

4.2 - 23/03139/FUL

Revised expiry date 29 March 2024

Proposal: Clearance of existing nursery facilities and erection of 16 homes with associated parking and landscaping (retention of existing Oast House). New site access and pedestrian crossing.

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

Ward(s): Ash And New Ash Green

Item for decision

This application has been called to Committee by Councillor Manston on the following grounds: Inappropriate development in the Green Belt, density of development, impact on character of the area, capacity of infrastructure and loss of privacy.

RECOMMENDATION A: That planning permission be GRANTED subject to :

- a) 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
- b) 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.

The Section 106 Agreement shall include the following requirements:

KCC Primary and Secondary Education Contributions – Total – £178,958.08

Off-site affordable housing contribution – Total – £75,648

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: PJC.1173.001 Rev F, PJC.1173.002 Rev F, 1007 Rev H, 1020 Rev B, 1021 Rev B, 1200 Rev D, 1201 Rev E, 1202 Rev E, 1203 Rev E, 1204 Rev E, 1205 Rev E, 1300 Rev I, 1301 Rev N, 1302 Rev M, 1303 Rev O, 1304 Rev O, 1305 Rev M, 1306 Rev Q, 1307, 1400 Rev K, 1401 Rev M, 1402 Rev M, TCP001 Rev A, TPP001 Rev C, H-01 Rev P4 , H-02 Rev P3, SK01 Rev F, SK02 Rev F, SK03 Rev F, SK04, Design and Access Statement by PWP Architects dates Sept 2023, Planning Statement by DHA dated Oct 2023, Preliminary Ecological Appraisal by PJC Consultancy dated October 2023, Bat Emergence/Re-Entry Survey Report by PJC dates October 2023, Biodiversity Net Gain Design Stage Report by PJC dated October 2023, Financial Viability Assessment by DHA dated October 2023, Land

Contamination Assessment by DETS Ltd dated July 2022, Soft Landscape Specification by PJC dated Sept 2023, Transport Statement by DHA dated Oct 2023, Tree Survey and Report by Invicta Arboriculture dated Sept 2023, Drainage Strategy Report by RCD dated Sept 2022.

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

3) Prior to the commencement of development above the damp proof course, details including samples of the external materials and finishes of the new houses shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

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) 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 and the National Planning Policy Framework.

5) Prior to occupation, details of external lighting shall be submitted to, and approved in writing by, the local planning authority. The submitted details shall include a plan showing the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity or residential amenities and will not result in excessive light spillage. All external lighting shall be installed in accordance with the approved details and shall be maintained as such thereafter.

To ensure the development does not cause harm to protected species, residential amenities and the visual amenities of the locality, in accordance with policy SP11 of the Sevenoaks Core Strategy, policy EN1, EN2 and EN6 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

6) 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 policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting those orders), no development falling within Classes A, AA, E or F of Part 1 of Schedule 2 or Class A

of Part 2 of Schedule 2 to the said Order shall be carried out or made to the dwellings without the grant of planning permission by the local planning authority.

In order to protect the openness of the Metropolitan Green Belt and to ensure that any future development is not carried out in such a way to prejudice the appearance of the proposed development, the amenities of future occupants and not to impede surface water drainage within the site, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

8) Prior to the commencement of the development, including demolition, details of a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles, plant, machinery and site personnel; timing of deliveries; provision of wheel washing facilities; Temporary traffic management / signage; details of proposed working and delivery hours; details of how noise, vibration and dust shall be controlled during the construction period; and a scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted. The development shall be carried out only in accordance with the approved details.

To preserve highway and pedestrian safety and to protect the amenities of residents, to comply with policy EN1, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

9) 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 and the National Planning Policy Framework.

10) 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.

11) No development shall take place until details of a scheme to demonstrate that the internal noise levels within the residential units 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, have been submitted to and approved in writing by the Local Planning Authority. L_{Amax,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 the properties hereby approved as supported by policy EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

12) No new dwelling shall be occupied until the vehicular visibility splays as shown on drawing ref. H-01 Rev P4 has been provided in full. 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 at any time.

In the interest of highway safety as supported by policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

13) 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. H-01 Rev and H-02 Rev 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 and T1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

14) Prior to the first occupation of the development hereby approved, the vehicle parking spaces as shown on the approved plans shall be provided in full and shall be so maintained and available for use as such at all times.

To ensure the development delivers appropriate parking provision in accordance with policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

15) Prior to the first occupation of any part of the development, further details of secure, covered bicycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for user prior to the 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 policy T1 and EN1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

16) Prior to first occupation of the dwellings, further details of refuse storage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be maintained thereafter.

To ensure that satisfactory facilities for refuse are provided, in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

17) Prior to the development reaching the damp proof course, details of the location of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The charging point(s) shall be installed prior to first occupation of the development in accordance with the submitted details and shall be maintained as such thereafter.

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

18) No demolition, site clearance or building operations shall commence on site until the protection measures detailed within the Tree Survey and Report by Invicta Arboriculture dated Sept 2023 and drawing no. TPP001 Rev C have been installed. At all times until the completion of the development, such 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 and the National Planning Policy Framework.

19) From the commencement of works (including site clearance), all mitigation measures for bats will be carried out in accordance with the details described in sections 5.1.12 through to 5.1.15 of the Bat Emergence/Re-Entry Survey Report (PJC November 2022), unless otherwise varied by a Natural England licence.

To ensure the development does not cause harm to protected species, in accordance with policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

20) Prior to commencement of works, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and approved by, the local planning authority. The content of the LEMP will be based on the Biodiversity Net Gain Design Stage Report (PJC October 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 ensure the development does not cause harm to protected species, in accordance with policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

21) Prior to the commencement of development above the damp proof course, details of how the development shall enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include native species and wildlife-friendly landscape plan and provision of habitat features such as bird boxes and bat roosting space over and above that required for compensation for the loss of habitat. The approved details shall be implemented and thereafter retained.

To promote biodiversity in the District, in accordance with policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

22) 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 prepared by RCD Consultants Ltd. dated 12th January 2024 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, in accordance with the National Planning Policy Framework. 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.

23) 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 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 the National Planning Policy Framework.

24) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

25) Prior to the commencement of development the applicant, or their agents or successors in title, will secure: i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been

submitted to and approved by the Local Planning Authority; iii. programme of post excavation assessment and publication.

To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated, in accordance with the National Planning Policy Framework.

26) Prior to commencement of the development above the damp proof course, details of measures to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be 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 development creates a safe and secure environment in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

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 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.

5) There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. You'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read Thames Water's guide working near or diverting our pipes.
<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

6) Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to their website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-nearour-pipes>

Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

7) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to

minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

8) With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200

RECOMMENDATION B: If the S106 legal agreement is not completed in accordance with the above recommendation (A), that planning permission be REFUSED on the following grounds:

- 1) The proposal fails to make provision for affordable housing and is therefore contrary to the NPPF, policy SP3 of the Sevenoaks Core Strategy and the Sevenoaks Affordable Housing Supplementary Planning Document.
- 2) In the absence of an affordable housing contribution which would contribute to meeting an identified affordable housing need in the District, the proposal would be inappropriate development in the Green Belt by definition, contrary to the NPPF.
- 3) The proposal fails to make appropriate provision for education, contrary to Policy SP9 of the Sevenoaks Core Strategy.

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. The site is also closely located to existing bus stops which provide services to Longfield and onward rail connections.
- 5 The site falls within the Metropolitan Green Belt.

Description of proposal

- 6 Clearance of existing nursery facilities and erection of 16 homes with associated parking and landscaping (retention of existing Oast House). New site access and pedestrian crossing.
- 7 The application represents a revised scheme to 22/03313/FUL, which was refused and is currently at appeal.
- 8 The proposal has been amended during the course of the application as follows:
 - Updates to drainage strategy
 - Amendment to proposed porch design

Relevant planning history

- 9 79/00306/HIST - Erection of one detached dwelling and garage for occupation by agricultural worker and construction of cesspool - Refused
- 10 80/00164/HIST - Erection of one detached bungalow and garage for occupation by agricultural workers and construction of cesspool - Granted
- 11 00/01808/OUT - Erection of a building for community use together with associated car parking facilities. As amended by revised site plan - Refused
- 12 01/01388/CONVAR - Removal of agricultural occupancy condition on existing dwelling - Refused
- 13 01/02622/CONVAR - Removal of agricultural occupancy condition on existing dwelling - Refused
- 14 02/01202/FUL - Change of use of one agricultural building to B8 storage and distribution use. (Mixed use of land for agriculture and small scale B8 use). - Refused
- 15 04/02540/AGRNOT - Demolition of existing poor condition buildings and erection of one polytunnel and one timber framed storage building. - Refused
- 16 04/02865/FUL - Remove old timber building and poly tunnel and replace with, 1. Agriculture timber storage building 7.57m x 2.57m. 2. Twin span poly tunnel 21.9m x 13.7m. 3. 3.6m x 10.9m timber building for stabling and agriculture storage - Granted
- 17 07/02701/FUL - Single storey horticultural building, to accommodate & facilitate nursery business - Granted
- 18 14/02174/CONVAR - Removal of condition 9 (agricultural occupancy) of planning permission SE/80/00164A for a detached bungalow for agricultural worker - Granted
- 19 15/02243/PAC - Prior notification for a change of use from agricultural use to dwelling house and associated operational development. This application is made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015. - Prior approval not required
- 20 21/02931/PAC - Prior notification for a change of use from agricultural use to dwellinghouse and associated operational development. This application is made under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015. - Prior approval not required

- 21 22/03313/FUL - Clearance of existing nursery facilities and erection of 18 homes with associated parking and landscaping incorporating Oast House - Refused and currently at appeal.

Policies

- 22 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:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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.
- Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 23 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and Rural Economy
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP5 Housing Size and Type
- SP7 Density of Housing Development
- SP8 Economic Development and Land for Business
- SP11 Biodiversity

- 24 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN6 Outdoor Lighting
- EN7 Noise Pollution
- EMP5 Non-allocation Employment Sites
- T1 Mitigating Travel Impact
- T2 Parking
- T3 Provision of Electrical Vehicle Charging Points

- 25 Other:

- Development in the Green Belt Supplementary Planning Document (SPD)
- Sevenoaks Affordable Housing SPD Addendum Update March 2023
- Sevenoaks Residential Extensions SPD
- National Planning Practice Guidance

Constraints

26 The following constraints apply:

- Metropolitan Green Belt

Consultations

Parish Council

27 First response:

28 “The Parish Council objects to this Application. The revised application does nothing to address the decision for refusal of 22/03313, namely that the proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and will result in a development that is materially larger in scale and massing than the existing development and would cause substantial harm by significantly eroding its openness.

29 The development would be contrary to paragraph 149(g) of the National Planning Policy Framework and Policy LO8 of the Core Strategy.

30 The revised application is a reduction from 18 to 16 houses but does nothing to address the impact on local services or to contribute to the real housing need, namely of affordable local housing. The application attempts to justify sustainability by quoting out of date information, for example on bus services, misleading facts, such as the revised Sevenoaks Local Plan being “at an early stage of development” and assumes that all children of the proposed residents will attend the local Special Needs school.

31 Local objection to this scheme has been clearly stated in detail by the New Ash Green Village Association, whose services will be significantly impacted by this proposal. At every level the proposed development fails to meet the needs of sustainable development in the Green Belt and the Parish Council therefore strongly recommends its refusal.

32 The Parish council support the Village Association’s response.”

33 No additional comments received following amendments.

SDC Environmental Health

34 First response:

35 No objection, but the following comments and recommendations are made.

36 Contaminated land

37 The ‘Report on Subsoils Investigations’ by R Carr Geotechnical Services dated July 2022 has been reviewed. This supports an earlier Phase 1 Desk Study which assessed the site as low risk. The report submitted with the application summarises the Desk Top Study and also reports on some intrusive investigations that have been undertaken. The findings of this assessment are accepted and it is agreed that no further investigation or any remediation works are needed.

- 38 However, it is recommended that a condition requiring a contamination watching brief/discovery strategy condition is recommended in order to deal with any contamination if it should arise during the groundworks stage. If any contamination is found, no further development shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the suspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority.
- 39 Noise
- 40 The proposed site is adjacent to a busy road. In this respect, a Noise Impact Assessment (NIA) will be required in order to assess the impact that traffic noise will have on the development. Internal noise levels must comply with the levels specified in Table 4 of BS8233:2014. Noise levels in the external amenity areas (gardens) will need to be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq, 16hr. If a threshold level relaxation to 55 dBLAeq, 16hr is required for external areas full justification should be provided.
- 41 There are also a number of commercial noise sources in the nearby trading estates and these must be assessed in accordance with BS4142:2014 to again ensure that noise does not impact on the proposed dwellings. Again, mitigation measures should form part of the NIA.
- 42 Where noise mitigation measures are needed to protect the new dwellings from noise the applicant must also have regards to thermal comfort and noise mitigation in accordance with Acoustic Ventilation and Overheating - Residential Design Guide by IOA and ANC. If any alternative means of ventilation is needed, this must be designed in accordance with Building Regulations requirements and the CIBSE guidance.
- 43 The requirement for a Noise Impact Assessment should be placed on any permission as a condition.
- 44 External Lighting
- 45 Any external lighting must be designed to ensure that lighting overspill beyond the boundary of the site and affect neighbouring properties and also that upward/sky glow is minimised. External lighting should be designed in accordance with the Institute of Lighting Professionals "Guidance Note 01/20: Guidance notes for the reduction of obtrusive light".
- 46 Demolition/Clearance and Construction Environmental Management Plan
- 47 A condition requiring a Demolition and Construction Environmental Management Plan should be attached to any permission. This is to minimise the impact of the demolition/clearance and construction works on other residential properties in the area. The CEMP should include measures to deal with noise, dust, site working hours, deliveries and waste. There should be no burning whatsoever on site.
- 48 Electric Vehicle Charging
- 49 At least one Electric Vehicle charging point per residential dwelling is to be installed."

50 Additional comments following amendments:

51 “No comments regarding the revised document and nothing further to add to the response sent on 17th November 2023.”

SDC Housing Policy

52 First response:

53 “Thank you for seeking comments from Housing Policy. It is noted the application is for the erection of 16 new homes.

54 Under Core Strategy Policy SP3, the application triggers the provision of 40% affordable housing, equating to 6 homes. The applicant has submitted a viability assessment which claims the application is unable to support this level of provision. As set out in SP3 and as further detailed in the Affordable Housing SPD 2011, this position requires independent testing. On receipt of independent testing, Housing Policy will provide further comments.”

55 Second response:

56 “The independent review of viability concludes the development can support affordable housing through payment of a commuted sum in lieu of on site provision. This is compliant with Core Strategy Policy SP3. It is also suggested a review mechanism is put in place to determine whether an additional contribution is triggered at a later stage of the development. Housing Policy are supportive of these measures.”

57 Additional comments following amendments:

“No further comments from Housing Policy.”

SDC Planning Policy

58 First response:

59 “Thank you for consulting Planning Policy on this application.

60 The key strategic planning policy issues are considered to be:

- Green Belt
- Mix/type of units proposed and affordable housing requirement
- Emerging Local Plan (Plan 2040)

61 This proposal seeks the clearance of existing nursery facilities and the erection of 16 homes with associated parking and landscaping, the retention of the existing Oast House and a new site access and pedestrian crossing.

Development in the Green Belt

62 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.

63 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.

64 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...”

Housing Mix and Provision of Affordable Housing

65 It is noted that the scheme proposes 16 residential units. The Targeted Review of Local Housing Need (TRHLN) (2022) identifies the different dwelling sizes and types needed across

Sevenoaks District.

66 The site is located within the North-East placemaking area, and for market homes the greatest need identified is for 3 bedroom houses (35-40%). For the same placemaking area, the greatest need identified for Social/Affordable dwelling mix are 1-bedroom flats (25-30%) followed by 1 and 2-bedroom houses (20-25%). It is expected that a scheme in this location should closely align with this identified need.

67 Core Strategy Policy SP3 seeks the provision of affordable housing on new residential developments. Details are set out in the Affordable Housing SPD March 2023 update. It is noted that this scheme proposes 16 residential units, which would trigger a requirement of 40% affordable house. In this case, this would equate to 6 units.

68 Further guidance should be sought from the Housing Strategy team should a scheme come forward on this site.

Emerging Local Plan (Plan 2040)

69 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 portion of the site. However, this emerging Local Plan was found unsuitable at Examination and therefore the site was not allocated.

70 Sevenoaks District Council are currently preparing a new Local Plan for Sevenoaks District (Plan 2040) which proposes a sustainability-led Development Strategy. The strategy is split into a three-stepped approach:

1. Firstly, at the first Regulation 18 consultation in November 2022, focussing on making the best and most efficient use of land within our existing settlements (i.e. outside of the Green Belt).

2. Duty to Cooperate

3. Assessing Green Belt release in the most suitable and sustainable locations, only in Exceptional Circumstances.

71 For the purposes of Plan 2040, the Council considers that Exceptional Circumstances would exist where all of following three site considerations are true:

1. Unmet housing need for the District

2. Green Belt land recommended for release (as identified through the Stage 2 Green Belt Assessment)

3. Being in a sustainable location, within or directly adjacent to the urban confines of a top tier settlement (as identified by the Settlement Hierarchy: Towns and Service settlements).

72 The site at Oast House Nursery does not sit within an area of Green Belt which is recommended for release through the Stage 2 Green Belt assessment. Additionally, the site does not lie within or directly adjacent to the urban confines of New Ash Green or Hartley. Plan 2040 is currently subject to a Regulation 18 Part 2 Consultation, which runs for 7 weeks until Thursday 11th January 2024.

73 A Regulation 19 Consultation is scheduled for late Spring/early summer 2024, as set out in the Council's adopted Local Development Scheme, with submission to the Planning Inspectorate for Examination expected in late 2024.

74 We have no further comments to make at this stage. If you have any queries, please do not hesitate to contact us."

75 No additional comments received following amendments.

SDC Tree Officer

76 First response:

77 "I refer to the above application. I have visited the site and have studied the plans provided and have made the following observations:

78 I can inform you that there are no protected trees located at this property and it is not located within the conservation area. I have read the Arboricultural Report provided by Invicta Arboricultural Consultants. Providing the recommendations within the report are followed, I have no objection to the proposal. Should you be of a mind to grant consent, I recommend that landscaping be a condition."

79 Second response following amendment:

No additional comments received following amendments.

SDC Urban Design Officer

80 First response:

81 The NPPF requires all schemes to demonstrate compliance with the principles as set out within the National Design Guide (NDG) which have broadly been grouped into ten characteristics of well-designed places. The NPPF states that 'Development that is

not well designed should be refused' (paragraph 134, 2021). Design comments are therefore structured around the proposals response to these ten characteristics. Building for a Healthy Life (BHL) 2020 is also used as an assessment framework for the design of development.

82 The current application has been submitted following a previously refused application ref. 22/03313/FUL which was considered inappropriate development harmful to the maintenance of the character of the Green Belt and would result in a development that is materially larger in scale, massing than the existing development that causes substantial harm by significantly eroding its openness. No Urban Design objections were raised for the refused application.

83 The current application has incorporated amendments to the design in response since the comments were provided on the previous application, the main design amendments include:

- Removal of two no. 2 bed dwellings
- Rotation of plots 2-7 to provide back to back terraces.
- Reduction in building height for 2.5 storeys dwellings to 2 storeys.

In general the proposal is considered to be acceptable. One item is raised below which would require an amendment:

84 Identity

85 The entrance porches for plot 2, 5, 10, 13 appear out of keeping with the character of the dwellings and this doesn't create a coherent identity (NDG.para.51). The character of these porches reflect a grander dwelling, such as plot 1. Adopting a simpler porch type as used for plots 3,4,6,7, would better reflect the character of the dwellings.

86 Notwithstanding this item, the proposal is considered a satisfactory design and is in line with the guidance of the NDG and Local Plan therefore no objection is raised."

87 Additional comments following amendments:

"Amendments have been made to this application since previous Urban Design comments on 12.12.23. The amendments include redesign of the entrance porches to plot 2, 5, 10, 13. The amended porches are considered a better response to the character of the dwellings.

88 Conclusion

The proposal is considered a satisfactory design and is in line with the guidance of the National Design Guide and Local Plan therefore no objection is raised. "

KCC Archaeology

89 First response:

90 "Thank you for your letter consulting us on the above planning application for clearance of nursery facilities and erection of 16 dwellings with associated works.

91 The proposed development site lies in an area not intensively investigated for archaeological remains of earlier communities but there are prehistoric and later remains recorded to the south east towards St Peter and St Paul's Church.

92 In view of the archaeological potential, I recommend a condition is placed on any forthcoming consent.

93 No additional comments received following amendments.

KCC Ecology

94 First response:

“SUMMARY – SUFFICIENT INFORMATION PROVIDED”

95 We have reviewed the additional information submitted by the applicant and advise that sufficient ecological information has been provided.

96 Roosting Bats

97 Building B10 was confirmed as a summer day roost site for common pipistrelle and brown long-eared bats. Bats are fully protected through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, a Natural England mitigation licence will be required for works on Building B10 to proceed. Sevenoaks District Council, the competent authority, must also have regard to the requirements of the Conservation of Habitats and Species Regulations in the exercise of its functions.

98 The applicant has provided an outline mitigation/compensation strategy for roosting bats to help the local planning authority decide prior to determination whether a Natural England mitigation licence will be granted. In so doing, Sevenoaks District Council must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

99 KCC EAS is only able to comment on test three: favourable conservation status. The roosts present at the site are considered of low conservation importance and therefore the mitigation/compensation proposed will likely be sufficient to maintain the local populations' favourable conservation statuses.

100 Nevertheless, we retain concerns regarding the suitability of mitigation proposed for brown long-eared bats. As previously stated, the latest bat mitigation guidelines

include the following sentence regarding bat species, including long-eared bats, "Not providing pre-emergence flight space is very likely to lead to roost abandonment..."

- 101 The latest bat mitigation guidelines indicate that whilst Table 5.1 indicates that the compensation required for the loss of the brown long-eared roost can be flexible in terms of type, the guidelines also state: 'In all cases, provision should be suitable for the species...'
- 102 Despite this, we must accept that Natural England is likely to accept the proposed bat box as compensation for the loss of the brown long-eared roost. Nevertheless, it would be surprising if, for example, sectioning off just part of a loft void would be considered overcompensation, and this would likely provide better compensation than an external bat box.
- 103 Further, if Natural England does not require more compensation than a wall integrated bat box to meet legislative requirements, it is still possible to consider better roost provision as an 'enhancement' within a development. Indeed, this approach is supported by planning policy. However, we acknowledge that whilst, for example, enhancements are supported within the National Planning Policy Framework (NPPF) 2023 paragraphs 174 and 180, and Sevenoaks District Council policies SP1 and SP11, there is much greater flexibility in terms of choosing which ecological enhancements to include within a development relative to avoidance, mitigation and compensation measures.
- 104 We would request that where possible a roof void or suitable portion of roof void be included within plans for the conservation of brown long-eared bats, if not legally considered a compensatory measure, as an enhancement. However, we would acknowledge that this is a request to be delivered either prior to determination through alterations to submitted plans, or as part of an ecological enhancement condition for the development should planning permission be granted. It would be for the applicant to decide which biodiversity enhancement measures to take toward.
- 105 In accordance with the February 2020 Natural England explanatory note for local planning authorities on Clause 9.3 and Annex D6.1 of BS42020:2013, planning conditions and European Protected Species licences², to help ensure the full implementation of the submitted mitigation/compensation strategy and the applicant's obtention of a mitigation licence from Natural England in advance of works, if planning permission is granted, we advise a condition is included.
- 106 Biodiversity Net Gain
- 107 Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. It is our understanding that the applicant is intending to provide a 12.24% net gain in area-based habitats and a 32.23% net gain in linear-based habitats through on and off-site habitat creation and enhancement.
- 108 Both the on and off-site habitat creation would need to be legally secured through the planning system to realise this biodiversity net gain potential, and for a sufficient length of time. We note that another KCC Biodiversity Officer for a previous application has indicated that at least 30 years would be an appropriate length of time.

- 109 Bats and Lighting
- 110 Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2023.
- 111 Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'3 should be consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via a condition with any planning permission. Where 'complete darkness' on a feature or buffer is required, we will consider this to be where illuminance is below 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane.
- 112 Landscape and Ecological Management Plan
- 113 To ensure that proposed habitats provide a long-term biodiversity enhancement at the site and achieve their potential, we recommend including a condition should planning permission be granted.
- 114 Ecological Enhancements
- 115 To ensure biodiversity value is maximised on-site, we advise that ecological enhancements are secured via condition.
- 116 Additional comments received following amendments:
- "KCC's Ecological Advice Service previously commented on this proposal in our advice note dated 13th December 2023. The proposed amendments are unlikely to have significantly different effects on biodiversity when compared to the original proposal. Therefore, the advice provided in our previous response applies equally to this amendment. As such, we advise that our previous comments remain valid."

KCC Economic Development (summarised)

- 117 "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."
- 118 Request has been made for the following contributions:
- Via Section 106 agreement:
- Secondary Education - £89,395.04
- Secondary Land - £80,605.76
- Special Education Needs & Disabilities (SEND) - £8,957.28
- Through a CIL allocation:

Community Learning - £547.36

Youth Service - £1,184.80

Library Service - £1,002.08

Social Care - £2,894.08

Waste - £3,108.08

KCC Highways

119 First response:

120 "Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:-

121 I note that in highway terms the proposals do not differ materially from those presented under the previous planning application, reference SE/22/03313/FUL, which were considered acceptable by us. It is also noted that the proposed number of dwellings has been reduced from 18 to 16.

122 Parking is being provided in accordance with Kent Residential Parking Standards (IGN3) and secure, covered cycle storage and EV charging points are to be provided.

123 Consequently, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and maintenance of 90m x 2.4m x 90m visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.
- 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.
- Submission of detail design, approval and construction of the pedestrian crossing over Ash Road as shown on the submitted plans prior to first occupation of any of the dwellings.
- 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.
- Submission of a Construction Management Plan before the commencement of any development on site to include the following:

(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

- Provision and permanent retention of electric vehicle charging facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- 124 All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wi-Fi connection).
- 125 Approved models are shown on the Office for Low Emission Vehicles Home charge Scheme approved charge point model list:
- <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- 126 Additional comments received following amendments:
- “It is noted that since our previous comments, there do not appear to be any changes to this application which would affect the highway aspects of this proposal. Consequently, our previous comments dated 30th November 2023 still stand and the suggested conditions are considered appropriate.”

Local Lead Flood Authority (KCC)

- 127 First response:
- 128 “Kent County Council as Lead Local Flood Authority have reviewed the Drainage Strategy Report prepared by RCD Consultants Ltd (1 September 2022) and understand roof runoff will be discharge via individual plot concrete ring soakaways. Road runoff will similarly drain via several concrete ring soakaways, as well as permeable paved parking spaces across the site. Infiltration rates are estimated to be 1×10^{-5} m/s (0.036 m/hr) for all soakaways. We have the following comments regarding these proposals:
- 129 1. With the utilisation of soakaways on site, suitable levels of pollution treatment are required. The LLFA would seek for the CIRIA SuDS Manual guidance to apply, notably Section E Chapter 26. This would require the inclusion of either SuDS features or proprietary treatment to remove pollutants, prior to the soakaway. We have concerns from the Drainage Strategy Layout provided that road runoff drained by gulleys has no pollution mitigation prior to entering the soakaway and would expect to see further SuDS features included to mitigate this risk.
- 130 2. With the utilisation of ring soakaways, base infiltration is not considered appropriate due to the build-up of silt material. We would recommend that only side infiltration is used for the ring soakaways.
- 131 3. The Report on Subsoil Investigations (July 2022) provided suggests the less permeable clay with flints extends down to at least 3 m BGL. As such deeper soakaways than those indicated within the hydraulic modelling may be required to reach the depths where satisfactory infiltration rates can be achieved. We would also highlight that the infiltration rate used is in excess of the rate recommended in the CIRIA SuDS Manual (Table 25.1) for clay and as such we would expect for ground investigations to demonstrate at this stage that infiltration will be into the permeable chalk layer and not the clay deposits.

- 132 Similarly, we have concerns that full infiltration permeable paving (type A) proposed will be unsuitable due to this likely discharging into the poorly draining clay deposits.
- 133 We would recommend that Type B or C paving may need to be considered should Type A be found unfeasible due to these clay deposits.
- 134 4. As infiltration is the only viable option for draining the site we would ideally expect for preliminary infiltration testing to have been undertaken at this stage. It is recommended that soakage tests be compliant with BRE 365 and should be undertaken at the location and depth of proposed soakaways.
- 135 5. The LLFA would now seek the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios, resulting in a 35% and 45% uplift respectively. The latest information on the allowances and map can be found at the following link: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>
- 136 6. Given the site is located within Zone 3 Groundwater Source Protection Zone. We would recommend consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within the submission.
- 137 We would therefore recommend a holding objection until the above points have been addressed.
- 138 This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.”
- 139 Second response following amendment:
- 140 “Kent County Council as Lead Local Flood Authority have reviewed the Drainage Strategy Report prepared by RCD consultants Ltd (19/12/2023) and have the following comments:
- 141 We understand that all roads and drives will be permeable paved (450 mm) with surface water from the buildings discharged into this paving via distribution tanks before infiltrating. Preliminary infiltration testing has indicated an infiltration rate of 2.1×10^{-6} m/s. Whilst we would have no objection to surface water being managed in this manner we would note that a porosity of 1 has been indicated within the hydraulic modelling. We would normally expect for porosity of permeable paving to be significantly lower (commonly around 0.3) and would request for the calculations to be updated accordingly.
- 142 As such we would recommend a holding objection until this has been addressed. This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.”
- 143 Third response following amendment:
- 144 “Kent County Council as Lead Local Flood Authority have reviewed the updated Drainage Strategy Report (12/01/24) and would raise no further objection at this stage.

- 145 However, we would note that the permeable paving appears to discharge into the superficial clay with flints deposits. Whilst preliminary infiltration testing suggest sufficient soakage into this strata we would highlight the need for further testing, as part of the detailed design submission, to confirm these rates. This must be compliant with BRE 365, notably the requirement to fill the test pit three times, and should be at the location and depth of proposed soakage features. Detailed design should also demonstrate that any soakage features will have an appropriate half drain time. If further testing finds lower infiltration rates, it may be necessary to extend the depths of the permeable paving to reach the more permeable chalk geology below.
- 146 Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request conditions to be attached.

Kent Wildlife Trust

- 147 No response received.

Kent Police Crime Prevention Design Officer

- 148 First response:
- 149 "We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).
- 150 Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.
- 151 There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.
- 152 We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;
- 153 1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site, any parking areas/ courts and pedestrian routes. These areas must be well lit and covered by natural surveillance from neighbouring properties.
- 154 2. Perimeter, boundary and divisional treatments must be 1.8m high. Any alleyways to have secure side gates, which are lockable from both sides, located flush to the front building line.
- 155 3. To meet SBD guidance we would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict and

promote safer spaces for families. It is now common practice to have some shared vehicle/ pedestrian areas on secondary routes. If pavements cannot be installed in these shared spaces, we strongly recommend traffic calming measures, especially where there is a curvature in the road.

- 156 4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. Undercroft areas can attract crime and therefore, should be finished in a light colour and be well lit.
- 157 5. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting.
- 158 Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
- 159 6. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution.
- 160 Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
- 161 7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors and individual flat entrance doors to meet PAS 24:2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.
- 162 8. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
- 163 9. We advise on the use of ground/ wall SBD or solid secure anchors within a cycle storage area/ sheds of dwellings to deter bicycle theft.
- 164 10. Blank Walls. It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation tends to attract graffiti, inappropriate loitering, and ball games. The provision of a 1m buffer

zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.

- 165 11. Shared Surface - Vehicle and pedestrian shared routes do not meet SBD guidance. We strongly recommend the installation of pavements on all roads to avoid vehicle and pedestrian conflict and improve the safety of the future residents.
- 166 12. Vehicle mitigation may be required on pedestrian routes, to prevent mopeds or similar vehicles accessing the area and causing nuisance.
- 167 If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
- 168 We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.
- 169 This information is provided by Kent Police DOCO’s and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.”
- 170 No additional comments received following amendments.

Natural England

- 171 No comments received.

National Highways

- 172 First response:

“Referring to the consultation on a planning application dated 13 November 2023 referenced above, in the vicinity of the M20, M25 and M26 that form part of the Strategic Road Network, notice is hereby given that National Highways’ formal recommendation is that we: a) offer no objection”

- 173 Additional comments following amendments:

As above.

NHS Kent and Medway CCG

- 174 No response received.

Public Realm Commissioner

- 175 No response received.

South East Coast Ambulance Service NHS

- 176 No response received.

South East Water

177 No response received.

Thames Water

178 First response:

179 "Waste Comments

180 There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

181 With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-nearour-pipes> We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

182 Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

183 Should the Local Planning Authority be minded to approve the planning application, Thames Water would like an informative attached to the planning permission.

184 Additional comments following amendments:

"Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.

Should the details of the application change, we would welcome the opportunity to be re-consulted."

Representations

185 9 letters of objection have been received relating to the following issues:

- Impact on the Green Belt
- Ash Village should remain a semi-rural village
- The development would contribute towards making the rural village feel more like a town
- Impact on traffic and highways safety

- Inadequate parking provision
- Poor public transport provision
- Impact on local infrastructure and services
- A pedestrian crossing would be out of keeping with the character of the village and would solely benefit the users of the development
- Previous objections still stand
- Overlooking and loss of privacy

Chief Planning Officer's appraisal

186 The main planning considerations are:

- Principle of development and loss of employment use
- Impact on the Green Belt
- Density, housing mix and affordable housing
- Design and impact on the character of the area
- Impact on residential amenities
- Parking and Highways
- Trees and Landscaping
- Biodiversity
- Drainage and flooding
- Other issues

Principle of development and loss of employment use

187 Paragraph 11 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise.

188 Paragraph 11 d) 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 (i) NPPF policies that protect areas of particular importance, including the Green Belt, provide a clear reason for refusal, or (ii) any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole. This is particularly relevant in so far as the District's Housing supply is concerned and this is discussed in turn below.

189 The policies of the Sevenoaks Core Strategy seek to focus development within the built confines of existing settlements, with New Ash Green being a location for limited development where the development is of a modest scale and respects the local character.

190 The NPPF states that new buildings in the Green Belt are inappropriate, however, under paragraph 154 there are exceptions such as the redevelopment of previously developed land subject to its impact on openness and the provision of affordable housing.

191 Paragraph 128 of the NPPF states that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and the availability of land suitable for accommodating it; the desirability of maintaining an areas prevailing character and setting or promoting regeneration and change; and the importance of securing well-designed places.

- 192 Paragraph 129 of the NPPF also states 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 developments make optimal use of the potential of each site. It advises that local planning authorities should refuse applications which they consider fail to make efficient use of the land.
- 193 Many sites like Oast House Nursery are constrained by being situated within the Green Belt and it is expected that any proposal take account of the potential harm to openness by building at higher densities.
- 194 Taking into account the above, the key issues for establishing whether the development would be acceptable in principle are whether the proposal would be appropriate development in the Green Belt and would not cause substantial harm to the openness of the Green Belt; and whether the development would not harm the character and appearance of the surrounding area, whilst making the most efficient use of the land possible in light of the site's constraints.
- 195 The site is outside the defined confines of New Ash Green and is entirely washed over by Green Belt. However, the site is located in close proximity to the settlement boundary to the north and lies in close proximity to the amenities and transport links associated with New Ash Green. The development may also meet the exception within the NPPF relating to the redevelopment of previously developed land in the Green Belt. As shall be discussed further within this report, it is understood that a lower density of residential development is proposed on the site in order to reduce the harm to the openness of the Green Belt. However, when compared to the existing use, the development would still make more efficient use of the existing land for the delivery of housing and would make a welcome contribution towards the District's housing stock. The impact on the character of the surrounding area shall be discussed further below.
- 196 For these reasons, I consider that the site could be an appropriate site for the proposed development and the principle of development may therefore be accepted, subject to other considerations discussed below. The implications of the lack of a 5 year supply of land for housing in the Sevenoaks District is also discussed further below, after it has been assessed whether the proposals conflict with the policies in the NPPF relating to protected areas, such as the Green Belt.

Loss of existing employment use

- 197 Policy SP8 of the Core Strategy and EMP5 of the ADMP contain policies which seek to protect business uses in the District. EMP5 states that the Council will permit the loss of non-allocated lawful business premises and sites to other uses provided it can be demonstrated, to the satisfaction of the Council, that the site has been unsuccessfully marketed for re-use in employment for a period of at least 6 months and that there is no reasonable prospect of their take up or continued use for business in the longer term.
- 198 The Council's Planning Policy team previously raised concern under 22/03313/FUL regarding the loss of the existing uses 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.
- 199 As noted within the officer's report for 22/03313/FUL, 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, the proposed allocation was not tested through the examination process, and the allocation is not afforded substantial weight in decision making at this time.

- 200 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 over the loss of the employment land will be discussed under the planning balance at the end of the report.

Impact on the Green Belt

- 201 As set out in paragraph 154 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this which include at paragraph 154:

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.

- 202 Paragraph 152 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.

- 203 Paragraph 154 of the NPPF advises we should give substantial weight 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. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

- 204 In order to establish whether the proposed development would conform to exception 154g), it is firstly necessary to establish whether the land can be considered previously developed land ("PDL"), which is defined by the NPPF as follows:

"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. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

- 205 The applicant has put forward the case that the site is a single planning unit and is in a composite use, as there are a number of uses operating from the site including residential, nursery, agricultural. This would constitute previously developed land, in accordance with the NPPF definition.

- 206 The Council accepted this case under 22/03313/FUL and I see no reason to conclude otherwise for the current application.
- 207 *Burdle v Secretary of State for the Environment* 1972 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.
- 208 The site is predominantly known as a nursery, and horticulture is included in the definition of agriculture under Section 336 of the Town and Country Planning Act 1990. However, as set out within the officer's report for 22/03313/FUL, there are a variety of activities on the site which are not confined within separate or physically distinct areas within the site.
- 209 It is therefore my view that the site can still be considered a single planning unit in a composite use for the purpose of this application and, as such, the site would constitute previously developed land.
- 210 It therefore falls to be considered whether the proposals would meet one of the listed under para 154(g) of the NPPF:
- 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.
- 211 There is a clear identified need for affordable housing in the District, as evidenced by the Targeted Review of Local Housing Needs (January 2022). The proposal in this instance includes a financial contribution towards off-site provision of affordable housing. The proposal would therefore help towards meeting an identified local need for affordable housing.
- 212 As such, I consider it appropriate to apply the second bullet of paragraph 154(g) of the NPPF to the proposal. As set out above, this requires that the proposals should "not cause substantial harm" to the openness of the Green Belt.
- 213 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form, but also has a visual element.
- 214 The applicant has provided quantifiable information to assist in the assessment of the impact on openness, which are set out in the table below.

Measurement	Existing Built Form	Proposed scheme (16 units)	Difference (existing and proposed)	Appeal Scheme (18 units, ref: 22/03313/FUL)	Difference between schemes
Volume	2980 m3	5243 m3	+2353m3 (+79.30%)	6466 m3	- 1,223 m3 (-19%).
Floorspace (GIA)	924 sqm	1369 sqm	+445sqm (+48.16%)	1513 sqm	144 sqm (-10%)
Floorspace (GEA)	979 sqm	1604 sqm	+625sqm (+63.84%)	1799 sqm	- 195 sqm (- 11%)
Ridge Height	5.52m	8.15m	+2.63m	9.36m	- 1.21m
Eaves	N/A	4.87m		5.12m	-0.25

- 215 Based on the above, the proposal would result in an increase in built footprint, external floor space and volume on the site. This suggests a greater impact on the openness of the Green Belt than the existing development on site.
- 216 However, an assessment of the impact on openness is not solely quantifiable and, given that the proposal includes a contribution to affordable housing, it is necessary to consider whether the development would cause substantial harm to the openness of the Green Belt, as required by paragraph 149(g).
- 217 Whether a proposal would cause substantial harm to the openness of the Green Belt is a judgement for the decision-maker, having regard to the circumstances of the case.
- 218 In this regard, it is important to acknowledge that within the Sevenoaks Green Belt Assessment (2017) the site forms part of land parcel 81. Overall, the land parcel performs 'moderately' against the five purposes of the Green Belt identified in the NPPF (para 143).
- 219 In terms of purpose 1, the parcel of land does not prevent the outward sprawl of a large built-up area into open land, and does not serve as a barrier at the edge of a large built-up area in the absence of another durable boundary. In terms of purpose 2, which is for the preventing of neighbouring towns merging into one another, parcel 81 scores 5 out of 5 and is particularly important in preventing the merging of New Ash Green and Horton Kirby, it is also important in preventing ribbon development elsewhere.
- 220 In terms of purpose 3, to assist in safeguarding the countryside from encroachment, the parcel scores 3 out of 5 as it contains approximately 2% built form and has a largely rural character overall. The parcel has a particularly rural character in the west, where it largely comprises agricultural fields. The centre of the parcel, however, has an urban fringe character with ribbon development almost linking the non-Green Belt

settlements of New Ash Green and Hartley and the washed-over settlements of Fawkham, Fawkham Green, Ridley and Hodsoll Street. The parcel is also surrounded by several non-Green Belt settlements and surrounds the entirety of New Ash Green, both of which diminish the sense of rurality overall.

- 221 The site relates to a small area of land within this wider parcel. The site is located in close proximity to New Ash Green and is within an area of scattered housing, builders yards and trading yards such as Hever Trading Estate, as well as other developments all towards the western side of Ash Road. While there is open land to the east, west and south, there is intervening built form between the application site and this land. The site is bounded by existing built form on all sides. The site also does not have outward views due to the boundary vegetation and, subsequently, the site is visually constrained. In my view, the site does not contribute to the wider openness of the area.
- 222 The site contains a number of existing buildings and structures associated with its composite use (residential, nursery and agricultural). These are largely single storey and have a relatively low level appearance.
- 223 The proposal would involve the erection of 16 dwellings, which would be two storeys in height, together with paraphernalia associated with a residential use such as boundary fencing, landscaping, parking etc. As noted above, the proposal would result in a 63.84% increase in external floor space on site and a 79.3% increase in volume. This would be notably less than the previous scheme 22/03313/FUL, currently at appeal. However, the level of the proposed increase in built form would still be relatively significant.
- 224 The site layout would be relatively dense, though there would be some landscaping within the site, such as street trees and an area of open space in the south eastern corner to the front of the site. It also acknowledged that there would be an increase in activity on the site in comparison to the existing use and the gardens of the proposed dwellings would also likely be the subject of residential paraphernalia once occupied, further negatively affecting openness on the site.
- 225 However, the development would be contained entirely within the eastern section of the site, similar to the existing development on site, leaving the western section of the wider site open and free of built form, which is located closest to the open land beyond. Furthermore, as mentioned above, the site is largely visually contained from the open land beyond due to the existing boundary vegetation and intervening built form. When viewed from Ash Road, the proposed development would be seen in the context of the existing built form which surrounds the site rather than as an incongruous intrusion or encroachment upon the open land to east, west and south. Hever Trading Estate which surroundings the site along the southern and western boundary, together with the existing residential dwellings which front Ash Road, are more visible and prominent.
- 226 Overall, there is relatively significant existing built form surrounding the site and the site forms only a small part of a much wider parcel of Green Belt land. The site is also located within part of the Green Belt parcel which is identified within the Sevenoaks Green Belt Assessment (2017) as having an 'urban fringe character with ribbon development' and it is acknowledged that there is a diminished sense of rurality within the parcel which surrounds New Ash Green. The proposal would result in an increase in built on site both in overall footprint, external floor space and volume. However, it would be contained within the eastern front section of the site which is well contained and seen within the context of the surrounding built form.

- 227 Taking into account all of the above, the harm to the openness of the Green Belt would, in my view, have a fairly limited effect on the wider green belt. Allowing for the slightly greater harm to the openness of the site itself, the overall harm to the openness of the Green Belt would be moderate. The western part of the wider section would remain open and free of built form.
- 228 As previously mentioned, the threshold for the proposal to be considered inappropriate development is substantial harm. This is a high bar and, for the reasons set out above, it is my view that the proposal clearly falls below it and therefore does not result in substantial harm to the green belt.
- 229 The proposal would therefore constitute appropriate development in the Green Belt, in accordance with paragraph 154(g) of the NPPF. Accordingly, very special circumstances are not required in this instance to justify the development.
- 230 In reaching this conclusion, consideration has been given to a recent appeal decision APP/V1505/W/22/3296116 – Land at Maitland Lodge (Basildon Borough Council). While outside of the Sevenoaks District, the proposal sought 47 dwellings on a previously developed site in the Green Belt. The Inspector concluded that the development would not result in substantial harm to the Green Belt for similar reasons, such as the site's contribution to the wider Green Belt parcel, its self-containment and the surrounding built form.
- 231 In my view, it would be necessary to condition the removal of permitted development rights for the proposed dwellings for extensions and outbuildings so that the Council can control future development at the site and protect the openness of the Green Belt.

Density, housing mix and affordable housing

Density

- 232 Policy SP7 of the Core Strategy contains the policy for residential densities in the District. This 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.
- 233 The density figure of 30dph is a base line figure i.e. development should at least meet 30dph as a minimum. Furthermore, this policy and the density targets can no longer be regarded as up to date and in accordance with the NPPF. The new local plan (Plan 2040) seeks a greater density on the edge of built up areas in order to accord with the NPPF's aims to make more efficient use of land.
- 234 Paragraph 128 of the NPPF states that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and the availability of land suitable for accommodating it; the desirability of maintaining an areas prevailing character and setting or promoting regeneration and change; and the importance of securing well-designed places.
- 235 Paragraph 129 of the NPPF also states 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 developments make optimal use of the potential of each site. It advises that local

planning authorities should refuse applications which they consider fail to make efficient use of the land.

- 236 The regulation 18 consultation for the new local plan (Plan 2040) allows a greater density on the edge of built up areas, with a minimum of 40dph and an optimum of 60dph, in order to accord with the NPPF's aims to make more efficient use of land.
- 237 The proposed development at Oast House Nursery would have a density of 30dph, which is in line with the current Core Strategy policy, but is significantly below the densities expected within the New Local Plan for sites on the edge of built up areas and the NPPF. This means that the proposed development would not make efficient use of the land. However, as previously mentioned within this report, a lower density is proposed in order to reduce the harm to the openness of the Green Belt.
- 238 For this reason, and bearing in mind location of the site on the edge of New Ash Green within the Green Belt and the density of surrounding uses, the proposed density is considered acceptable and makes the most efficient use of the land possible, bearing in mind the site's constraints. The proposal therefore complies with the aims of policy SP7 and the NPPF. The visual impact and character implications of the development are discussed further below.

Housing mix

- 239 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 the existing pattern of housing in the area, evidence of local need and site specific factors. 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
- 240 The guidance states that an average of 50% 2 bedroom or less units across all developments.
- 241 However, the latest evidence of housing need in the District, in respect of different dwelling size and types, is the Targeted Review of Local Housing Need (TRHLN) (2022) which has informed the regulation 18 consultation for the new local plan (Plan 2040). This identifies that within the North-East placemaking area, and for market homes, the greatest need identified is for 3 bedroom housing (35-40%).
- 242 The proposed mix of accommodation is as follows:
- 2no. 2 bedroom (3 person) dwellings
 - 13no. 3 bedroom (4 person) dwellings
 - 1no. 4 bedroom (6 person dwellings)
- 243 In light of the above, the proposal would not meet 50% of all units comprising 2 bedrooms as set out in the policy guidance for policy SP5, but the proposed housing

mix would align with the greatest need identified within the area in accordance with the latest evidence of housing need.

Affordable Housing

- 244 Policy SP3 of the Core Strategy sets out the Council's approach to the provision of affordable housing and is supported by the Affordable Housing SPD Addendum Update (March 2023). The provision of affordable housing is one of the Council's key priorities and as set out in policy SP3 and the Affordable Housing SPD, developments that result in a net increase of 15-24 dwellings are required to provide at least 40% of the units as affordable.
- 245 In exceptional circumstances, where it is demonstrated to the Council's satisfaction through an independent assessment of viability that on-site provision would not be viable, a reduced level of provision or financial contribution may be accepted.
- 246 In this instance, the proposal does not seek the provision of affordable housing units, contrary to policy SP3.
- 247 A viability assessment has been provided to demonstrate that on site affordable housing cannot be provided on site. However, the assessment indicates that there is surplus moneys available to allow a commuted sum for off-site affordable housing provision.
- 248 The applicant's viability assessment has been independently tested. The independent assessment concludes that on site affordable housing is not possible but the scheme is capable of making an off-site contribution of c.£75,648.92 towards affordable housing, in addition to other S106 contributions (e.g. KCC education contributions) and CIL. The Council's Housing Policy team have confirmed that they would consider this to be appropriate in lieu of on site affordable housing provision.
- 249 In light of the above, the applicant has agreed to pay the off-site affordable housing contribution alongside other contributions. This can be secured with a section 106 agreement.
- 250 The proposal would therefore comply with policy SP3 of Core Strategy, the Affordable Housing SPD and the NPPF.

Design and impact on the character of the area

- 251 Policy SP1 of the Core Strategy and Policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.
- 252 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. Overall, the site itself is considered of little townscape or landscape value. The only area of distinctiveness is in the boundary landscaping along the site frontage adjacent to Ash Road. The rest of the site is not highly visible when approaching from the north and south of Ash Road due to the boundary trees and vegetation.
- 253 Beyond the site boundary to the north and south are residential properties, with a commercial trading estate to the south west known as Hever Trading Estate. Beyond this, the landscape is characterised by settled farmland, with gently undulating slopes

overlain by agricultural fields and scattered farmsteads and built development. However, as previously mentioned, the intervening built form and the existing boundary screening around the site, results in the site being spatially separated from the countryside beyond.

- 254 Within the immediate street scene, the site has limited visibility due to the partial screening along the site frontage afforded by boundary planting and the surrounding development. Views are limited principally to immediate, glimpsed views from the adjoining roads, with only some seasonable glimpsed views from the surrounding countryside.
- 255 The proposal seeks to demolish the existing buildings and structures on the site, apart from the existing Oast House, and to erect 16 residential dwellings, with associated parking and landscaping. Alterations to the existing access are also proposed, along with a new pedestrian crossing.
- 256 The majority of the dwellings would be terraced, with one dwelling to the front of the site being detached. Each dwelling would be two storeys in height, which would be in keeping with surrounding building heights.
- 257 The proposed dwellings would reflect the Kentish vernacular with a chosen palette of materials which would be representative of the local building typology and sympathetic to the architectural styles found within the locality. There would be a notable reduction in the external floor space and volume of the dwellings, together with their ridge heights, when compared to the previous scheme at this site. This is welcomed.
- 258 There would be some variation in the individual design and architectural features of the dwellings, for example through the inclusion of gable features, hipped roofs and different porch styles. The palette of materials would also vary across the dwellings, including varying brick tones and composite weather boarded cladding. Roof materials are shown to be either concrete roof tiles or grey slate-appearance tiles. Further details of the proposed materials could be secured by condition to ensure they are of high quality and an appropriate finish and colour. Details of external lighting could also be conditioned to ensure that any lighting within the site respects the surrounding character of the area and does not result in excessive light spillage.
- 259 Overall, it is my view that the architectural approach of the proposed dwellings would be sympathetic to those within the locality and that the dwellings would be of an appropriate scale. The Urban Design Officer also raises no objection.
- 260 Much of the parking would be provided to the front of the dwellings, within shared driveways. However, some parking would also be provided alongside the internal access road.
- 261 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 within the rear part of the site to enhance its biodiversity value. An area of open grass land would also be retained in the south eastern corner, to the front of the site.
- 262 The landscaping scheme as a whole would, increasingly over time, assist in softening the visual impact of the buildings and assist with integrating the development into the

street scene, whilst improving the quality of the environment and the surrounding area.

- 263 It has already been acknowledged that the density of the proposed development would be 30dph, which is below the densities expected for sites on the edge of built up areas in order to reduce the harm to the openness of the Green Belt. It is acknowledged, however, that the density would be higher than the existing development on site and development within the immediate surrounding area. The development would also result in a clear change in the character and appearance of the site, to a distinctly residential site.
- 264 However, for the reasons set out above, the increase in density and the change in the character of the site, is not, in itself, considered to cause serious harm to the character and appearance of the area. The design of the proposed dwellings would be in keeping with the character and appearance of the surrounding area. The development would also be seen in the context of the surrounding built form and would build sympathetically upon the architecture of the area. The site would remain screened from the surrounding countryside beyond and additionally, over time, views of the development from Ash Road would be partially screened and softened by the proposed landscaping scheme. All of this would, in my view, limit any harmful effect on the character and appearance of the wider area.
- 265 The proposal would therefore comply with policy SP1 of the Core Strategy, policy EN1 of the ADMP and the NPPF, subject to conditions.

Residential Amenity

- 266 Paragraph 135 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.
- 267 Paragraph 191 of the NPPF 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.
- 268 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development. The Residential Extensions SPD recommends that a 45 degree test is undertaken for a loss of light to neighbouring dwellings, based on BRE guidance.
- 269 Policy EN6 states that proposals for lighting that affect the outdoor environment will be permitted where would be no harmful impact on privacy or amenity for nearby residential properties.
- 270 Policy EN7 states that proposals will be permitted where a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.

Neighbouring properties

271 The neighbouring properties most likely to be affected by the proposed development are Fiacre to the north and High Leigh and Church end to the south. Other neighbouring properties would be located a sufficient distance away from the proposed development and therefore should not be adversely affected in regards to light, outlook and privacy.

Light:

272 Due to the separation distances between the development and the neighbouring properties, as well as the proposed layout of the dwellings, the proposal would not result in a harmful loss of sunlight or daylight to the main windows or rear private amenity areas (when measured at a depth of 5 metres from the rear elevation of each property, as defined in the Residential Extensions SPD) of any neighbouring property.

Privacy:

273 High Leigh would be the closest property to the proposed development. Its northern side elevation located approximately 7.8m from the development at its closest point, specifically Plot 4. However, Plot 4 would not contain any windows along its south side elevation which would face towards High Leigh and therefore would not result in overlooking or a harmful loss of privacy to any main windows of this neighbouring property. Similarly, the south side elevations of Plot 7 and Plot 8, which would be situated adjacent to the rear garden of High Leigh, would not contain any windows at ground or first floor level and therefore would not directly overlook the rear garden of this neighbouring property. Any views from the rear gardens of the proposed dwellings would be obscured by the existing trees and vegetation along the boundary between the development and High Leigh.

274 It is noted that there may be views from the windows along the rear elevations of Plots 5-7 and the front elevations of Plots 8-10 towards High Leigh, as well as the rear gardens of these dwellings. Based on the submitted plans, any views from the ground floor windows and the rear gardens would be obscured by the existing trees and vegetation along the shared boundary between the development and High Leigh. Any views from the first floor windows would also be at an oblique angle off to the south west rather than directly towards the main windows of the neighbouring property and its private amenity area. Furthermore, any views towards the main windows of the neighbouring property would be at a distance of approximately 21 metres at the closest point (from Plot 7). For these reasons, it is my view that the development would not result in an uncomfortably close relationship between the site and High Leigh and the proposed dwellings would not directly overlook the neighbour's main windows or rear garden. 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

275 Church End is located to the south and is 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 considered that no part of the development would result in a harmful loss of privacy or direct overlooking.

276 With regards to Fiacre, which is located immediately to the north of the site, it is considered that due to the siting of the proposed units and the distance of separation of approximately 36 metres (at the closest point), the development would not result in a harmful loss of privacy to the main window or rear private amenity area of this neighbouring property. No windows are proposed on the northern side elevation of plot 16 which would be situated closest to the Fiacre. The rear elevations of Plots 11-

13 would face towards the rear garden of the neighbouring property. However, they would not directly overlook its rear private amenity area. Any views would be at an oblique angle off to the north and at a considerable distance.

Outlook:

277 There would undoubtedly be a change in the outlook from the rear of the neighbouring properties as a result of the proposed development. However, due to the distance of separation between the neighbouring properties and the proposed development, it is considered that the development would not appear overbearing or visually intrusive when viewed from the main windows or private amenity areas of the neighbouring properties. Any views from the rear main windows of the neighbouring properties would also be at an oblique angle (to the north east for High Leigh and Church and to the south west for Fiacre) and would also be partially softened/obscured by the boundary landscaping. An open outlook would be maintained for each neighbouring property across their own rear gardens. For these reasons, it is not considered that the change in outlook would be seriously detrimental to the living conditions presently enjoyed by the occupiers of the surrounding neighbouring properties.

278 It also important to note here that, as per the Residential Extensions SPD, the planning process cannot protect a view from a private property.

Noise and disturbance:

279 Notwithstanding the impacts of the development once complete, the Council's Environmental Health team have recommended that a construction environmental management plan be secured by a condition. Given the proximity of surrounding residential properties, this is considered necessary to ensure that the proposed development does not result in excessive noise and disturbance during the construction phase. Construction hours can also be secured by a condition.

280 It is also the case that separate legislation exists outside the planning system to help enforce against issues relating to unacceptable noise and disturbance, should this arise.

Proposed development

281 Policy EN2 also requires that the occupants of future development benefit from good standards of amenity.

282 The proposed internal layout and room size would be acceptable and would comply with national space standards. Each dwelling would provide satisfactory natural light from sunlight and daylight. Each dwelling would also benefit from access to outdoor amenity space and would have a good standard of outlook and visual amenity.

283 Due to the site layout there are few occasions where habitable rooms of the proposed dwellings would face towards each other. Where they do these are predominantly where the buildings face onto the shared access driveways or internal access road. It is generally accepted that windows addressing a street benefit from lower levels of privacy. Furthermore, those properties that do experience lower levels of privacy to their front elevations would still benefit from greater distances to other properties to the rear (e.g. Plots 2-7). Overall, taking into account the development as a whole, the privacy of future occupants is considered to be acceptable. There would also be an element of 'buyer beware' for future occupants.

284 It is acknowledged that the existing property on the site is owned by the applicant and shall be retained as part of the proposal. The development would be located 30 metres away from the rear of the existing dwelling and 15 metres away from the south side elevation. The boundaries of the existing dwelling would also be enclosed by boundary fencing, as well as trees. For these reasons, it is considered that the existing amenity of this property would not be unduly harmed by the development.

Other matters:

285 The Council's Environmental Health team have advised that a contamination watching brief/discovery condition should be secured by a condition. This is considered necessary to ensure that any contamination, if it should arise, is dealt with adequately and does not cause harm to future occupiers of the development.

286 Environmental Health have also 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. 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 would not be expected to cause harm upon the amenities of future occupants. However, it would be beneficial to request further information on this matter, as some form of mitigation may be required, particularly should the use of the buildings on the Trading Estate change. This can be secured by condition.

287 Overall, the development would safeguard the amenities of existing and future occupants of nearby properties and would provide adequate residential amenities for future occupiers of the development in accordance with policy EN2 and EN7 of the ADMP and the NPPF, subject to conditions.

Parking and Highways Impact

288 Paragraph 115 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.

289 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 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 dwellings in this location with 2 bedrooms require 1.5 parking spaces. 3 and 4 bedroom houses require 2 parking spaces.

290 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change.

Highways:

291 The proposed development would utilise the existing access from Ash Road. Various improvements to the access are proposed, including the provision of uncontrolled pedestrian crossings across Ash Road and the creation of appropriate visibility splays (being 90m x 2.4m in both directions.)

- 292 The assessment of the acceptability 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.
- 293 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.
- 294 The results show that that the development would generate 74 additional two-way trips for 16 residential units when taking into account the existing use of the site.
- 295 KCC Highways consider that the number of additional trips generated to not be significant and would not have any detrimental or severe impact on the local highway network, in light of the requirements of paragraph 115 of the NPPF.
- 296 The proposed internal road layout complies with Kent Design Guide and provides sufficient circulation space for larger vehicles e.g. refuse freighters, to manoeuvre within the site so that they can enter and exit in a forward gear.
- 297 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. Planning permission would be conditional on these being in place prior to occupation and for the life of the development. KCC Highways consider the proposed visibility splays acceptable to ensure that the development does not cause harm to highways or pedestrian safety.
- 298 A preliminary Road Safety Audit has been undertaken and KCC Highways have acknowledged that the off-site highway works could be undertaken.
- 299 The works that include a new uncontrolled pedestrian crossing lies outside the red line of the application site and relate to works on the highway. As such, these 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 278 agreements have been secured by condition, it is considered appropriate that a condition is used to secure these works in this instance.
- 300 The concerns raised by the Parish Council and third parties in regards to the impact on highways and traffic have been considered. However, as demonstrated above, a refusal would not be justified in this instance. The proposal would not have a severe impact on the local road network nor would it result in unacceptable impacts on highways safety.

Parking

- 301 Policy T2 of the ADMP requires that parking for residential developments should be made in accordance Appendix 2 of the ADMP.
- 302 In this respect, the 3 bed and 4 bed dwellings would each be provided with 2 parking spaces and the 2 bed dwellings would each be provided with 1 parking space. A further 9 unallocated parking spaces are proposed for visitors. KCC Highways consider the level of parking proposed for each dwelling to be acceptable and compliant with Kent Residential Parking Standards. They also note that the proposed visitor parking spaces would exceed requirements but would compensate for the use

of some tandem spaces which are sometimes underused. The provision and permanent retention of the proposed parking provision can be secured by a condition.

- 303 It is noted that the development would also provide cycle storage for each dwelling which KCC Highways consider acceptable and can be secured by a condition. The provision and permanent retention of electric vehicle charging facilities can also be secured by a condition.

Construction phase

- 304 Notwithstanding the impacts of the development once complete, KCC Highways have recommended that a construction management plan be secured by a condition. This is considered necessary to ensure, for example, that the number of vehicles accessing the site at any time is appropriately managed to prevent harm to highways safety.
- 305 In light of all of the above, the proposal would comply with policy EN1, T1, T2 and T3 of the ADMP, subject to conditions, and a refusal would not be warranted in line with the NPPF as the impact on highways would not be severe. KCC Highways nor National Highways have raised an objection to the development.

Trees and Landscaping

- 306 Policy EN1 of the ADMP states that the layout of the proposed development should respect the topography and character of the site and the surrounding area and sensitively incorporate natural features such as trees, hedges and ponds within the site; and the proposal should not result in the loss of open spaces or green infrastructure that would have an unacceptable impact on the character of the area.
- 307 There are no trees protected by a tree preservation order on or near the site. However, there are a number of existing trees within the site and along the site boundaries.
- 308 The submitted tree report advised that 5 existing trees would need to be removed in order to facilitate the development and three tree groups. Details of tree protection measures for the rest of the existing trees within the site have been provided to ensure that they can be adequately protected during the construction phase and retained.
- 309 The Council's Tree Officer was consulted for their specialist advice. They raise no objection provided that the details within the tree report are followed. This can be secured by a condition.

Biodiversity

- 310 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 311 The application is accompanied by a Preliminary Ecological Appraisal, Bat Emergency Survey and Biodiversity Net Gain Report which KCC Ecology have reviewed. The submitted information also includes an outline mitigation/compensation strategy for roosting bats.

- 312 The Bat Emergence Survey confirmed the presence of bat day roosts in one of the buildings on site. Mitigation measures are proposed to compensate for the loss of bat roosts. This includes bat boxes.
- 313 KCC Ecology have advised that a Natural England mitigation license will be required to carry out the proposed works due to the impacts upon roosting bats.
- 314 The relevant tests are:
1. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”
 2. The proposal would involve the redevelopment of the site to provide 16 residential units. This would be a clear benefit which is in the public interest. The development would contribute towards the District’s housing stock, where there is a lack of a 5 year supply of housing. As previously mentioned, the housing mix would also align with the greatest need identified within the area.
 3. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
 4. The alternative would be that housing is not delivered on the site. It is reasonable to conclude that this is not a satisfactory alternative, bearing in mind the absence of a 5 year supply of housing within the District.
 5. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”
- 315 While KCC Ecology initially raised concern regarding the suitability of mitigation proposed specifically for brown long-eared bats, they accept that Natural England is likely to accept the proposed bat boxes as appropriate compensation. They also acknowledge that the inclusion of a loft void could be considered as over-compensation by Natural England. They therefore raise no objection to the proposed mitigation measures and recommend that they be secured by a condition from the commencement of works.
- 316 In light of the above, it is my view that the three tests have been met and that it is likely that a Natural England license would be granted.
- 317 The applicant is intending to provide a 12.24% net gain in area-based habitats and a 32.23% net gain in linear-based habitats through on and off-site habitat creation and enhancement. This includes the creation of a new wildlife habitat upon land under the ownership of the applicant (the western rear section of the wider site) which will offset the impact of the development. This can be secured by a legal agreement which will ensure that the land remains free-from development for a minimum of 30 years and will include periodic monitoring of the site to ensure its establishment. KCC Ecology raised no objection to this approach.
- 318 Conditions are recommended for an external light plan, landscape and ecological management plan and ecological enhancements. These are considered necessary to

ensure that the development does not cause harm to protected species and does provide benefits to biodiversity.

- 319 The proposal would therefore comply with policy SP11 of the Core Strategy, subject to conditions and a legal agreement.

Flooding and drainage

- 320 Paragraph 173 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where it can be demonstrated, amongst other matters, that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- 321 Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 322 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.
- 323 With regards to drainage, the Local Lead Flood Authority (LLFA), in their original comments, objected to the proposal in relation to the utilisation of soakaways and infiltration. In response to these concerns, the application was amended with an updated drainage strategy. The LLFA have reviewed the updated strategy and no longer raise an objection subject to conditions for a detailed sustainable surface water drainage scheme, verification report and details regarding infiltration (if used). These are considered necessary to ensure that 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.
- 324 The proposal would therefore comply with the NPPF, subject to conditions.

Other issues

Education contributions and impact on infrastructure and service provision

- 325 KCC Economic Development have raised requests for funding for services that the County Council provide via s106 funding arrangements. The applicant has agreed to pay for education contributions 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.
- 326 Concern has been raised during public consultation in regards to the impact of the proposed development upon existing infrastructure and service provision. As set out above, 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 for communities to seek for additional service provision. The development is, however, small scale and as such it is not considered that it would detrimentally harm existing infrastructure or service provision.

Archaeology

- 327 KCC Archaeology have recommended that a scheme for archaeological works be secured by a condition. This is considered necessary due to the general potential for evidence of prehistoric and later archaeology, as well as the size of development being over 10 dwellings and the proximity of multi period archaeology towards St Peter and St Paul's church.

Crime Prevention

- 328 In line with the comments received from the Kent Police Crime Prevention Design Officer, a condition is recommended for a scheme of measures to minimise the risk of crime. This is considered necessary to ensure that the development creates a safe and secure environment.

Community Infrastructure Levy (CIL)

- 329 This proposal is CIL liable.

Planning balance and Conclusion

- 330 In the absence of a 5 year housing supply and the Council not meeting its Housing Delivery Test, 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.
- 331 However, in this case the application of the protective Green Belt policies in the NPPF do not provide a clear reason for refusing the development. As described above it has been found that the development is appropriate in the Green Belt as it would result in less than substantial harm to the openness of the Green Belt. It is therefore considered that the tilted balance applies, and the absence of a 5 year housing supply in the District holds weight.
- 332 The proposal would introduce 16 market homes and would include a financial contribution towards off-site affordable housing provision. The need to deliver housing adds further weight in favour of granting planning permission.
- 333 The proposals would result in the loss of some employment function on the site as a result of the loss of the existing nursery and this is a harm or disadvantage arising from the development. It is also acknowledged that the proposal would change the character of the site and would result in an increase in density when compared to the existing development within the immediate area. However, it is considered that the benefits of the proposals in this instance, being the delivery of housing where there is a lack of a 5 year supply within the District, the financial contribution towards off-site affordable housing provision where there is a local need, together with improved opportunities for landscaping and biodiversity net gain, would clearly outweigh the disadvantages of the development in this instance.

Recommendation

- 334 It is therefore recommended that this application is approved subject to conditions and a legal agreement for affordable housing, education contributions and habitat creation.

Background papers

335 Site and block plan

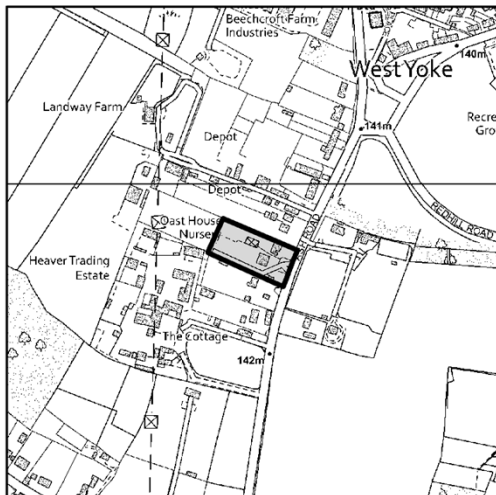
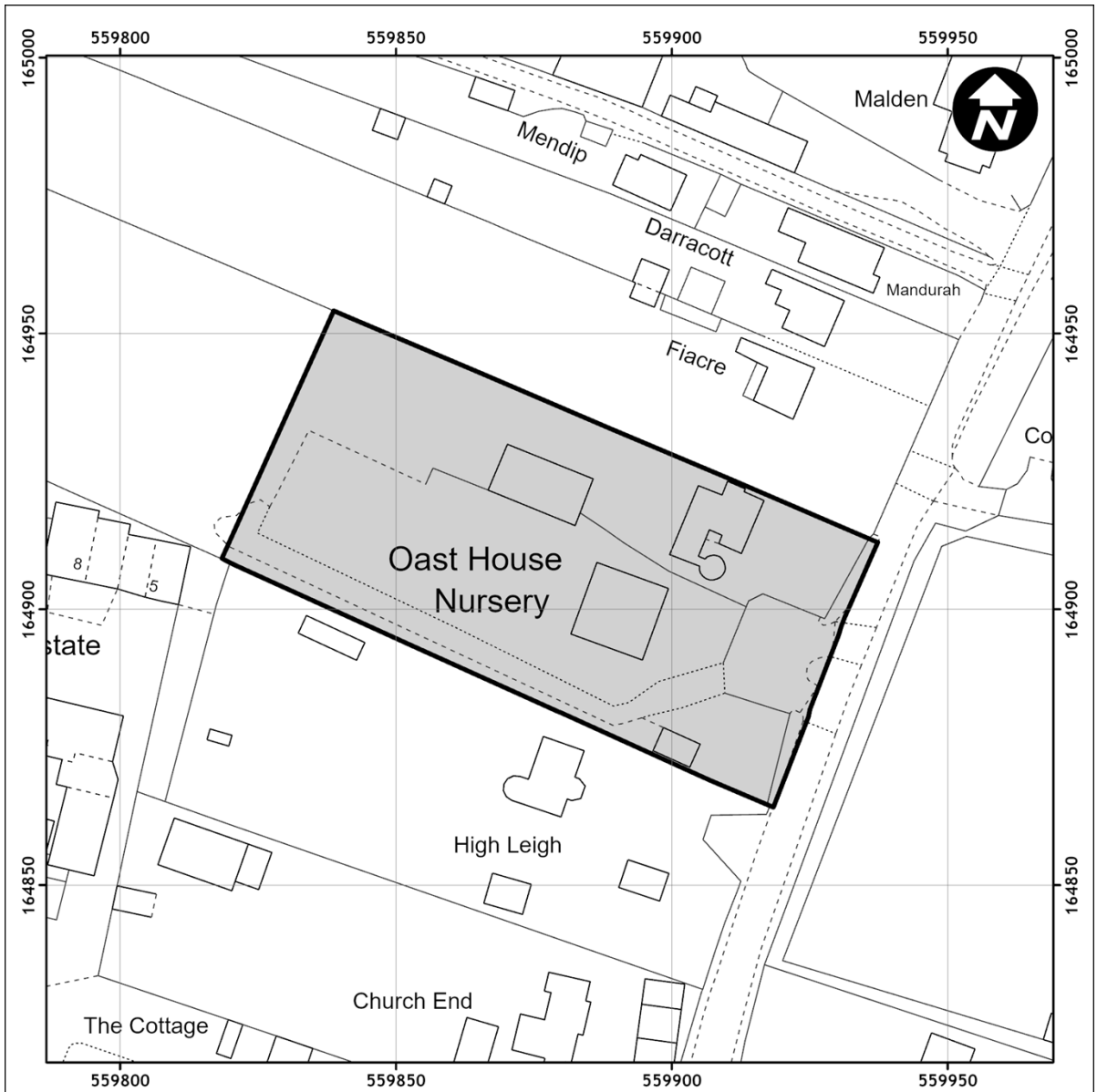
Contact Officer(s):

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Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250

Date 08/02/2024



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Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN

