reports (KB Ecology, July/September 2022) that the site comprises two 1960s brick buildings, car parking, paving, short-mowed grass and scattered trees. Bat emergence surveys were undertaken of one building with low suitability and a mature oak tree with moderate suitability; no bats were recorded emerging.
- 23 We agree that the existing habitats to be impacted under the proposals have limited potential to support protected species and no further surveys are necessary.
- 24 Recommended conditions:
- Precautionary mitigation measures for bats.
 - Lighting plan.
 - Biodiversity enhancement plans with a greater proportion of native species.
- 25 Lead Local Flood Authority (in summary):
- No objections to the proposed drainage scheme to serve the site, however a detailed sustainable water drainage scheme is required prior to commencement of development.
- 26 Officer note – see condition 5.
- 27 KCC Archaeology:
- No comments.
- 28 KCC Highways and Transportation:
- 29 This application is supported by a Transport Statement by Steer dated February 2023, the content of which was discussed and agreed at a highway’s pre-application meeting with KCC in January 2023.
- 30 The TS covers all the related highway issues regarding the proposed development and is generally robust and acceptable to the Highway Authority.
- 31 I therefore raise no objection to this application on highway grounds provided the following Conditions are applied to any consent granted:
1. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

2. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
3. Submission of a Construction Management Plan before the commencement of any development on site

32 KCC Economic Development (in summary):

Request for contributions towards Primary and Secondary Education in accordance with the table below:

	Per applicable house (x8)	Per applicable flat (x15)	Total
Primary Education	£4,642.00	£1,160.50	£54,543.50
Secondary Education	£5,176.00	£1,294.00	£60,818.00
Secondary Land	£4,392.89	£1,098.22	£51,616.44

33 Kent Crime Prevention Design Advisor (n summary) :

34 The applicant/agent should demonstrate the seven attributes of Crime Prevention Through Environmental Design (CPTED) when applicable. CPTED addresses: Access and Movement: Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security; Structure: Places that are structured so that different uses do not cause conflict; Surveillance: Places where all publicly accessible spaces are overlooked; Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community; Physical Security: Places that include necessary, well-designed security features; Activity: Places where the level of human activity is appropriate to the location and creates a sense of security at all times and Management and Maintenance: Places that are designed with management and maintenance in mind, to discourage crime in the present and future.

35 With regard to this planning application:

36 A meeting was held with the applicant on 26/01/2023 and the points below were discussed. We confirm that if the requirements listed below are formally secured by Planning Condition or an informative then we, on behalf of Kent Police have no objection to its approval.

37 Officer note: this issue is addressed by condition 10 of the recommendation.

38 Environment Agency:

39 We have no objection to the proposed development due the fact that our previous comments made at the pre-planning application stage have been addressed in the submitted Flood Risk Assessment (FRA) ref. no. 220070-GSL-XX-XX-RP-C-0001/ Version 2, dated February 2023, completed by Graphic Structures Ltd.

- 40 The proposed development falls within Flood Zone 3 and Flood Zone 2 outlines, which is land defined by the planning practice guidance as having high and medium probability respectively, of risk of flooding from rivers or sea.
- 41 It would be acceptable, from fluvial flood risk perspective, that the development to be carried out in accordance with the submitted FRA and the mitigation measures it details, therefore, we are requesting that the Local Authority lists the FRA and its associated drawings as approved plans/document, to which the development must adhere.
- 42 Network Rail:
No objection.
- 43 Southern Water:
We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Representations

- 44 49 letters of objection have been received relating to the following issues:
- Loss of green space.
 - Construction of development would result in years of dust and noise.
 - Development would add to existing surface water flooding issues.
 - Additional pressure to local services and infrastructure.
 - Currently no secondary school in Edenbridge.
 - Shops and banks closing in the High Street.
 - Initial design of estate do not account for current day parking pressures.
 - Where would construction vehicles park.
 - Protected species (bats) in surrounding area – namely mature trees.
 - Existing shop contains asbestos, how will the removal be undertaken safely.
 - Loss of green space and play area during construction for however many years.
 - Lots of money has been spent on the play area recently, its removal would be a waste of investment some of which was from the club and shop.
 - New homes design is not in keeping with the existing.
 - Lack of affordable housing provision.
 - Loss of trees.
 - Loss of privacy for existing residents.
 - Loss of outlook.
 - Buff brick proposals not in keeping.
 - Location of replacement play area is downgrade on existing.
 - Additional parking provision is not enough to overcome existing parking pressure and will be used by new houses.
 - Noise level increase.
 - Proposed house prices are unrealistic.
 - Properties will result in a loss of privacy.
 - Houses are not needed.
 - Density is too high.
 - Social club does not need replacing, only refurbishing.
 - Development is not in the interest of people already living in the estate.

- Development is just to meet house building targets.
- Increased risk of anti-social behaviour which is already a problem in the estate.
- Development crammed into small area.

45 1 letter of support received:

- Much needed extra parking, shop and playground

Chief Planning Officer's appraisal

46 The main planning considerations are:

- Principle of development, loss of the open space and use for housing.
- Design, and impact on the character of the area.
- Residential amenity
- Parking and highway safety
- Flood risk
- Biodiversity
- Other
- Planning balance

Principle of development, the loss of the open space and use for housing.

47 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Policy SC1 of the ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

48 Policy LO1 of the Core Strategy seeks to direct new residential development to the built confines of existing settlements, the application site is located within the settlement and urban confines of Edenbridge Town and is therefore acceptable in this regard.

49 Local policies seek to protect the setting of the urban area and the distinctive character of the local environment. An assessment as to whether the proposal would protect the distinctive character of the local environment is carried out later in the report, using the design criteria of policy EN1 of the Allocations and Development Management Plan. However, provided that the scheme complies with all other relevant development plan policies, the proposal complies with policy LO1 of the Core Strategy.

50 Policy LO6 of the Core Strategy covers development in Edenbridge, it highlights how the area has been identified for 410 dwellings between 2006 and 2026 though such development should be located in areas that are not liable to flood. This matter is reviewed later in the report.

51 The housing need position in Sevenoaks District is an important consideration. According to the District's most recent evidence on housing supply (September 2021), the current supply of specific, deliverable sites for housing to meet local needs in the District falls substantially short of the National Planning Policy Framework's (NPPF) requirement that a five-year supply is demonstrated (at 2.9 years). Further, the Government's 2021 Housing Delivery Test measurement shows that the District has seen consistent under delivery of housing over the preceding three years. This means that the "tilted balance" set out at paragraph 11(d) of the NPPF is engaged, with a

presumption in favour of granting planning permission unless, in this case, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of housing delivery.

52 The proposals would result in the partial loss of some areas of existing allocated open space, as designated by Policy GI2 of the ADMP.

53 Policy G12 (similar to para 99 of the NPPF) states that the redevelopment of open space within the urban confines of towns and villages will not be permitted unless the applicant demonstrates that:

- The open space is surplus to requirements and that there is no need for an appropriate alternative community, sports or recreational use, or
- The loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or
- The development is for an alternative sports/ recreational use.

54 Policy SP11 of the Core Strategy states that open space and recreational facilities will be retained. Development may be exceptionally allowed where replacement provision of at least equivalent value to the local community is provided.

55 Some of the proposed development is located on the previously developed land of the convenience store, community hall. The front row (fronting Farmstead Drive) of the western block is located outside the open space and is therefore acceptable in principle, as is the replacement community hall. The most notable loss of open space is the area towards the rear of the proposed western block (rear of existing convenience store). A significant part of this space will be occupied by the replacement playground and some of the rear terrace block.

56 The proposed retained open space will be enhanced through informal play areas, sculptural attenuation basin, planting towards the edges, and new trees (including within the replacement playground). Consequently, it is considered that the quality of the remaining open space will be enhanced. In terms of accessibility, the proposed development will provide a replacement hall with outdoor area adjacent to the open space, the improved community hall for this estate and a more fit for purpose retail unit which will facilitate increased access to and use of the open space in accordance with policy GI2. Overall, whilst there will be a spatial reduction in open space, but the quality (including aesthetically) will be enhanced.

57 The proposal includes relocation of the existing play area and equipment, and the applicant has been consulting with the manufactures/suppliers previously involved in carrying out the work as part of this planned relocation. The applicant has had discussions with the contractor regarding the phasing of the development and sequence of works and anticipates being able to remove and relocate the existing playground area and equipment early within the development phase to try to ensure no lengthy loss of this facility.

58 Para 93 of the NPPF states (in part) that decisions should:

“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”

- 59 Para 119 of the NPPF states (in part) that decisions should promote and effective use of land in meeting the needs for homes and other uses, whilst safeguarding and improving the environment.
- 60 The proposals would provide 23 residential units which would contribute to the District's housing stock. The site is not located within the Green Belt, but is within the confines of the settlement of Edenbridge, as defined by the ADMP, where the Core Strategy supports the provision of housing.
- 61 In conclusion, the loss of a small proportion of the existing open space area and the introduction of residential development and additional parking spaces is acceptable in principle, noting the need for housing, which is set out in more detail below, subject to compliance with other policies. The development would deliver 23 additional housing units, contributing to housing needs in the District, in a sustainable location and this is given significant weight.

Design and impact on the character of the area

- 62 Para 125 of the NPPF states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and developments should make optimal use of each site.
- 63 In considering the guidance on achieving well-designed places, para 130 of the NPPF sets out a number of criteria, including the advice that planning policies and decisions should ensure that developments are sympathetic to the local character of the surrounding built environment whilst not preventing or discouraging appropriate innovation or change, such as increased densities.
- 64 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan state that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 65 The application site is classed as post war development within the Edenbridge Character Area Assessment SPD. The site is within C1.1 (Spitals Cross) area which is a roughly triangular shaped residential estate enclosed by Four Elms Road to the east, the railway line to the north and an industrial estate to the west. The residential estate was built in the 1960s as the second phase of the London County Council overspill programme in Edenbridge. As outlined in the Edenbridge Character Area Assessment the characteristics of the estate are:
- “The area has a very consistent character formed by a limited palette of both multi stock brick and stained weatherboarding. The building, roof forms and layouts are simple i.e. relatively shallow monopitch roofs, short two storey terraces at right angles to each other, horizontal bands of windows, and high brick walls enclosing both the private gardens and the communal green spaces, through which a network of pedestrian pathways run”.
- 66 In addition to the terraces throughout the estate there are two tower blocks, containing five floors of apartments, towards the centre of the estate along with a community hall/social club and a shop.

- 67 It is proposed to construct 23 residential units with two rows of terraced housing, a new community hall and a replacement retail unit with three floors of apartments above. The development has been designed to create a transition from the five storey tower blocks down to the two storey dwellings to the south and west of the proposed development.
- 68 Policy SP7 of the Core Strategy states that all new housing will be developed at a density that is consistent with achieving good design that does not compromise the distinctive character of the area in which it is situated. Within the urban area of Edenbridge, new residential development will be expected to achieve a density of 40 dwellings per hectare. The proposed development would result in a density of approximately 42 dwellings per hectare which is comparable to the wider estate at 39 dwellings per hectare. The development would make efficient use of the land and for the reasons outlined throughout the rest of this report will preserve the character of the area. The regulation 18 consultation for the new local plan (Plan 2040) allows (within urban areas) a notably greater density.
- 69 The proposed terraced dwellings (the western block) are proposed to pay homage to the design and character of the wider estate whilst bringing in an element of modern design and materials. The rows of terraces are comparable in scale (length and depth) to the surrounding terrace blocks. The height for the rear terrace block is taller than that of the surrounding terrace blocks however as it preserves neighbour amenity it is considered acceptable as the overarching design is in keeping.
- 70 The form of the terraced dwellings with the shallow pitched roofs is reflective of the established character of the estate. Similarly, the dwellings feature brick walls to the boundaries of the gardens and the layout with back-to-back gardens is the same as the majority of the estate. The development would incorporate multi-stock brick for all the buildings including the proposed apartment building and community hall. The existing dwellings across the estate would feature stained weatherboarding particularly to the first floor. It is proposed to use zinc cladding which whilst a different material it is considered acceptable as it will reflect the design and character of the existing dwellings and the darker colour palette whilst incorporating a more modern touch.
- 71 Turning to the fenestration details and design, the existing dwellings feature narrow slot windows. This is not reflected in the proposed dwellings, equally the materials for the window frames are more contemporary. However, the existing window design whilst consistent throughout the estate is not considered essential to replicate. Moreover, the proposed window design would allow for better internal light levels and the benefits to residential amenity would outweigh any limited harm in terms of the character of the area. It is considered that further details can be secured through conditions to ensure the final design is sympathetic. The proposed balconies of the apartment building would reflect the established character of the estate. They are recessed like that of the existing tower blocks which helps to break up the massing of the proposed building. The proposed retail unit to the ground floor is also proposed to use a darker brick and proposes large floor to ceiling windows. Again, this helps to break up the mass of the building. Following the pre-application design tweaks to the fenestration on the ground floor of this building and the adjoining community hall, there is a better distinction between the residential and commercial entrances.
- 72 The principle of the loss of the open space is outlined earlier in this report, however the loss of some of the existing open space also merits a review in terms of its impact on the character of the area. The proposal will see the proposed replacement playground and part of the rear terrace block sited within the designated open space. However, the more functional part of the open space is to the east of the built development and more

of this area is to remain. This area includes a footpath and is more visually open at present, whereas the area to be lost is between the existing built development of the retail unit, community hall and terrace blocks of Plover Close. The area of open space that remains contributes more to the character of the area than that proposed to be lost. Overall, the loss of open space is considered acceptable. It is also noted that the remaining land will be enhanced and that the proposed playground will feature more soft landscaping than the existing.

Residential amenity

- 73 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 74 The proposal is for a mixed use scheme for residential, commercial and community facilities. The application site is surrounded by existing residential development.
- 75 Farmstead Drive, Harrow Close and Hopgarden Close (south)
- 76 Starting with the amenity for the residents to the south of the application site. The window-to-window separation distance is over 15m. Consequently, it is considered there would be no loss of privacy. Taking into account the separation distance and the height of the development fronting Farmstead Drive, which is limited to two storeys like that of the existing development, outlook will be preserved. For the same reasons the western block (terraced housing) will preserve amenity for the residents opposite. The apartment building is sited opposite the junction with Harrow Close and not directly opposite any dwellings. The community hall is designed to have a sloping roof to preserve outlook and views across to the high amenity trees behind and thus the dwellings opposite will have their outlook and amenity preserved.
- 77 The proposed apartment building will be sited within the outlook of the western end dwellings of Hopgarden Close. However, due to the aforementioned separation distance to the dwellings on the southern side of Farmstead Drive it will not result in overshadowing and due to the building line of the proposed development ending in line with the Hopgarden Close dwellings the view across the open space will be retained.
- 78 Plover Close (west)
- 79 The residents of Plover Close are located closest to the proposed development. However, they will also not be subject to a significant loss of light or outlook amenity. Having reviewed the layout of the wider estate it is apparent that end dwellings of the terraced blocks do not have any side elevation windows that solely provide the light to habitable room. As such, any windows facing the proposed development would not be the only source of light for the nearest dwellings of Plover Close. The development located adjacent to the dwellings of Plover Close will therefore not result in a loss of light to the rear gardens or rear windows as it would not breach the 45 degree line guidance. As for privacy, the proposed windows to the western side of the nearest terrace block to Plover Close would serve a kitchen/diner and a bathroom to the ground and first floor respectively. These windows will not result in a loss of privacy due to the relationship between the properties and the location of the rooms and windows. Moreover, a condition could be included to restrict the bathroom windows on this elevation to obscured glazing only.

80 Noise amenity

The proposed development replaces an existing retail unit and community hall with modern replacements. No additional commercial units are proposed and thus it is considered the development will not result in an increase noise disturbance for neighbouring residents as supported by the comments from Environmental Health.

81 Proposed residents

82 The proposed development includes 8 terraced dwellings 4 maisonettes and 11 flats. All residential units accord with the Nationally Described Space Standards for the minimum internal space for each bedroom number type. Many of the primary habitable rooms i.e. bedrooms and living rooms are dual aspect and those that are not feature large window/patio door openings. There will be sufficient daylight to all rooms.

83 In terms of outlook and amenity, the terraced blocks have a window-to-window distance of 13.3m. It is noted that this is less than the ideal recommended in the National Model Design Code, however this is a guide not a policy and in the wider estate, there are separation distances less than this. The request from the Urban Design Officer for trees within the rear gardens are noted, but this would reduce the outdoor amenity areas for the dwellings and could impact on daylight to these dwellings.

84 A daylight and sunlight assessment was submitted with the application, and this assessment follows the BRE guidance. It concluded that any changes to the daylight received by the habitable rooms of the neighbouring buildings will not be significant and is unlikely to be noticeable by the occupants. Nor would there be a significant reduction in sunlight.

85 Conclusion

Overall, it is considered that the proposed development will preserve amenity for the existing residents in terms of outlook, privacy and light. It will also provide adequate levels of amenity for proposed residents and therefore complies with policy EN2 of the Allocations and Development Management Plan.

Parking and highway safety

86 Policies EN1 and T2 state that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

87 It is proposed to add 23 parking spaces near the development by extending the parking area to the east and along the front of Farmstead Drive. Appendix 2 of the Allocations and Development Management Plan requires 1 parking space per unit for this location and the proposals meet this. The development utilises existing accesses to parking areas and footpaths for pedestrian entrances. The development accords with policies T2 and EN1.

88 In addition to the 23 spaces for the proposed development, it is proposed to add 41 spaces across the wider estate and on Four Elms Road. Numerous concerns have been raised that this additional provision is not sufficient. As these new spaces are spread across the estate it is unlikely future residents of the proposed development would use the new spaces further afield and there is a strong likelihood they will be available for existing residents. The proposed additional parking at Foxglove Close, Field Drive, Rowfield Drive and Four Elms Road are considered positive additions to the proposed development that weighs positively in the planning balance.

- 89 The Field Drive parking provision will result in a loss of a smaller parcel of open space allocation. This parcel is less suitable for open recreation, such as ball games, due to its small size and location at a junction, compared to the larger area of open space adjacent to the existing playground. Moreover, it should be noted that within a 10-12 minute walk, is Stangrove Park and playground which is a significantly larger area of open space than those within the Spitals Cross Estate.
- 90 The proposal would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The parking provision proposed would comply with the adopted standards and additional parking is proposed for existing residents. Accordingly, the proposal complies with para 111 of the NPPF and local policies.

Flood risk

- 91 Policy LO6 of the Core Strategy refers to development within Edenbridge, noting that sites should not be liable to flood. Paragraphs 161 and 162 of the NPPF relate to a sequential test being required. The aim of the test is to steer new development to areas with the lowest probability of flooding and where they are proposed in areas subject to flooding they are adequately mitigated against any risks. Development must not increase the risk of flooding for surrounding areas.
- 92 The application site is located within Flood Zones 2 & 3 and also within an area that is subject to a risk of surface water flooding. The Lead Local Flood Authority have provided written confirmation that the development passes the test and within this application have raised no objections subject to a condition for a (detailed) drainage strategy. The Environment Agency have raised no objections. It is therefore considered that the development, will not be subject to a risk of flooding nor will it result in an increased risk of flooding for the surrounding area.
- 93 With regard to the informative requested by Southern Water, this has been covered by other conditions and therefore not included.

Biodiversity

- 94 Policy SP11 of the Core Strategy outlines the need for new development to maximise opportunities to build in features which are of benefit to biodiversity as part of good design.
- 95 KCC Ecology have confirmed the application site has a low potential of protected species and that subject to conditions relating to biodiversity enhancement, lighting and a precautionary strategy in relation to bats, that the development will preserve the ecology of the area.
- 96 Numerous comments have referred to bats that are within the area. As they are not within the buildings the development can be undertaken in such as a way to ensure no harm to any protected species.

Other issues.

- 97 Affordable housing provision/S106 agreement
- 98 The NPPG states that local authorities should ensure that the combined total impact of requests for planning obligations and CIL should not undermine the deliverability of the development plan (echoed by para 34 of the NPPF).

99 In this case a Section 106 Legal Agreement for the provision of Affordable Housing is not sought. The development is not viable and cannot provide for affordable housing contributions either on site or as a financial contribution. This has been independently reviewed by a viability consultant who has confirmed the findings of the viability statement submitted with this application.

100 Education contributions

A S106 Legal Agreement between the developer (Sevenoaks Council) and Kent County Council is proposed and the application recommendation is subject to its completion. This is for education (both primary and secondary) contributions as requested by Kent County Council. Following the publication of updated guidance on development contributions by KCC, there is the possibility that KCC will only require that the education contributions if the proposal becomes viable at a later stage. The recommendation allows for this amendment, as we are awaiting updated comments for KCC.

101 Doctors, schools and other services

Concerns have been raised regarding the development for 23 units adding to the existing pressure on services including Doctors. The development will provide some £160,000 plus funds in the form of Community Infrastructure Levy (CIL). The CIL funds are to support existing services and providers can submit bids if they wish.

102 Other

103 Condition 3 requires the submission of Construction Management Plan, including details of the management of traffic and measures to control the emissions of noise, dust and dirt during construction.

104 Condition 10 has been imposed to ensure that details are submitted of measures to reduce the risk of crime.

105 During the construction process, there would be a time when the community hall and retail shop would be unavailable. The Council has been liaising with the Fircroft Residents and Tenants Association (FTRA) who manage the community hall to regarding timescales and the construction programme, and to provide a list of potential alternative temporary locations. Whilst this is not a planning matter the applicant (Council) has taken relevant steps to minimise disruption until a replacement community centre is constructed, should permission be granted.

Planning balance

106 Paragraph 11d of the National Planning Policy outlines that (in part):

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

ii) 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.”

107 The Council is unable to demonstrate a five-year housing supply, and to the extent that they differ from the NPPF, some of our policies, including our policies relating to housing, are out of date. Thus, the tilted balance is engaged for this proposal.

- 108 As the location of the development is within existing settlement confines, a presumption in favour of sustainable development applies, unless in accordance with paragraph 11d of the NPPF the impacts of doing so would be significantly and demonstrably outweighed by any harm identified.
- 109 The harm has been identified as a loss of some open space. For the reasons set out in this report it is considered that the loss of open space would be adequately mitigated. This harm is given moderate weight. The new development would have less than ideal privacy from the proposed layout. As this type of layout and proximity is a feature of this estate, this is given limited weight.
- 110 The current housing land supply stands at 2.9 years, significantly less than the five year supply required. Furthermore, considering the Housing Delivery Test, Sevenoaks District provided only 62% of the required amount of housing over the measured three year period. Sevenoaks housing deficit is therefore very significant and ongoing. I attach significant weight to this need.
- 111 Whilst there is no affordable housing proposed, as the proposal is not viable, the non-provision of affordable housing complies with the requirements of the NPPG and NPPF and is considered to be a neutral impact.
- 112 Significant weight is given to the housing shortfall and the provision of 23 new residential units. Moderate weight is also given to the provision of additional parking facilities within the estate and the replacement of the existing retail unit and community hall to provide more modern facilities.
- 113 In summary the tilted balance is engaged and there is a presumption in favour of sustainable development. The harm identified is not significant and would not demonstrably outweigh the presumption in favour of this proposal and the benefits of providing new housing and parking facilities and a replacement retail unit and community hall.

Community Infrastructure Levy (CIL)

- 114 The application is CIL liable.

Conclusion

- 115 The proposed development is acceptable in principle, it will preserve the character of the area, preserve amenity for existing and proposed residents, provide sufficient parking and maintain highway safety. The proposed development is considered to accord with policies LO1, LO6, SP1, SP10 and SP11 of the Core Strategy, policies EN1, EN2, T1, T2, T3 and GI2 of the Allocations and Development Management Plan, the relevant sections of the NPPF, and other supplementary planning guidance.
- 116 It is therefore recommended that this application is granted.

Background papers

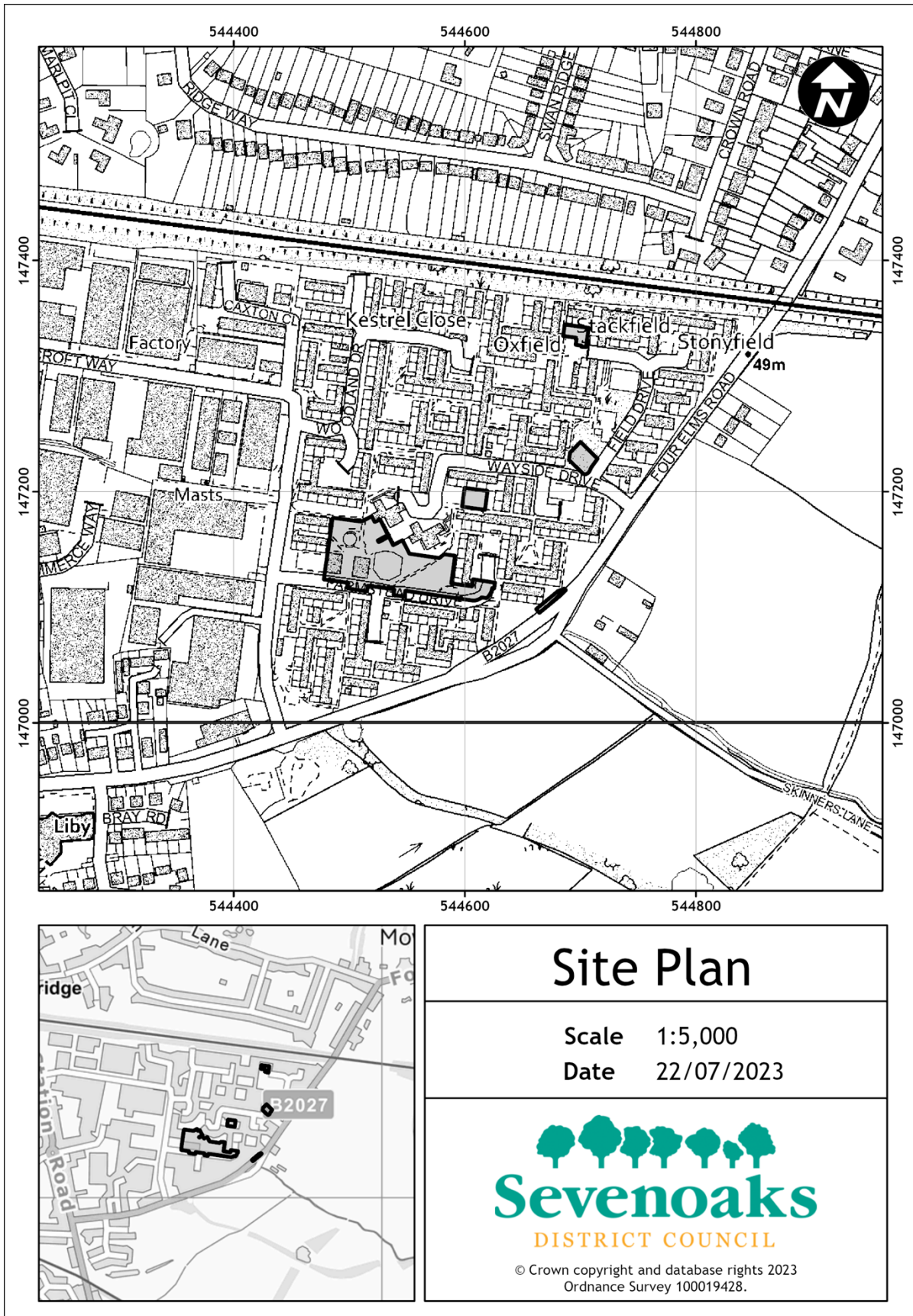
- 117 Site and block plan

Contact Officer(s): Ashley Bidwell

01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)
[Link to associated documents:](#)



BLOCK PLAN

