

16 November 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 08.11.23



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# Development Management Committee

## Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Horwood  
Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winser, Esler, Harrison, Hogarth, Hudson, Malone, Manston, Purves, Silander, Skinner, Varley and Williams

## Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. <b>Minutes</b>	(Pages 1 - 8)	
To approve the minutes of the meeting of the Committee held on 28 September 2023, as a correct record.		
2. <b>Declarations of Interest or Predetermination</b>		
Including any interests not already registered		
3. <b>Declarations of Lobbying</b>		
4. <b>Planning Applications - Chief Planning Officer's Report</b>		
a) 23/01864/HOUSE - The Old Barracks, 95 Dartford Road, Sevenoaks Kent TN13 3TF	(Pages 9 - 18)	
Proposed infill of existing balcony to create ensuite, alteration to fenestration.		
b) 23/00575/FUL - The Olympic , Beechenlea Lane, Swanley Kent BR8 8DR	(Pages 19 - 46)	Scott Fisher
Installation of a rugby pitch together with associated changing rooms, toilet facilities and training area.		

- c) 23/01534/FUL - Land Rear Of 26 To 32, (Pages 47 - 62) Ashley Bidwell  
Hever Road, West Kingsdown Kent TN15  
6HD

Removal of former car parking area and erection of 4 dwellings with associated drive and car parking.

#### EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 13 November 2023.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

Public Access Links

Late Observations

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk).

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**DEVELOPMENT MANAGEMENT COMMITTEE**

Minutes of the meeting held on 28 September 2023 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winsor, Harrison, Hogarth, Malone, Manston, Silander, Skinner, Varley and Williams.

Apologies for absence were received from Cllrs. Esler, Hudson and Purves.

Cllr. Waterton was also present.

25. Minutes

Resolved: That the Minutes of the Development Management Committee held on 17 August 2023, be approved and signed by the Chairman as a correct record.

26. Declarations of Interest or Predetermination

There were none.

27. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 29 - 23/01890/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent and Minute 30 - 23/01891/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent.

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following item and no Member reserved the item for debate, therefore, in accordance with Part 7.3(e) of the constitution, the following matter was considered without debate:

28. 23/02074/CONVAR - Tony's Corner Shop, 18 Cedar Drive, Edenbridge Kent TN8 5JL

The proposal sought planning permission for variation of condition 2 (materials), 3 (hard and soft landscaping), 5 (electric car charging points) and 16 (plan numbers) of 22/02353/MMA related to 21/02825/FUL for creation of seven off-street car parks;

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the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of temporary shop with amendment to drawings to pick up minor changes to parking layouts, landscaping and elevations. The application had been referred to the Committee as the applicant was Sevenoaks District Council.

The Chairman drew Members attention to the main agenda papers and late observations sheet which did not amend the recommendation. It was moved by the Chairman that the recommendations within the report, be agreed.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of the time limit imposed on application SE/21/02825/FUL

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

- 2) The materials to be used in the construction of the residential development shall be those indicated on the approved plans: A983-01B-PL-120-F, A983-01B-PL-121-E, A983-01C-PL-120-E, A983-01C-PL-121-E, A983-01F-PL-120-D, A983-01F-PL-121-D.

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.

- 3) The hard and soft landscaping, hereby approved, shall be carried out in accordance with the landscaping plans and planting schedules, reference numbers: 6337-LLB-ZZ-E10-DR-L-0001-S4-P03, 6337-LLB-ZZ-E11-DR-L-0001-S4-P01, 6337-LLB-ZZ-E6-DR-L-0001-S4-P02, 6337-LLB-ZZ-E3-DR-L-0001-S4-P01, 6337-LLB-ZZ-E7-DR-L-0001-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0001-S4-P02, 6337-LLB-ZZ-E10-DR-L-0002-S4-P03, 6337-LLB-ZZ-E11-DR-L-0002-S4-P01, 6337-LLB-ZZ-E3-DR-L-0002-S4-P01, 6337-LLB-ZZ-E6-DR-L-0002-S4-P02, 6337-LLB-ZZ-E7-DR-L-0002-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0002-S4-P02.

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) 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

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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 the provision, establishment and maintenance of the landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the first occupation of the dwellings on sites 6 and 10, eleven electric car charging points with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage, shall be installed and thereafter maintained, as per approved plan numbers A983-01B-PL-102-E and A983-01F-PL-102-E.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

- 6) Prior to the use of the sites commencing, the visibility splays shall be provided and maintained with no obstructions over 1.05 metres above carriageway level within the splays, as per approved plans 4966 03, 4966 04, 4966 05, 4966 06, 4966 08, 4966 09.

In the interests of Highways safety.

- 7) Prior to the use of the sites commencing, pedestrian visibility splays of 2 metres x 2 metres shall be provided and maintained behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

In the interests of Highways safety.

- 8) The development shall be carried out in accordance with the approved construction management plan (rev 2), prepared by BBS Construction Ltd and dated 14/07/2022, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

- 9) From the commencement of works (including site clearance), all mitigation measures for reptiles will be carried out in accordance with the details

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contained within section 5 of the Reptile Survey and Mitigation Strategy (KB Ecology May 2021).

In the interests of protected species and ecology on the site, in accordance with policy SP11 of the Core Strategy.

- 10) The development shall be carried out in accordance with the approved drainage scheme, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details: Drainage calculations dated August 2022, revision P01; 4779-CON-00-XX-DR-C-1532-P01; 4779-CON-00-XX-DR-C-1531-P01; 4779-CON-00-XX-DR-C-1530-P01; 4779-CON-00-XX-DR-C-1516-P01; 4779-CON-00-XX-DR-C-1514-P01; 4779-CON-00-XX-DR-C-1518-P01; 4779-CON-00-XX-DR-C-1513-P01; 4779-CON-00-XX-DR-C-1517-P01; 4779-CON-00-XX-DR-C-1512-P01; 4779-CON-00-XX-DR-C-1515-P01; 4779-CON-00-XX-DR-C-1511-P01; 4779-CON-00-XX-DR-C-1510-P01; 4779-CON-00-XX-DR-C-1400-P01.

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.

- 11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall 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 paragraph 165 of the National Planning Policy Framework.

- 12) The development shall take place in accordance with the approved Arboricultural Method Statement, prepared by Temple Group Ltd and dated 26 May 2022, unless otherwise agreed in writing by the local planning authority.



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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.

- 13) The development shall take place in accordance with the approved details of the implementation and phasing plan, prepared by BBS Construction Ltd and dated 31st May 2022, unless otherwise agreed in writing by the local planning authority.

To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 14) Works of demolition and construction shall only be carried out between the hours of 08.00 to 18.00 hours Monday to Friday, and 08.00 to 13.00 hours on Saturdays, with no work being permitted on Sundays or Bank Holidays.

In the interests of residential amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 15) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the completion of the development.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 16) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-01-101 H, 5469 LLB ZZ ZZ DT L 0001 P01, 4966 01, 5469 LLB ZZ ZZ DR L 0001 P06, A983-01C-PL-110-D, A983-01F-PL-102-E, A983-01A-PL-102-F, A983-01B-PL-102-E, A983-01C-PL-102-F, A983-01F-PL-130-E, A983-01F-PL-121-D, A983-01F-PL-120-D, A983-01F-PL-111-D, A983-01F-PL-110-C, A983-01C-PL-121-E, A983-01C-PL-120-E, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-E, A983-01B-PL-120-F, A983-01B-PL-112-C, A983-01B-PL-110-F, A983-01E-PL-102-D, A983-01F-PL-131-B, A983-01G-PL-102-D.

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

**RESERVED PLANNING APPLICATIONS**

The Committee considered the following planning applications:

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#### 29. 23/01890/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent

The proposal sought planning permission for a storage container for domestic use and extension to existing permitted stable building for use as dog kennels. The application had been referred to the Committee by Cllr. Waterton on the grounds that the very special circumstances outweighed the harm to the Green Belt.

Members' attention was brought to the main agenda papers. The Case Officer also advised that the application was retrospective.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Alan Bloor
Parish Representative:	-
Local Members:	Cllr. Waterton

Members asked questions of clarification from the speakers and officers which focused on storage provision and the built form of the proposed extension. Members were advised that the storage container had been on the site since 2019 and without the storage container, its contents would be stored outside.

It was moved by the Chairman that the recommendation to refuse planning permission within the report, be agreed. Members discussed the application giving consideration to the storage provision, the built form of the proposals, and the impact on the green belt.

The motion to refuse planning permission was put to the vote and it was

Resolved: That planning permission be refused as the proposed development by way of inappropriateness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework must be afforded substantial weight. The stable extension is disproportionate to the size of the original building. The case of very special circumstances does not clearly outweigh the harm identified. The development is therefore contrary to policy GB8 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

#### 30. 23/01891/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent

The proposal sought planning permission for the erection of a stable barn containing four foaling boxes, stocks, tack room and hay store. The application had been referred to the Committee by Cllr. Waterton on the grounds that the proposals had addressed the reasons for refusal of the last application and appeal.

Members' attention was brought to the main agenda papers and late observation sheet which did not amend the recommendation. The Case Officer explained that guidance from the British Horse Society was set out in the late observations to provide additional clarification.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Alan Bloor
Parish Representative:	-
Local Members:	Cllr. Waterton

Members asked questions of clarification from the speakers and officers with particular focus on the bulk and scale of the development and very special circumstances. The application proposed a reduction in size from the previously refused scheme and additional information for the case of very special circumstances had been submitted.

It was moved by the Chairman that the recommendation to refuse planning permission within the report, be agreed. Members discussed the application giving consideration to the bulk and scale of the proposals and whether the very special circumstances outweighed the harm to the green belt. Members further considered that the proposed development would provide shelter for foaling and unwell horses and highlighted the animal welfare benefits. Members also noted the benefits of the development to the business and the rural economy.

The motion to refuse planning permission was put to the vote and it was lost.

It was moved by the Chairman that planning permission be granted on the grounds that, the very special circumstances clearly outweighed the harm to the green belt and that delegated authority be granted to the Deputy Chief Executive and Chief Officer – Planning & Regulatory Services to draft planning conditions, following consultation with the Local Ward Member and Chairman of the Development Management Committee.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to conditions covering issues of time period, plans, external materials, restrict use only to isolation

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foaling horses and/or unwell horses, external lighting and waste disposal, and the Deputy Chief Executive and Chief Officer – Planning & Regulatory Services be delegated precise wording following consultation with the Local Ward Member and Chairman of the Development Management Committee.

THE MEETING WAS CONCLUDED AT 8.08 PM

CHAIRMAN

4.1 23/01864/HOUSE	Revised expiry date 17 <sup>th</sup> November 2023
Proposal:	Proposed infill of existing balcony to create en-suite, alteration to fenestration.
Location:	The Old Barracks, 95 Dartford Road, Sevenoaks Kent TN13 3TF
Ward(s):	Sevenoaks Town & St Johns

**Item for decision**

This application has been called to Development Management Committee by Councillor Skinner in order to test the views of the Conservation Officer, reflected within this recommendation, that the development would be harmful to a Locally Listed Building.

RECOMMENDATION: That planning permission be REFUSED for the following reason:

The bulk, unsympathetic design and materials of the proposed development would neither conserve nor enhance the locally listed building. The proposal would harm the significance of the non-designated heritage asset and consequently would be contrary to policies EN4 of the Sevenoaks Allocations and Development Management Plan (ADMP) and C1 of the Sevenoaks Town Neighbourhood Plan (STNP) as well as the heritage principles of the National Planning Policy Framework (specifically paragraph 203). The bulk and design of the proposal, in a highly prominent position, is considered to have a detrimental impact on the overall appearance of the street scene contrary to policies EN1 of the ADMP, SP1 of the Core Strategy and C4 of the STNP.

**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 property is located in a prominent corner position, visible from Dartford Road and Bradbourne Road and also from St Johns Hill and St Johns Road, Barrack Corner and Rheinbach Gardens (the small, landscaped garden on this junction).
- 2 The Old Barracks is a Locally Listed Building, which is considered to pre-date 1840 and possibly originate back as far as 1750. The existing dwelling is of a unique design, form, and appearance. The property lies opposite to and in the setting of the

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Hartlands Conservation Area, the boundary of which runs along the east side of St John's Hill/Dartford Road.

- 3 There is an existing, blue-painted softwood balcony to the rear of the property, visible within the street scene. No planning permission for this softwood structure has been found but it is known to date back a number of years.

### Description of proposal

- 4 This application proposes the infilling of the existing balcony structure to create an en-suite bathroom, and alterations to the fenestration of The Old Barracks.
- 5 The new en-suite bathroom would have two new windows on the rear (north west) elevation and one on the south-west facing side elevation of the enclosed balcony. The window serving an existing bathroom on the south-west facing elevation of the main house is proposed to change size and design. The design of the small ground floor window on the front elevation is also proposed to change.
- 6 As part of the proposed enclosure of the balcony, the roof of the structure would be raised to align with the eaves line of the main dwelling.
- 7 The materials are proposed to be timber effect cladding (colour not yet confirmed) and a fibreglass roof.

### Relevant planning history

- 8 23/00847/LDCPR Proposed rear extension not exceeding 4m in depth from the original house, and not exceeding 4m in height. Proposed infilling of second storey balcony more than 2m away from the boundary. REFUSE
- 9 *Application 23/00847/LDCPR was refused because the infilling of the balcony would not comply with the requirements of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). However, the Officer's Report indicates that the side extension [incorrectly referred to as rear extension in the above proposal] would have been permitted development.*
- 10 20/02823/FUL Erection of a pair of semi-detached dwellings with associated parking and gardens and alterations to dropped kerb. REFUSE
- 11 19/00116/FUL Erection of a pair of semi-detached dwellings with parking and gardens and extending drop kerb. Demolition of outbuildings. GRANT
- 12 17/01267/FUL Demolition of existing dwelling and outbuildings and erection of 6 X 2 bedroomed dwellings, landscaping and associated parking. REFUSE

### Policies

- 13 National Planning Policy Framework (NPPF)
  - Section 16 ('Conserving and enhancing the historic environment'), specifically Paragraph 203 – Non designated heritage assets
- 14 Core Strategy (CS)

- SP1 – Design of New Development and Conservation
- 15 Allocations and Development Management Plan (ADMP)
- EN1 – Design Principles
  - EN2 – Residential Amenity
  - EN4 – Heritage Assets
- 16 Sevenoaks Town Neighbourhood Plan (STNP)
- Policy C1
  - Policy C4
- 17 Other:
- Sevenoaks Residential Extensions Supplementary Planning Document (Residential Extensions SPD)
  - Sevenoaks Residential Character Area Assessment Supplementary Planning Document [A05]
  - Local List Supplementary Planning Document

### Constraints

- 18 The following constraints apply:
- Locally Listed Building
  - Article 4 Direction
  - Urban Confines: Sevenoaks

### Consultations

- 19 Sevenoaks Town Council
- Recommended approval subject to Conservation Officer's views
- 20 SDC Conservation Officer
- "12/09/23 Amended scheme - The proposal has been amended, a summary of the main changes is set out below:  
A new planning statement has been provided. Changes have also been made to the proposed plans, including the removal of the rooflight and the insertion of two new windows on the rear elevation.
- 21 The conservation comments below have been updated.

### Representations

- 22 None received
- 23 Significance
- 24 The application site is locally listed and is a non-designated heritage asset.

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- 25 The two-storey detached house was built before 1840 and thought to date back as far as 1750. It has painted render walls under hipped slate roof. There is a canopied entrance door on Dartford Road. The Bradbourne Road frontage has modern upvc windows to each floor with margin glazing bars, small brackets under cills, shallow moulded window heads to ground floor windows. The windows appear to be later replacements.
- 26 The building was selected for local listing because it met the following criteria:
- Built before 1840, original external features still recognisable.
  - Example of a style of building unique to the local area.
  - Important association with the development of the town or its social or cultural history.
  - Building or group of buildings that contributes significantly to the townscape, street scene or appearance of the area.
- 27 The Old Barracks is one of the oldest houses in this part of the road, which has rarity value and retains some original features. There is strong supporting evidence for a link with the former military barracks in Sevenoaks, hence the name Barrack Corner. The building is an example of a style of building unique to the local area. It adds significantly to the street scene and appearance of the area.
- 28 The modern upvc windows have replaced historic sash windows. The modern windows and rear and side extensions detract from the special interest of the locally listed building.
- 29 The Planning Statement (August 2023) explains that there is evidence that the balcony is not a recent addition, and that original door from the master bedroom has historic glazing in it. The existing covered timber balcony attached to the rear elevation would originally have been orientated towards the garden and the timber-panelled side along Bradbourne Road would have provided some privacy. The garden has subsequently been developed and as such the balcony structure has lost its context and is now redundant.
- 30 Impact Assessment
- 31 The proposal is to enclose the existing balcony to create an en-suite.
- 32 The existing balcony is located on the side elevation and is readily visible to the side of the front (Bradbourne Road) elevation. The existing structure adds bulk to the side of the house and its design, although intriguing, is incongruent with the host building given the loss of context. However, its lightweight appearance means that the historic building can still be appreciated on this side elevation due to visual permeability.
- 33 It is proposed to enclose the existing structure with vertical weatherboarding, insert a window on the side (garden-facing) elevation and two windows in the rear elevation. The proposed structure would conceal much of the first-floor of the historic house and obscure views of its rear elevation from the street.
- 34 Enclosing the balcony would give solidity and bulk to the first-floor structure which has an awkward relationship to the host building. The infill would highlight the complete loss of purpose of the balcony structure, and in conservation terms represents an unsatisfactory solution to providing additional accommodation to the non-designated heritage asset.



The proposed timber-effect panelling and UPVC window frames would further undermine the quality and character of the locally listed building.

35 Due to its bulk, design and proposed materials I conclude that the proposal would have an unacceptable effect on the host building.

36 Conclusion

For the reasons discussed above I consider that the proposals would cause harm to the significance of the non-designated heritage asset (NPPF para 203) and are not supported in heritage terms.

### Chief Planning Officer's appraisal

37 The main planning consideration are:

- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Impact on heritage assets

### Design and impact on the character and appearance of the area

38 Policy SP1 of the Core Strategy, Policy EN1 of the ADMP and Policy C4 of the STNP 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.

39 The property is situated in a prominent position on the corner of Dartford Road and Bradbourne Road. The balcony is highly visible from Bradbourne Road and from stretches of St Johns Hill and St Johns Road, and Rheinbach Gardens, which is recognised within the Sevenoaks Residential Character Area Assessment as being an important open space and positive townscape feature within the St Johns Road area of the town. The existing balcony structure has been in place for a number of years and appears to have become lawful through the passage of time.

40 The existing structure is an incongruous and unexpected feature, that is both alien to the main dwelling and the street scene. Its colour, form and materiality are uncommon features within the street. Being attached to a the side of a building that has an otherwise largely symmetrical façade to Bradbourne Road, the balcony creates an imbalance that is not otherwise seen within the surrounding street scene. The existing balcony does, however, have open sides which give the structure a both a lightness of form and visual permeability that reduce this impact when viewed from certain angles.

41 The proposal would not be sympathetic to the existing character and appearance of the dwelling. The infilling of the structure adds solidity and excessive bulk, and a greater perception of permanence, which will obscure the building further and add mass and bulk to the street scene. As noted within the appeal decision for 20/02823/FUL (APP/G2245/W/21/3271010), the Old Barracks has generous surroundings which ensures its significant features are prominent and appreciated within the street scene. The infilling of the balcony, regardless of colour used, would become a prominent feature on the Bradbourne Road elevation, and would detract from the appreciation of the building and its appearance within the wider street scene.

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- 42 The Sevenoaks Residential Character Area Assessment highlights that repeated doors and window openings should be retained and that window and door detailing should be retained and reinstated. The harm that has arisen within the area from inappropriate replacement windows and doors is noted. While the applicant highlights within the Planning Statement that the door onto the balcony from the Master Bedroom is a historic feature, the enclosure of this balcony would entirely conceal this feature from view. The wider, prominent Bradbourne Road elevation retains the regular window openings and detail. The proposed infill balcony sits in an inappropriate contrast to the historic materiality, form and detailing of this elevation.
- 43 The new infill structure would also have a flat roof (with a low, almost imperceptible pitch), which would be marginally raised from the existing roof level. The Residential Extensions SPD highlights that flat roofs are not normally appropriate on extensions, especially in prominent positions. It is acknowledged that the existing structure has a flat roof; however, as noted above, it currently sits above open sides creating a lightness of form and reflecting its past role as a balcony overlooking garden space. By infilling the sides of existing structure, it would read as a flat roof extension which, given its visibility from the surrounding street scenes, would be harmful to overall street scene and character of the area.
- 44 The Residential Character Area Assessment Design Guidance for the St John's Road area recommends that the "harmonious palette of yellow and red brick or white render and original slate roofs should be respected." The proposed materials, comprising timber-effect cladding, UPVC windows and a fibreglass roof, would not meet this requirement. These current proposed materials would both be out of keeping with the existing street scene and would increase the appearance of solidity.
- 45 Overall, it is considered that the proposal would have a detrimental impact on the street scene and, as such, fails to comply with Policy EN1 of the ADMP and Policy C4 of the STNP.

### Impact on Residential Amenity

- 46 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 47 Given the nature of the development and the positioning of neighbouring windows and private amenity space, and the views afforded from the existing balcony, the proposal is not considered to cause significant harm in terms of light, overlooking or visual intrusion. The widening of the existing bathroom window on the side elevation would be permitted development (if obscured glazed) and could be conditioned as such if approved to protect privacy.
- 48 The proposal is considered to comply with Policy EN2 of the ADMP.

### Impact on Heritage Assets

- 49 As noted, the application property is a locally listed building, or a non-designated heritage asset; the description of this asset and the reason for its listing is set out in the Conservation Officer's response above, taken from the list description. The property is located within the setting of the Hartslands Conservation Area.
- 50 The NPPF states that great weight should be given to the conservation of heritage assets (para.199).

- 51 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset. The STNP, at Policy C1, supports developments that sustain and, where practicable, enhance the significance of a heritage asset, or the contribution made by its setting. New developments must, it states, be designed to preserve, and where possible, enhance the character or appearance of Conservation Areas.
- 52 As set out above, the Conservation Officer has highlighted that the existing balcony adds bulk to the side of the house and its design, although intriguing, is incongruent with the host building. However, given its lightweight structure and visual permeability, the structure as existing allows the historic appearance of the locally listed building to be seen in views of the rear elevation from Bradbourne Road and surrounding streets. The infilling of the balcony would, in contrast, further the awkward relation between the structure and the host building.
- 53 The infilled structure would give a solidity to the building that would obscure the views of the historic building and features of the first floor from the street scene.
- 54 The Conservation Officer advises that the proposed works are an unsympathetic and unsatisfactory option for providing extra accommodation. The materials are considered to further harm the significance of the locally listed building, which should be protected.
- 55 It is acknowledged that the previous context of the balcony, orientated to overlook the garden of the property, has been somewhat lost due to the development of 1a and 1b Bradbourne Road. However, the infilling of the balcony would result in this context being lost completely. The infilling of the structure would, in contrast to a lightweight balcony structure, give the appearance of a solid extension. This would result in an overly prominent appearance that would neither conserve nor enhance the non-designated heritage asset. Instead, this new addition, in such a prominent corner, position would conceal or detract from the historic features of The Old Barracks and exacerbate existing harm. It would neither conserve or enhance in line with ADMP Policy EN4 nor would it sustain and, where practicable, enhance the significance of the heritage asset in line with Policy C1 of the STNP.
- 56 The bulk of the structure would detract from the historic features visible on the Bradbourne elevation of the property, exacerbating the imbalance created on this elevation. The structure would be highly visible from the surrounding streets. The bulk, design and materials the proposed works will appear incongruent against the historic fabric of the locally listed building.
- 57 The Old Barracks is an important historic building, that positively contributes to the setting of and views into the Hartslands Conservation Area. The incongruent nature of the proposal would diminish the value of the building as a positive contribution to the setting of the Conservation Area. As noted, this would be exacerbated by the proposed materials (timber effect cladding), which is not in accordance with the historic materials of area. Whilst it is accepted that this is at the lower end of less than substantial harm, the proposal does not conserve nor enhance the setting of the Conservation Area.
- 58 Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the

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application. The ADMP and STNP further confirms that locally listed buildings are included when referring to heritage assets. Due to bulk, design and materials, it is considered that the proposed works would neither conserve nor enhance the locally listed building, instead causing direct harm to its significance. The proposal would also cause harm to a building within the setting of a designated Conservation Area.

- 59 This is contrary to EN4 of the ADMP, Policy C1 of the STNP and paragraph 203 of the NPPF.

### Community Infrastructure Levy (CIL)

- 60 The proposal is not CIL liable.

### Conclusion

- 61 Overall, the bulk, unsympathetic design and materials neither conserves nor enhances the locally listed building, located in a prominent position and within the setting of a designated Conservation Area. The proposal is considered cause harm to the significance of the non-designated heritage asset and consequently is contrary to policies EN4 of the Sevenoaks Allocations and Development Management Plan (ADMP) and C1 of the Sevenoaks Town Neighbourhood Plan (STNP) as well as the heritage principles of the NPPF (specifically paragraph 203). The bulk and design of the proposal, in a highly prominent position is considered to have a detrimental effect on the overall appearance of the street scene contrary to policies EN1 of the ADMP, SP1 of the Core Strategy and C4 of the STNP.

- 62 It is therefore recommended that this application is refused.

### Background papers

- 63 Site and block plan

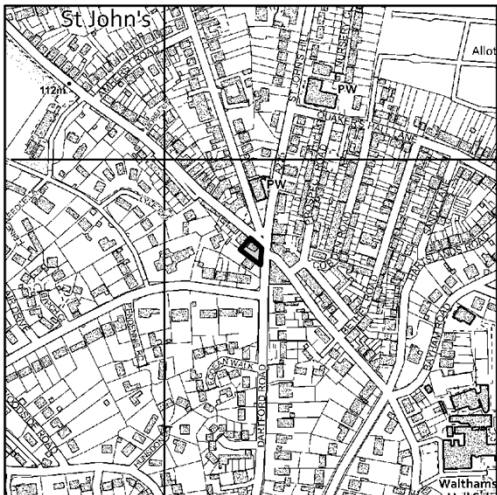
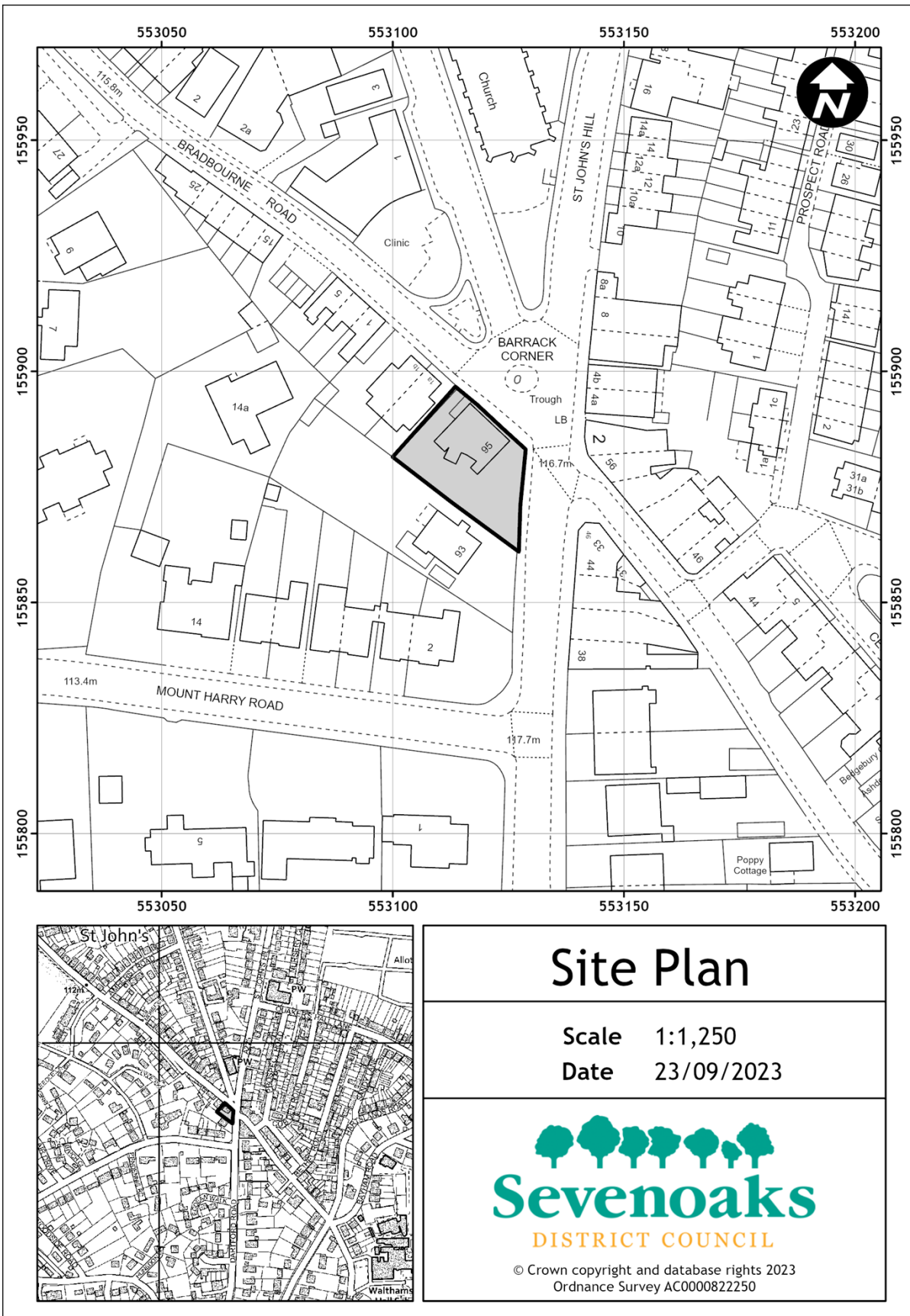
Contact Officer(s):

Abbey Aslett: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



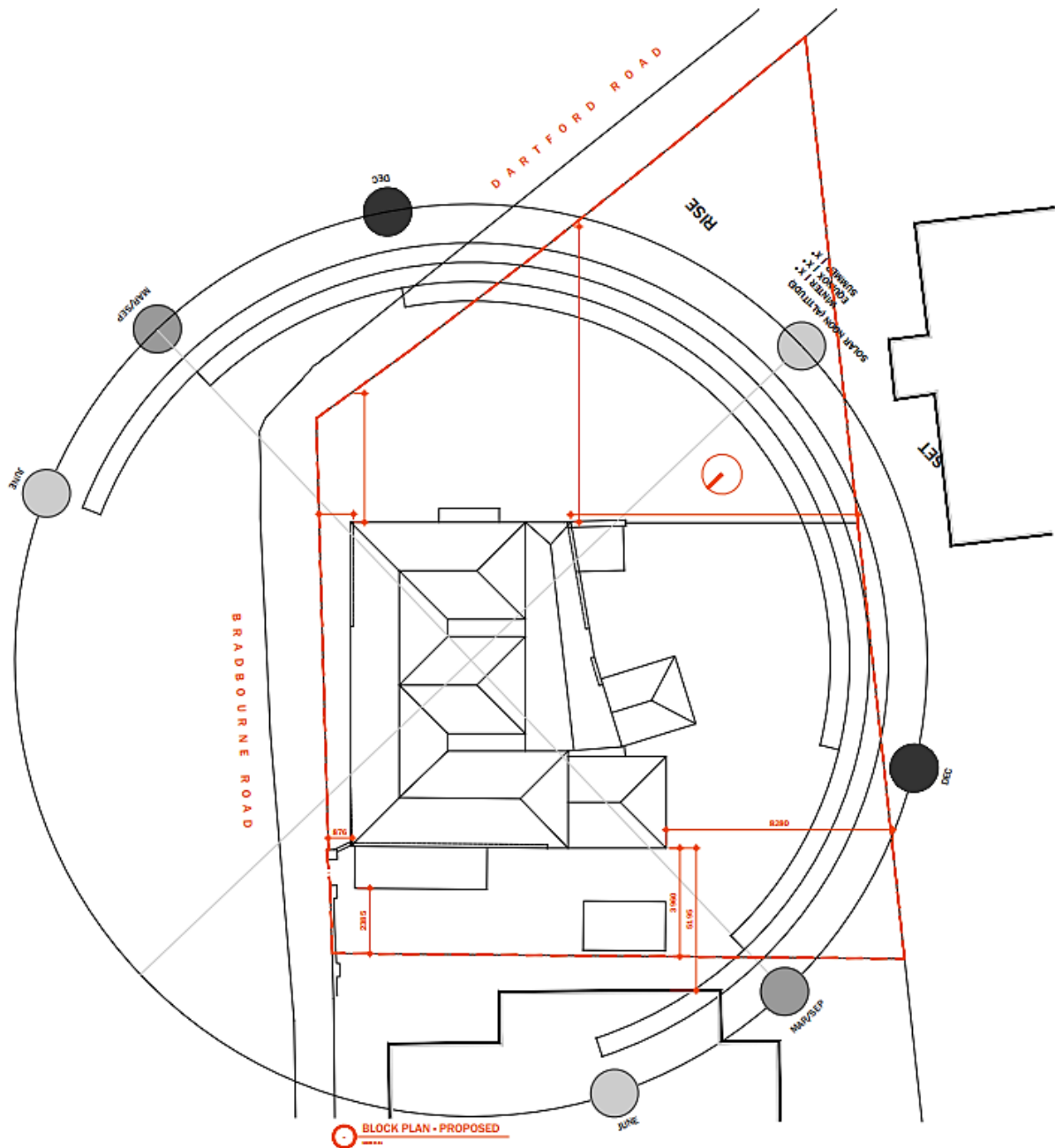
# Site Plan

Scale 1:1,250  
Date 23/09/2023



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Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN



4.2 23/00575/FUL

Revised expiry date 17 November 2023

Proposal:

Installation of a rugby pitch together with associated changing rooms, toilet facilities and training area.

Location:

The Olympic , Beechenlea Lane, Swanley Kent BR8 8DR

Ward(s):

Swanley Christchurch & Swanley Village

### **Item for decision**

This application has been called to Committee By Councillor Barnes on the grounds that the proposal would have an enhancement to biodiversity.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:

The proposal would result in the loss of part of a priority habitat and would not provide an adequate compensation scheme nor a net gain in biodiversity. There would be significant harm to biodiversity resulting from the development that cannot be avoided (based on the scheme as submitted) adequately mitigated, or compensated for, thus, according to para 180 of the NPPF, planning permission should be refused. The scheme would be contrary to the NPPF and policy SP11 of the 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 site consists of a flat mown grassed area, which is located within the curtilage of The Olympic. The rugby pitches and associated buildings would be located where the forming driving range was situated.
- 2 The Olympic is a building located along Beechenlea Lane which is owned by Swanley Town Council. The building is used as a conference and function centre which also includes sports facilities for use.

### **Description of proposal**

- 3 The proposal seeks planning permission for the installation of a rugby pitch together with associated changing rooms, toilet facilities and training area. The proposal would be located to the rear of the existing building complex called The Olympic.

## Agenda Item 4.2

### Relevant planning history

- 4 86/01987/HIST - Alterations to existing building to form one bedroom flat for occupation by manager – GRANT - 07/01/1987
- 5 84/00791/HIST - Erection of first floor extension to premises to form club room – GRANT - 30/07/1984
- 6 81/00895/HIST - Additions to flood lighting system – GRANT - 05/08/1981
- 7 80/01247/HIST - Floodlighting of golf course – GRANT - 18/12/1980
- 8 79/01334/HIST - Conversion of part of the ground floor of the existing club house to a one bedroom manager's flat – GRANT - 06/02/1980
- 9 81/00765/HIST - Erection of an extension to existing building to form 2 squash courts and children's room with terrace at first floor – GRANT - 14/08/1981
- 10 77/00798/HIST - Erection of clubhouse and construction of vehicular and pedestrian access – GRANT - 12/09/1977

### Policies

- 11 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 proposed<sup>7</sup>; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Footnote 7 (see reference above) relates to policies including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 12 Core Strategy (CS)

- LO1 Distribution of Development
- LO8 The Countryside and the Rural Economy
- SP1 Design of New Development and Conservation
- SP10 Green Infrastructure, Open Space, Sport & Recreation Provision
- SP11 Biodiversity



13 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN6 Outdoor Lighting
- T2 Vehicle Parking

14 Other

- Development in the Green Belt Supplementary Planning Document (SPD)
- Sport England's Playing Fields Policy

**Constraints**

15 The following constraints apply:

- Metropolitan Green Belt

**Consultations**

16 Swanley Town Council – three responses received

17 The Town Council has ticked the no objections box on their formal response, however they have provided the following comments to the application. The Town Council has stated they fully supported the proposal and have highlighted the following response,

1. An additional site owned by Swanley Town Council has been found opposite the Olympic which can be bio-enhanced.

2. The development will still preserve the openness of the greenbelt in line with NPPF.

3. The rugby pitch and training pitch will enhance the sport provision in the town.

18 Strongly support. There would be a 19.45% positive net change to habitat and 113.05% positive net change on hedgerows.

19 Strongly Support – We specifically support the amended removal of the site across the road (Hawkhurst) from this application due to the new evidence supplied and contained within the 2023 Ecological Survey Report. This facility is vital for a Town already severely lacking in leisure provisions and notably deprived both financially and with health inequalities. Access to free and open leisure facilities are vital in mitigating against these challenges.

20 KCC Ecology

21 KCC Ecology have provided three formal consultation responses during the course of this application. In summary, the first two comments raised concerns about:

22 The first two responses from KCC Ecology are summarised below:

## Agenda Item 4.2

23 April 2023

24 We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application. The efforts the applicant has gone to, to provide sufficient compensation for the loss of the lowland acid grassland Habitat of Principal Importance (also known as Priority Habitats) under section 41 of the Natural Environment and Rural Communities Act 2006 is very much appreciated.

25 However, further information is requested prior to determination:

- A biodiversity gain plan that includes the required bespoke compensation for the loss of lowland acid grassland habitat;
- The associated biodiversity metric calculations in the original excel spreadsheet format;
- The completed condition assessment sheets used to provide the baseline information for the biodiversity net gain calculations;
- A revised Biodiversity Enhancement Strategy to ensure that it reflects all the survey information, biodiversity net gain information, all the proposed avoidance, mitigation, compensation and enhancement measures proposed for the site. This should include relevant protected species such as skylark and reptiles, as well as the adjacent ancient woodland, the compensation site AND realistic long-term management proposals both on-site and off-site to ensure a biodiversity net gain is deliverable as part of this project.

26 May 2023

27 Following our previous response, we have been requested to supply some condition wording to secure a biodiversity net gain for the site, including for the following elements of the project:

- A biodiversity gain plan that includes the required bespoke compensation for the loss of lowland acid grassland habitat (a Habitat of Principal Importance for conservation under the Natural Environment and Rural Communities (NERC) Act 2006);
- The associated biodiversity metric calculations in the original excel spreadsheet format;
- The completed condition assessment sheets used to provide the baseline information for the biodiversity net gain calculations;
- A revised Biodiversity Enhancement Strategy to ensure that it reflects all the survey information, biodiversity net gain information, all the proposed avoidance, mitigation, compensation and enhancement measures proposed for the site. This should include relevant protected species such as skylark and reptiles, as well as the adjacent ancient woodland, the compensation site AND realistic long-term management proposals both on-site and off-site to ensure a biodiversity net gain is deliverable as part of this project.

28 We would like to remind Sevenoaks District Council that habitats of principal importance are “Capable of being a material consideration in the...making of planning decisions.” (Paragraph 84, Government Circular (ODPM 06/2005)). Further, section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a

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general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity.

- 29 Paragraph 180 of the NPPF 2021 also states: “When determining planning applications, local planning authorities should apply the following principles:...a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”
- 30 We maintain that conditioning the above information is unwise because there is a strong possibility that any condition attached to a granted planning permission will be impossible to discharge on feasibility grounds that include difficulty of habitat recreation, and cost.
- 31 Following additional Ecology Information submitted, another round of consultations were carried out and the following comments were received in September 2023.
- 32 Subsequent to our previous letter, the following information has been submitted in support of the application:
- A Defra biodiversity metric 4.0;
  - An updated botanical walkover and grassland condition assessment;
  - An ecological mitigation, compensation and enhancement strategy for the site.
- 33 Habitats of principal importance such as the lowland acid grassland on-site are “Capable of being a material consideration in the...making of planning decisions.” (Paragraph 84, Government Circular (ODPM 06/2005)). Further, the Environment Act 2021 has strengthened section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which places a general duty on all public authorities, including the local planning authorities. This strengthened biodiversity duty requires public authorities to consider what they can do to conserve and enhance biodiversity.
- 34 Paragraph 180 of the NPPF 2021 also states: “When determining planning applications, local planning authorities should apply the following principles:...a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”
- 35 Under current proposals, according to Arbtech there is a projected loss of around 0.54 ha of lowland acid priority grassland habitat, with around 0.67 ha retained and enhanced. Due to the rarity of this habitat in the county, even a small loss of this habitat could be considered significant.
- 36 History of site management
- 37 The applicant has informed KCC EAS that the site was managed as a golf driving range between 1980 and 2017. It was then grazed by horses between 2017 and 2022. Then, between 2022 and 2023 management has been as a golf driving range. The applicant has stated that this has resulted in 10 grass cuts across the site in 2022 and seven so far in 2023 (to the end of August), with a further three to five cuts expected.

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- 38 This was surprising, as evidence gathered by the botanists that visited the site, were indicative of a less active cutting schedule than indicated by the applicant. The 2022 botanical survey report suggests that there was a recent lack of management [cutting] across large parts of the site, with a small strip regularly mown. The 2023 botanical survey report suggested that cutting of certain areas of the site could be on an annual basis, with other areas more frequent and others less frequent.
- 39 Defra metrics and botanical survey reports
- 40 The botanical survey report submitted with the application in March 2023 indicated that the lowland acid priority grassland was in 'good' condition following a survey on 24th June 2022, and in accordance with the criteria associated with the Defra biodiversity metric 3.0. The surveyor who carried out the survey is an experienced botanist with a Botanical Society of Britain and Ireland Field Identification Skills Certificate (FISC) level 5. A level 5 certificate is awarded to botanists who have demonstrated sufficient botanical identification skills to be able to teach others field identification, and who have 'very good ID skills'. At the time of this survey, much of the grassland was long, with a few areas of short mown grassland.
- 41 An updated botanical walkover and grassland condition assessment was carried out 22<sup>nd</sup> June 2023 by an ecologist with around 15 years of experience in identifying plants and fungi. At the time of the survey, the grassland had been recently cut, with the arisings left in-situ. The botanist suggested that there was a thick layer of arisings around the edges of site, but less so in the centre of the site and that this indicated an annual mowing regime for the centre of the site (with some areas more regularly mown), but a less than annual mowing regime for the edges of the site.
- 42 This botanist who carried out the 2023 survey used the Defra biodiversity metric version 4.0 to provide a condition assessment and found the lowland acid priority grassland habitat to be in 'moderate' rather than 'good' condition. The criteria used to classify the habitat condition had barely changed between versions 3.0 and 4.0. However, the botanists differed in their assessment of criterion 2: "Sward height is varied (at least 20% of the sward is less than 7cm and at least 20% is more than 7cm)..."
- 43 The classification of the condition of the grassland is important because it has a bearing on the ability of the site to achieve a biodiversity net gain on-site. The classification of the grassland as moderate condition permits an enhancement strategy for retained grassland, which should permit it, with appropriate management, to achieve good condition, and compensate for the minor loss of lowland acid priority grassland habitat from the site as a result of the proposed development. This scenario would also permit a biodiversity net gain of 19.45% according to the calculations provided by Arbtech (although issues relating to differences in the areas of habitat before and after development have not been resolved in the spreadsheet).
- 44 Using the same calculation spreadsheet provided by Arbtech, but only changing the condition of the lowland acid priority grassland habitat to 'good' condition produces a biodiversity net loss of -57.68%.
- 45 In accordance with paragraph 262 of the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government, and taking a precautionary approach, we consider that the appropriate ecological baseline should be a lowland acid priority grassland of 'good' condition. We have consulted with the applicant, Arbtech, and Lesley Mason and have taken all the information

provided, as well as published best practice<sup>3</sup> into consideration to reach this conclusion.

- 46 Taking the 2022 botanical survey as the baseline, would require off-site compensation as previously advised to achieve no biodiversity net loss and a biodiversity net gain. The suitability of any compensation site would need to be demonstrated in advance of determination through appropriate baseline surveys that could include botanical survey and soil sampling, as well as any other surveys deemed necessary by a suitably qualified ecologist.
- 47 On-site enhancement of retained grassland
- 48 We have reviewed the grassland management recommendations and do not consider that the grassland management recommendations are appropriate for all the types of grassland on the site.
- 49 The retained neutral grassland around the edges of the site would benefit from grassland cutting on a three to five-year rotation, with no more than one third of the grassland cut in any one year in order to protect the reptiles and to benefit invertebrates on-site.
- 50 The retained lowland acid grassland would likely benefit from more than one cut per year following the advice of a botanist so that flowering plants have a chance to flower and set seed before being cut. An example cutting regime could be: a cut in late July/August once flowering has finished for key species, and then monthly cutting until the ground is too wet in winter in order to emulate aftermath grazing. Then there could be a cut in spring prior to flowering. The grass would not be cut between April/May and July/August (dependent on botanist advice). To meet the requirements of the condition assessment sheets in the metric, a system of zoning could be created in the grassland to permit variable patches to remain uncut during some months in the cutting season.
- 51 The Natural England Lowland Grassland Management Handbook<sup>4</sup> provides some useful guidance on the management/management aims of U1 *Festuca ovina* – *Agrostis capillaris* – *Rumex acetosella* grassland, although the slightly differing requirements of the Defra biodiversity metric will also need to be considered.
- 52 We request that the proposed management of the retained grassland be updated, although this could be secured by condition. We would also request that attempts be made to avoid fertiliser and foster sensitive management for this grassland type, even on the rugby pitch/training area as far as possible and as previously suggest by both Kent Wildlife Trust and Lesley Mason.
- 53 KCC Ecology were asked to clarify whether their comments noting that the applicant was no longer proposing compensation as part of this application. Their further comments, recommending refusal are set out below.
- 53 “It is our opinion that based on current proposals there will be a net loss of biodiversity from the site. It is our opinion that this is in contravention of national and local planning policy, as well as the legal biodiversity duty of public bodies.
- 54 Under current proposals, according to Arbtech there is a projected loss of around 0.54 ha of lowland acid priority grassland habitat, with around 0.67 ha retained and enhanced. Due to the rarity of this habitat in the county, even a small loss of this habitat could be considered significant.

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- 55 We disagree with the Arbtech assessment that enhancement of the retained grassland will adequately compensate for the loss of 0.54 ha of lowland acid grassland and provide a biodiversity net gain on-site.
- 56 We are of the opinion that a suitable bespoke on- **and** off-site compensation strategy needs to be identified prior to determination as there is a strong possibility that any condition attached to a granted planning permission for off-site compensation may not be adequately discharged on feasibility grounds, that includes difficulty of finding a suitable site for enhancement, difficulty of habitat recreation, and/or unexpectedly high costs that make the entire project unviable.
- 57 Relevant Policy and Legislation
- 58 Paragraph 180 of the National Planning Policy Framework (NPPF) 2023 states: “When determining planning applications, local planning authorities should apply the following principles:...a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”
- 59 Habitats of principal importance (priority habitats) such as the lowland acid grassland onsite are “Capable of being a material consideration in the...making of planning decisions.”
- 60 (Paragraph 84, Government Circular (ODPM 06/2005)). Lowland acid grassland is identified as a priority habitat in the UK Biodiversity Action Plan (UK BAP). The habitats are listed to help public bodies such as local planning authorities meet their 'biodiversity duty' to be aware of biodiversity conservation in their policy or decision making.
- 61 Policy SP 11 – Biodiversity, of the Sevenoaks District Council Core Strategy (Adopted 2011) states: “The biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.” The explanatory text includes the following: Paragraph 5.7.3 “...biodiversity is not confined to protected sites but occurs throughout rural and urban areas. It is therefore important, and in accordance with Government advice, that Biodiversity Action Plan priority habitats and species are protected and enhanced wherever they occur”.
- 62 Detailed Reasoning
- 63 The Grasslands Trust (2012) estimates that 20,000 ha of lowland acid grassland remains in England (Hicks and Doick, 2014). According to research carried out by Kent County Council (ARCH, 20121), acid grassland habitat is a rare habitat in Kent. There is an estimated 253.5 ha to 261.12 ha of the UKBAP priority habitat lowland acid grassland left in the county, a decrease of 40% of that recorded in 1990 (ARCH, 2012). This equates to between approximately 234.7 and 241.8 football pitches<sup>2</sup> of this habitat remaining in Kent. Sevenoaks District has the highest proportion of acid grassland (36% of the county resource) in the county (ARCH, 2012).
- 64 There have been two ecological assessments provided regarding the condition of the acid grassland on-site. The assessment submitted with the application in March 2023 indicated that the lowland acid priority grassland was in ‘good’ condition following a survey on 24<sup>th</sup> June 2022. An updated botanical walkover and grassland condition assessment was carried out 22<sup>nd</sup> June 2023 and the lowland acid priority grassland habitat was re-defined as being in ‘moderate’ rather than ‘good’ condition. The

grassland had recently been cut prior to the visit in 2023 which was not the case for the 2022 visit.

- 65 The re-classification of the grassland as being in 'moderate' condition in 2023 meant that the loss of the 0.54 ha of grassland could be compensated for through the enhancement of the retained 0.67 ha of grassland, permitting a biodiversity net gain of 19.45%. This net gain is not possible if the grassland is classified as being in 'good' condition. Changing the baseline condition of the lowland acid priority grassland habitat to 'good' condition produces a biodiversity net loss of -57.68% under current proposals. With this scenario, off-site compensation<sup>4</sup> is then needed to achieve no net loss and a biodiversity net gain.
- 66 In accordance with paragraph 265 of the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government, and taking a precautionary approach, we consider that the appropriate ecological baseline should be lowland acid priority grassland of 'good' condition. We have consulted with the applicant, Arbtech, and Lesley Mason and have taken all the information provided, as well as published best practice<sup>6</sup> into consideration to reach this conclusion.
- 67 Taking the 2022 botanical survey as the baseline, would require off-site compensation to achieve no biodiversity net loss and a biodiversity net gain. The suitability of any compensation site would need to be demonstrated in advance of determination through appropriate baseline surveys that could include botanical survey and soil sampling, as well as any other surveys deemed necessary by a suitably qualified ecologist.
- 68 Lowland acid grassland is difficult to compensate for due to the soil and nutrient requirements of the target ecological community. Without a suitable compensation site being identified in advance of determination we would be concerned that any condition attached to a granted planning permission could not be discharged.
- 69 Suitable Compensation
- 70 It is down to the applicant to demonstrate suitable compensation. However, we note there are records of acid grassland on land off-site to the east. There is ~0.15 ha of mapped acid grassland to the west of the previously proposed off-site compensation area as shown in n Figure 1, below.
- 71 When an off-site compensation area was previously proposed (Figure 2), no information regarding proposals for ecological compensation, or the condition status of the potential area of acid grassland was provided by the applicant. Information provided should have included a baseline botanical survey of the off-site area, carried out at the correct time of year, by a suitably competent ecologist, as a minimum. Information should also have been included regarding how the area would need to be managed to compensate for the loss of acid grassland on-site.
- 72 It is our view that were compensation proposed on the previously proposed off-site area, the existing football pitch on this site, could be retained (as needed by Sport England), as well as the 0.15 ha of lowland acid grassland along the western boundary, potentially enhanced as a measure of compensation for grassland lost on-site. However, the viability of this option would be dependent on the results of ecological baseline surveys to determine whether the acid grassland showing on KLIS mapping<sup>7</sup> is still present, and if so, in what condition.

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- 73 If possible to use enhancement of 0.15 ha of acid grassland as compensation for the grassland lost to the development, it would not fully compensate for the loss of 0.54 ha of lowland acid grassland. Therefore, a management agreement for enhancement (subject to ecological baseline surveys confirming suitability) if the land is not within the ownership of the applicant could be explored (for example) for the land to the east of the 0.15 ha of acid grassland shown in Figure 1.
- 74 If either or both of these options are not suitable, other options for compensation should be explored to avoid a biodiversity net loss as a result of proposals.”
- 75 Natural England
- 76 Natural England have no objection to the application but have provided the following advice:
- 77 Ancient woodland, ancient and veteran trees
- 78 You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.
- 79 You can also use the following inventories in your decision-making:
- the Woodland Trust’s ancient tree inventory (ATI)
  - Natural England’s wood pasture and parkland inventory (includes ancient sites) on the Magic map system.
- 80 Priority habitats and Species
- 81 Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.
- 82 Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.
- 83 Sites of Special Scientific Interest Impact Risk Zones
- 84 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user



guidance can be accessed from the data.gov.uk website. Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A

85 Sport England

86 The original comments from Sport England objected to the application as the original proposal included the loss of a playing field which would act as compensation land for the loss of the acid grassland.

87 Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

88 Sport England objected to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

89 Following these comments, the application was revised to remove the loss of the playing field and the following comments were received:

90 Thank you for re-consulting Sport England on the above application with additional information namely the football pitch on site is to be left untouched instead of being designated as an area for ecological enhancements. Sport England has reconsulted with both the Football Foundation and Rugby Football Union, (RFU). The Football Foundation has no objection to the proposal now. The RFU has no objection but are still seeking clarification on the construction of the rugby pitch. This can be conditioned (see further comments below). Given the key reason for objection has been removed – the loss of a football pitch for the creation of an area for ecological enhancements is no longer happening, Sport England is now in a position to withdraw its statutory objection which was lodged on the 21st April 2023. Also, the planning application is no longer a statutory planning application, it is in fact non-statutory for Sport England.

91 Sport England – Non-Statutory consultee role and policy

92 The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-spacesports-and-recreation-facilities-public-rights-of-way-and-local-green-space#openspace-sports-and-recreation-facilities>

93 This application falls within the scope of the above guidance as it relates to the creation of new playing fields. Therefore, Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport>

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- 94 Based on the consultations with the RFU we recognise the need for the new pitch, training area and changing room but there is a need to ensure the proposed pitch is constructed correctly and as mentioned above this can be dealt with by a condition.
- 95 Conclusion
- 96 This being the case, Sport England offers its support for this application, as it is considered to meet the objective Provide as set out above. Sport England recommends, based on our assessment, that if the Council is minded to approve the application, the following planning condition should be imposed.
- 97 Prior to commencement of the development, the following information will be submitted to the local planning authority:
- a) A detailed assessment of ground conditions of the land proposed for the new/retained/replacement playing field land as shown on drawing number 148-PD-02 Rev B shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality (including appropriate drainage where necessary)
- 98 The information will be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.
- 99 Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with LP Policy
- 100 If you wish to amend the wording of the recommended condition, or use another mechanism in lieu of the condition, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.
- 101 Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.
- 102 SDC Planning Policy
- 103 Impact on the Green Belt
- 104 The site lies fully within the Metropolitan Green Belt and therefore it is considered that a very special circumstances (VSC) case would be required to justify the granting of this application.
- 105 Policy LO8 of the Core Strategy (2011) states, 'the extent of the Green Belt will be maintained'.
- 106 Paragraph 145 of the National Planning Policy Framework (NPPF) states that construction of new buildings in the Green Belt is inappropriate with some exceptions, including the provision of appropriate facilities such as outdoor sport and

recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within in.

- 107 Therefore, the proposed use may be considered appropriate development in the Green Belt providing it preserves the openness of the Green Belt in line with the provisions of the NPPF.
- 108 Assessed need for additional sports facilities:
- 109 The Playing Pitch Strategy April 2018 assessed the quality and quantity of playing pitches across the District, it recommended all pitches should be retained, quality improved and provision for new facilities be sought.
- 110 Making the land available for sports pitch use consistent with Policy LO8 would be of some benefit in safeguarding the long-term future of the land and providing an additional sports facility for which there is a significant deficit in the Northeast of the District.
- 111 The Playing Pitch Strategy April 2018 also draws attention to the lack of adequate maintenance of existing playing pitch facilities.
- 112 The new Local Plan for Sevenoaks District
- 113 The new Local Plan will seek to retain existing sport and leisure provision within the District and encourage proposals for new playing pitches in accordance with the Playing Pitch Strategy recommendations.
- 114 The Council has recently adopted a new Local Development Scheme for the emerging Local Plan, which sets out that the Local Plan will be submitted for Examination in 2024 with adoption expected in 2025.
- 115 A focus of the new Local Plan is sustainability, and sites in the most sustainable locations will be preferred over those which are more remote or with more limited access to services and facilities. National policy also states that new development should be focused outside of protected areas such as Areas of Outstanding Natural Beauty (AONB) and the Green Belt.
- 116 Swanley is designated as a Town in the Settlement Hierarchy 2022, and is considered our second most sustainable settlement within the District. The Core Strategy sets out that development in Swanley will be welcomed to better meet the needs of the population it serves.
- 117 Conclusion
- 118 In view of the above, there are no Planning Policy objections to the proposal, provided that the Case Officer is satisfied that the development preserves the openness of the Green Belt, in line with the NPPF.
- 119 It is suggested that some mechanism be included to ensure that the ground be suitably maintained to guarantee acceptable provision of open space, sport and recreation facilities.
- 120 SDC Environmental Health

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- 121 The Environmental Protection team have no objection to the above planning application.
- 122 As the new rugby facilities may bring in more cars to the site, EV charging points should be considered to be installed in the car park if do not already exist.
- 123 KCC Archaeology
- 124 Thank you for your letter consulting us on the above planning application for installation of a rugby pitch with associated works. The site of proposed development lies in an area of potential for prehistoric and later remains. The wider site, especially the area and field to the North West has high potential for prehistoric activity, particularly associated with possible ring ditches. A ring ditch is very clear on 2008 aerial photos and on the HER but it is not clear if this survives or if it is part of a broader burial ground and prehistoric activity nearby. In view of the archaeological potential, I recommend the following condition is placed on any forthcoming consent.
- 125 Kent Police
- 126 We have considered this application regarding Crime Prevention Through Environmental Design (CPTED) in accordance with the National Planning Policy Framework (NPPF). Design and Access Statements (DAS) should demonstrate the design helps create an accessible and safe environment while minimising crime and disorder and fear of crime. Secured by Design (SBD) is the official UK Police flagship initiative combining the principles of designing out crime with physical security, found at [www.securedbydesign.com](http://www.securedbydesign.com).
- 127 Applicants/agents should consult a local Designing Out Crime Officer or qualified specialist to help design out opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict. In addition, we strongly recommend that the applicant bases the design on the SBD Homes 2019 guide for specifications for doorsets, windows, lighting, perimeter security and other suitable specifications. We recommend the applicant attains an SBD certification, which is free of cost, to show commitment to crime prevention and community safety.
- 128 The applicant/agent should demonstrate the seven attributes of CPTED when applicable. CPTED addresses: Access and Movement: Places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security; Structure: Places that are structured so that different uses do not cause conflict; Surveillance: Places where all publicly accessible spaces are overlooked; Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community; Physical Security: Places that include necessary, well designed security features; Activity: Places where the level of human activity is appropriate to the location and creates a sense of security at all times and Management and Maintenance: Places that are designed with management and maintenance in mind, to discourage crime in the present and future.
- 129 Having reviewed the application online, we would like to make the following comments:
- 130 Site permeability.
- 131 It is important to control the permeability in order to prevent crime, trespassing and anti-social behaviour. A clearly defined boundary using a fence, wall or other effective barrier against intrusion is a prerequisite for a secure site and to define ownership. A

densely planted defensive perimeter treatment can be created or utilised to aid perimeter security. However, we recommend mesh fencing to be incorporated to prevent any gaps that can potentially allow trespassing.

- 132 Access and egress will require gates of same height as boundaries to allow area to be secure when not in use, especially at night. Gates should be lockable and designed so that the locking areas do not act as potential hand or foot holds to aid climbing. In addition, any pedestrian and cycle routes must be separate and clearly designated for safety. They must be well lit and maintained, devoid of potential hiding places and enable natural surveillance along the path and its borders.
- 134 Cycle and bin storage.
- 135 Any cycle parking provisions should be contained within a well-lit, securable, roofed building and promote natural surveillance. We recommend the inclusion of SBD or Sold Secure Gold Standard ground/wall anchors. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can be used as a means to commit crime, be a climbing aid or even an arson hazard.
- 136 Car Park.
- 137 The design criteria for the car park should follow the principles laid down in the police owned 'ParkMark' initiative - appropriate lighting, CCTV, Security fencing, Exit/entry barriers or gate, clear signage to help drivers and pedestrians navigate the car park safely etc. Secure motorcycle, moped and scooter parking should be made available and the inclusion of SBD or Sold Secure Gold standard ground anchors are recommended. Such parking provision should also benefit from natural surveillance, be lit after dark when in use and be secure when not in use to prevent anti-social gathering and criminal activity. Any EV charging points should be provided in a safe and secure space and should benefit from maximum natural surveillance.
- 138 Lighting.
- 139 A qualified lighting engineer should be consulted, and a suitable lighting policy should be installed to help deflect criminality, while minimising light pollution. Lighting of all roads including main, side roads 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.
- 140 Storage.
- 141 Secure storage for play and sports equipment should, where possible, be provided within the main building (Olympic Centre), with ready secured access from outside.
- 142 Alarms.
- 143 The Olympic Centre and any storage facility should be fitted with a suitably designed, fit for purpose, monitored intruder alarm system, ideally monitored or fitted with remote monitoring. Any fire doors should be fitted with alarms to help prevent unlawful access and trespassing if doors are left unsecured.

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- 144 Windows.
- 145 Windows and the glazing should meet SBD standards. A sandwich of toughened and laminated glazing should be considered. Toughened glazing offers protection to accidental impact, e.g. rugby balls, while laminated glazing provides enhanced security.
- 146 Consideration could be given to additional shuttering for easily accessible windows as an added layer of security. Window apertures should meet the following minimum standards:
- 147 Doorsets.
- 148 External doorset apertures should meet one of the following minimum standards, doorsets must be certificated by an UKAS accredited certification body.
- 149 CCTV.
- 150 CCTV provision and management is recommended for the Olympic Centre entrances, cycle parking provisions, car park and storage areas as part of the security requirements for this proposal.
- 151 Landscaping.
- 152 Trees should be pruned so that they do not provide climbing aids, which may compromise perimeter security. In addition, trees shouldn't obscure lighting columns or CCTV cameras.
- 153 SBD includes a list of products that have been awarded the 'Police Preferred Specification' status, which includes doorsets, windows, CCTV, boundary and perimeter treatment, among others. If approved, site security is required for the construction phase. There is a duty for the principal 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.
- 154 Our comments are designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.
- 155 This information is provided by Kent Police Design Out Crime Team and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.
- 156 KCC Highways
- 157 Thank you for your consultation in relation to the above planning application. I note that in highway terms the proposals do not differ materially from the previous application for this site, SE/22/01848.
- 158 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 permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- 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.

- 159 I note that since my previous comments, there have been no changes to this application which would affect the highway aspects of this proposal. Consequently, my previous comments dated 20th April 2023 still stand and the suggested conditions are considered appropriate
- 160 Urban Design Officer
- 161 The NPPF requires all schemes to demonstrate compliance with the principles set out within the National Design Guide 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. Other guidance used to assess the proposal include Building for a Healthy Life, Green Infrastructure Planning and Design Guide and Kent Design Guide.
- 162 Context: enhance surroundings
- 163 The site is located outside the east of Swanley Town and forms part of the Olympic Centre, which includes sports facilities for outdoor bowls, snooker and boxing and an events space. The proposed sites is located directly east of the outdoor Bowling Green and have previously been used as a golf driving range. The site is largely grassland with a long rectangular open canopy structure along the western edge previously used for the driving range.
- 164 The proposal will retain the canopy structure and introduce changing facilities and toilets accommodated within two simple and functional single storey steel cabins sited to the rear (west) of the existing canopy. Due to this, the proposed buildings will have minimal visual impact on the site and its surroundings and therefore raise no concern. The impact of the proposed rugby pitch and training area on the site also raises no concern.
- 165 Nature: enhanced and optimised
- 166 It is suggested that a vegetated roof could be adopted for the changing room accommodation to improve the biodiversity opportunities and sustainable water management of the proposal in line with the NDG, paragraph.91
- 167 No further comments following the amendments made to the application.
- 168 SDC Tree Officer
- 169 The space shown for the pitch is open grassland with no trees or planting of note. I therefore have no objections to the proposal. I could not ascertain where the proposed ecological enhancement area is to be located and I have not see details of the proposed enhancements. This needs to be clarified with more detailed information.
- 170 No further comments following the amendments made to the application.

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- 171 Forestry Commission
- 172 The planning authority should consider the following policy and guidance as part of their decision-making process for this application.
- 173 Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 180(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases.
- 174 Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.
- 175 Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 131 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.
- 176 Biodiversity Net Gain (BNG): Paragraph 174(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. A requirement for most development to deliver a minimum of 10% BNG is expected to become mandatory from November 2023. The planning authority should consider the wide range of benefits trees, hedgerows and woodlands provide as part of delivering good practice biodiversity net gain requirements. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through BNG.
- 177 We would also like to remind applicants that tree felling may require a felling licence from the Forestry Commission.
- 178 If you have any particular concerns that are not covered by the above, please contact us again highlighting any specific issues for us to consider in more detail. Please refer to Annex 1 attached for further guidance and advice that we hope you find helpful
- 179 Thames Water - No comment.

### Representations

- 180 74 Letters of support have been received. They are summarised below:



- General support for the application
- Good use of the land
- The proposal is much needed in the area
- Is located in an ideal location
- A good community addition
- Sports England original comments are incorrect
- Will give a permanent home to the rugby club
- Will promote fitness and local activity
- Promoting mental health through physical activity

181 2 Letter of objection was received, this is summarised below:

- Impact on the green belt
- Increase through traffic
- Insufficient parking
- Impact on ecology
- Impact on acid grassland
- Loss of high importance and protected habitat
- Loss of wildlife
- Removal/excavation of land
- Additional hardstanding is harmful

#### **Chief Planning Officer's appraisal**

182 The main planning considerations are:

- Principle of the development
- Impact on the Green Belt
- Impact on biodiversity
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways safety
- Impact on heritage assets
- Impact on the public right of way

#### **Principle of the development**

183 Policy LO8 of the Core Strategy states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. In addition, it is stated that development will be supported provided it is compatible with policies for protecting the Green Belt.

184 Policy SP10 of the Core Strategy states that open space, sport and recreation facilities of value to the local community will be retained. The site usage would be seen in connection with Paragraph 99 which states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;

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- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use
- 185 Policy SP11 of the Core Strategy relates to the biodiversity of the District, which will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. This policy is seen in connection with Para 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by:
- “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)” and “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.
- 186 Para 179 of the NPPF state:
- “that we should protect and enhance biodiversity and geodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”
- 187 The application site falls within the Green Belt with the land located behind the main building of The Olympic. The land was last used as a driving range, however this land has not been used for some time now. The site is a lowland acid grassland habitat.
- 188 The proposal may be acceptable in principle, subject to an assessment as to whether the development is compatible with policies for protecting the Green Belt and Biodiversity.
- 189 Impact on the Green Belt
- 190 Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 191 Paragraph 138 of the NPPF identifies five purposes that Green Belt serves, including to assist in safeguarding the countryside from encroachment.
- 192 Paragraph 147 of the NPPF states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.
- 193 Paragraph 148 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.
- 194 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 195 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the provision of appropriate facilities for outdoor sport as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 196 The part of the site proposed for this development was previously a golf driving range and is not currently in use. The applicant has indicated it was last used as a driving range in 2017. The proposal would see the creation of a rugby pitch and training area along with buildings to provide a sheltered area for post training/match refreshments, home and away team changing rooms and toilets in two metal containers. These buildings would be located behind the old driving range structure which is to be retained and used for spectators. This is in addition to the remodelling of the land on the site, which would involve significant excavation of the current site to create a full size rugby pitch and training pitch.
- 197 Given the nature of the proposed development, the purpose for which it is intended, and the modest changing rooms, I am satisfied that the proposal comprises appropriate facilities for outdoor sport.
- 198 The assessment of impact on openness is reliant not upon the degree of visibility but also relates to the absence of building forms. The purpose of the Green Belt is also to protect land against unrestricted development and safeguard the countryside from encroachment. The cumulative impact of the development on the openness of the Green Belt would be limited due to the size of the structures and their location adjacent to an existing building.
- 199 I am also satisfied that, for the same reasons as above, the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 200 The proposal therefore comprises appropriate development in the Green Belt in accordance with the NPPF.
- 201 Impact on biodiversity
- 202 Paragraph 174 of the National Planning Policy Framework (NPPF) 2021 states in part:  
“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”
- 203 Paragraph 180 of the NPPF 2021 also states in part:

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“When determining planning applications, local planning authorities should apply the following principles:...a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

- 204 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.
- 205 The proposed pitches and buildings would be located on lowland acid grassland which is a Habitat of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Section 40 of this Act places a general duty on a local planning authority to conserve and enhance biodiversity. The proposed pitch would have an impact upon this grassland due to the excavation works that would be needed. As identified by KCC Ecology, this would lead to loss of part of a priority habitat and therefore cause significant harm to biodiversity. In accordance with para 180 (a) of the NPPF, if significant harm to biodiversity cannot be avoided, it should be adequately mitigated or, as a last report, compensated for, and if this cannot be achieved, planning permission should be refused.
- 206 Due to the nature of acid grassland, there is inherent difficulty involved in compensating for lowland acid grassland habitat and evidence would be needed to demonstrate that the requirements of para 180 of the NPPF can be met, with the habitat compensated for.
- 207 Following the initial submitted information and the comments received from KCC Ecology in April & May 2023 in which they objected to the proposal due to the lack of information. The applicant undertook further investigations and studies which were submitted in September 2023. The information consisted of:
- A biodiversity gain plan that includes the required bespoke compensation for the loss of lowland acid grassland habitat;
  - The associated biodiversity metric calculations in the original excel spreadsheet format;
  - The completed condition assessment sheets used to provide the baseline information for the biodiversity net gain calculations;
  - A revised Biodiversity Enhancement Strategy to ensure that it reflects all the survey information, biodiversity net gain information, all the proposed avoidance, mitigation, compensation and enhancement measures proposed for the site. This should include relevant protected species such as skylark and reptiles, as well as the adjacent ancient woodland, the compensation site AND realistic long-term management proposals both on-site and off-site to ensure a biodiversity net gain is deliverable as part of this project
- 208 The applicant has previously proposed a compensation site on the west side of Beechenlea Lane, on other land they own, though it has not been demonstrated that this land could be used to re-create the acid grassland required, following the partial loss of the priority habitat on the site of the proposed new pitches.
- 209 Sports England objected to the inclusion of this site as compensation for the acid grassland as it would have led to the loss of a football pitch. Discussions with Sports England confirmed that they would object to the loss of the football pitch even if it had only been there for a temporary period, as it was an indicator of need. The

compensation site has now been removed from the proposal, and Sports England no longer raise an objection.

- 210 Whilst conditions could potentially be imposed to secure some of these works, any conditions have to comply with the tests in the National Planning Policy Guidance, including to be reasonable and enforceable.
- 211 The NPPG states that “when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects”.
- 212 Para 56 of the NPPF states:  
  
“that planning conditions should only used where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.”
- 213 As such, any conditions placed on an approval would need to meet these tests and be capable of mitigating the adverse effects. As KCC Ecology advise, it is unlikely that any ecology conditions imposed could be approved because of the cost and feasibility of recreating the lowland acid grassland habitat. Any such conditions would therefore be unreasonable, contrary to para 56 of the NPPF and would not be able to mitigate the adverse effects of the loss of a habitat of principal importance.
- 214 Further information has been submitted by the applicant to seek to address the ecology concerns. There was also the potential for information to be submitted to confirm that it was possible for any conditions requiring the recreation of the acid grassland, to be met, by demonstrating this could feasibly be achieved.
- 215 The information that was submitted has not been sufficient to overcome the objection from KCC Ecology. The applicant has now chosen to seek a decision on the application as it stands, rather than submit further details.
- 216 KCC Ecology have liaised with the applicant’s ecologist to clarify various issues, relating to the classification of the grassland and its condition, as set out in their comments above. Lowland acid grassland is difficult to compensate for due to the soil and nutrient requirements needed. As the application stands, there will be a net loss of biodiversity and significant harm to a priority habitat with its partial loss, contrary to national and local planning policy.
- 217 The proposal is likely to lead to significant harm to biodiversity and this loss of habitat has not been adequately mitigated or compensated for as part of the proposals and this could not be adequately addressed by conditions. Accordingly, as set out in para 180 of the NPPF, planning permission should be refused.
- 218 Further to this Natural England have provided comments and although not formally objecting, they have provided advice that the scheme should be refused if it has an impact on biodiversity. This reinforces the comments from KCC Ecology.
- 219 For the reasons above and following the comments from KCC Ecology it is concluded that the proposal would lead to the loss of part of a priority habitat and would not provide an adequate compensation scheme nor a net gain in biodiversity. There would be significant harm to biodiversity resulting from the development that cannot be avoided (based on the scheme as submitted) adequately mitigated, or compensated

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for, thus, according to para 180 of the NPPF, planning permission should be refused. The scheme would be contrary to the NPPF and policy SP11 of the Core Strategy.

### Status of Agricultural Land

- 220 Para 174 of the NPPF also refers to the need for planning decisions to protect and enhance the quality of soils. Natural England refer to this. NPPG advises that planning decisions should take account of the benefits of the best and most versatile agricultural land.
- 221 The site of the rugby pitch proposal is partly very good and partly good to moderate agricultural land equivalent to grades 2 and 3.
- 222 For this proposal, the development would be on an existing recreational site. Natural England have not objected to the proposal. The development is not expected to have significant implications for the loss of the best and most versatile agricultural land.

### Ancient Woodland

- 223 We have received comments from the Forestry Commission in regards to the Ancient Woodland. The designation is located more than 100m away from the proposed works on the site, outside the buffer zone, as such the proposal would not cause undue harm to the Ancient Woodland.

### Design and impact on the character and appearance of the area

- 224 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.
- 225 The modest scale of the development and its position within the wider site, set against the existing built form of The Olympic, means that the development would be discreetly located on the site. The views from the street scene would be well protected. The site can be seen from the surrounding public footpaths around the site, the proposed use and buildings would be an enhancement of the existing outdoor leisure uses at the site and would not detract from the character of the area. The buildings would be acceptable in their size, form and appearance.
- 226 The proposal does not include a landscape plan and the works would see part of the land excavated to enable the pitch to be laid flat. The works would have a limited impact on the landscape due to the varying levels of land. A soft landscaping scheme could be secured for the site to ensure that the character of the area is retained.
- 227 The proposal therefore complies with policy SP1 of the Core Strategy and policy EN1 of the ADMP.

### Impact on residential amenity

- 228 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 229 There are neighbouring residential properties to the east of the site and on the opposite side of the lane to the north. However, due to the distances of separation there would be no adverse harm to the amenities of occupants of nearby properties.

230 This is in accordance with policy EN2 of the ADMP.

### **Prevention of Crime**

231 Kent Police have been consulted on the scheme and have provided comments on how to make the area safe from crime. The comments raised some concerns but not all of these relate to this proposal. If permission is granted a condition can be secured for issues relating to the site which include cycle and bin storage, car park, lighting, storage, alarms and CCTV, to ensure that the site is safe for users and would help to prevent crime.

### **Impact on highways safety & parking**

232 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.

233 The County Highway Development Planner has assessed the scheme and, subject to a number of conditions, has concluded that the proposal would provide safe access from the highway and would provide sufficient parking on site.

234 The KCC Highways Officer has made comments in regards to the existing parking and that it should be retained. The car parking shown on the plan is that for the existing site.

235 The proposal is therefore in accordance with policy EN1 of the ADMP.

### **Impact on heritage assets**

236 Policy EN4 of the ADMP states that proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

237 The proposals include some groundworks. The KCC Archaeological Officer has been consulted and has requested a condition for a watching brief from the comments provided. The proposed works would cause a disturbance to the ground meaning the Area of Archaeological Potential could be harmed further. The imposition of a condition would ensure compliance with policy EN4 of the ADMP.

### **Impact on the public right of way**

238 The proposals would not affect the route of the public right of way that runs along the western edge of the existing football pitch. The development would also have limited impact on the users of the public right of way.

### **Provision of new pitches**

239 Policy SP10 of the Core Strategy relates to Green Infrastructure, Open Space, Sport and Recreation Provision. The policy states “open space, sport and recreation facilities, including indoor sports facilities of value to the local community will be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided”.

240 The proposal would see the creation of a rugby pitch, training area and associated changing rooms. Sport England have been consulted on the application and are satisfied with the proposal subject to conditions. The proposal would be used for

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sport and recreation facilities which will contribute to the local community, as such it would meet the tests of Policy SP10.

### Community Infrastructure Levy (CIL)

241 This proposal is not CIL liable.

### Conclusion

242 The proposal would result in the loss of part of a priority habitat and would cause significant harm to biodiversity resulting from the development, that cannot be avoided, adequately mitigated, or compensated for, thus, according to para 180 of the NPPF, planning permission should be refused. The proposal would not provide an adequate compensation scheme nor a net gain in biodiversity. The scheme would be contrary to the NPPF and policy SP11 of the Core Strategy.

243 It is therefore recommended that this application is refused.

### Background papers

244 Site and block plan

Contact Officer(s):

Scott Fisher: 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)







4.3 23/01534/FUL

Revised expiry date 17 November 2023

Proposal:

Removal of former car parking area and erection of 4 dwellings with associated drive and car parking.

Location:

Land Rear Of 26 To 32, Hever Road, West Kingsdown Kent TN15 6HD

Ward(s):

Fawkham & West Kingsdown

**Item for decision**

This application has been called to Development Management Committee by Councillor Harrison on the grounds of highway safety, parking and neighbour amenity.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 23-10-02 RevA, 03 RevA, 04 RevA, 06 and 07. In addition to following supporting documents: Noise Impact Assessment (231408).

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

3) No development including any works of demolition shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:(a) parking for vehicles of site personnel, operatives and visitors;(b) loading and unloading of plant and materials;(c) storage of plant and materials used in constructing the development;(d) programme of works (including measures for traffic management);(e) provision of boundary security hoarding;(f) measures to control the emissions of dust, dirt and noise during construction;(g) a scheme for the recycling/disposing of waste resulting from demolition and construction works(h) hours of operation.

To ensure the construction works mitigate against harm to the environment, ecology and neighbour amenity in accordance with policies EN1 and EN2 of the Allocations and Development Management Plan and SP11 of the Core Strategy.

4) No development above damp proof course level shall be carried out until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

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

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5) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved hard landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained. The soft landscape scheme shall be implemented in the first planting season following completion of the development and thereafter retained.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6) An external lighting strategy shall be submitted to and approved in writing prior to occupation of the development hereby approved. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing and no external lighting shall be installed except as agreed pursuant to this condition.

To preserve the character of the area and amenity of neighbouring residents in accordance with policies EN1 and EN2 of the Allocations and Development Management Plan.

7) The parking spaces on the approved plans shall be provided prior to first occupation of any dwelling and retained free of obstructions thereafter.

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

8) The cycle parking provisions on the approved plans shall be provided on site prior to the first occupation of any dwelling and retained thereafter.

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

9) Prior to development above damp proof course level an ecological enhancement plan shall be submitted to the Local Planning Authority for written approval. The plan shall include native species planting and ecological enhancement features to be incorporated in to the site and buildings. The measures specified in the plan shall be carried out in accordance with the approved details prior to occupation of the dwellings or in accordance with the timings set out within the approved plan.

In accordance with policy SP11 of the Core Strategy.

10) The noise mitigation measures as detailed in report 'Noise Impact Assessment 'dated 16/08/2023 by Sonic Element Ltd shall be implemented. Prior to occupation, a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the Report.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures must be retained thereafter.

To accord with policy EN2 of the Allocations and Development Management Plan.

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

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

12) Prior to the first occupation of any dwelling hereby approved details of any boundary treatments, including those that are to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those 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.

#### **Informatives**

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

2) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

#### **Description of site**

- 1 The application site is a small parcel of land, laid to hardstanding and located to the rear of 26-32 Hever Road, a parade of shops with flats above and their garage en-bloc to the rear. The site is accessed via Hever Road, between number 24 and 26, and is currently used for parking overspill for the shops on an informal basis as the land is private.
- 2 The site is surrounded by existing residential dwellings and their gardens, save for the commercial retail units fronting Hever Road. The eastern and southern boundaries are defined by high boundary fencing/walls with high hedgerows/trees to residential gardens behind these. To the west, there is also high boundary fencing and some trees within the residential gardens.

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### Description of proposal

- 3 Permission is sought for the construction of four three-bedroom dwellings (or two-bedroom plus study) spanning from the northern border of the site to the southern border, and associated parking and landscaping.

### Relevant planning history

- 4 None specific to the application site itself. There is, however, some history relating to parade of shops fronting Hever Road:
- TH/5/65/124 - Erection of two storey block of 4 shops with flats over.
  - TH/5/66/404 - Erection of two storey block of 4 shops with flats over.
  - TH/5/66/404A - Details of 4 shops with flats over.

### Policies

- 5 National Planning Policy Framework (NPPF)

Para 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Para 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- 6 Core Strategy (CS)

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- SP1 Design of New Development and Conservation

- 7 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN2 Amenity Protection
- T1 Mitigating Travel Impact
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Points.

### Constraints / Designations

- 8 The following constraints apply:

- Village confines of West Kingsdown.

## Consultations

### 9 West Kingsdown Parish Council:

“Objection -

1. This is a totally inappropriate development that would deprive the parade of shops of much needed parking space, which would have been a condition of the original planning permission. The photograph in the Design and Access statement showing 6 parked cars, confirms that the site is still used for its original purpose. The loss of this area would add to the daily chaos at the front of the shops and cause more vehicles to be parked on the yellow lines, thereby exacerbating the problems of restricted visibility when leaving the site.
2. The proposal for 4 no. 3 bedroom family houses, with only 1 parking space each, would constitute an over-development of the site. The fact that only 2 visitor spaces are provided would only add to this unsatisfactory situation and lead to more congestion at the front of the shops.
3. The proposal would be likely to result in a loss of privacy for the occupants of the surrounding bungalows. The development is so close to the southern boundary of the site that it would interfere with the roots of the conifers that overhang the boundary wall. The trees are quite old and it is likely that they would need to be removed in the not too distant future, thus detracting from the standard of privacy presently enjoyed by the occupants of those bungalows.”

### 10 KCC Highways:

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

11 A revised plan has been submitted, which demonstrates the proposed parking is in accordance with Kent Residential Parking Standards (IGN3). Cycle storage has been provided for each dwelling. EV charging points are shown on the plan, however a charger is required for each dwelling and only 3 are highlighted on the submitted plan.

12 The proposal site is private land that has been used for ad hoc parking, the land is within the control of the applicant and can be closed to the public as they choose.

13 Consequently, I refer to the above planning application and 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 permanent retention of the vehicle parking spaces shown on the submitted plan (23-10-06) prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of electric vehicle charging facilities for each dwelling 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.”

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### 14 SDC Environmental Health

"The Noise Impact Assessment by Sonic Element Ltd has been reviewed. Appropriate methodology was followed and relevant standards were referred to.

15 Internal noise levels in accordance with those specified in BS8223:2014 can be achieved with appropriate mitigation which includes insulation to external walls and roof and also double glazing. Details of these and the required specifications are provided in section 9 – Mitigation. It should be noted that with windows open, the criteria in BS8233:2014 will be exceeded and a system type 4 Mechanical Ventilation and Heat Recovery (MVHR) system is recommended for all habitable rooms. It will also be important to ensure that noise from the MVHR system does not result in an increase in internal noise levels.

16 With regards to the external amenity areas (rear gardens), levels are in exceedance of the recommended level of 55dB(A) given in BS8233:2014 - daytime background noise levels measured were in the region of 63 dB(A). A two (2) metre high close boarded fence on the eastern and southern site boundaries with a minimum mass of 20 kg/m<sup>2</sup> is recommended in order to comply with BS8233. The existing garages will provide screening to the northern site boundary.

17 In order to ensure that the recommended mitigation measures are included in the build, an appropriately worded condition should be attached to any planning consent."

### 18 SDC Tree Officer:

Request for a landscaping condition.

### 19 Thames Water:

No comments to make.

### 20 Scotia Gas Network:

Refer to standing advice, see full comments online.

## Representations

21 15 letters of objection have been received relating to the following issues:

- Parking in the area is already an issue.
- Further housing and loss of car park would exasperate the issue.
- Two visitor parking spaces will mean no possibility of creating a rear access to neighbouring garden (no.22).
- Overlooking from the proposed housing.
- Currently quiet, building works will result in a lot of noise disturbance.
- The village needs an official car park in the area.
- Shoppers will go elsewhere and the parade of shops will lose business.
- Doctors are already at capacity.

## Chief Planning Officer's appraisal

22 The main planning considerations are:

- Principle of development;



- Impact upon the character and appearance of the area;
- Impact upon residential amenity;
- Highways and parking;
- Trees, landscaping and biodiversity;
- Planning balance

### Principle of development

- 23 The proposal is for the construction of four dwellings in the centre of West Kingsdown. Policy LO1 of the Core Strategy seeks to direct new residential development to the built confines of existing settlements, the application site is located within the settlement confines of West Kingsdown and is therefore acceptable in this regard.
- 24 Policy LO7 states “Within the settlement confines of ... West Kingsdown infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available.
- 25 Within all the settlements covered by this policy new development should be of a scale and nature appropriate to the village concerned and should respond to the distinctive local characteristics of the area in which it is situated”.
- 26 An assessment as to whether the proposal would protect the character of the area is carried out in the following sections of this report, using the design criteria of policy EN1 of the Allocations and Development Management Plan. However, in terms of quantum of development, the modest scale of four dwellings – within this infill parcel of developed land – is considered acceptable. In consequence, the proposal complies with policies LO1 and LO7 of the Core Strategy.
- 27 Turning to national policy, the NPPF at paragraph 120 states that substantial weight should be given to the value of using brownfield land within settlements for homes. The application site accords with both aspects of this – it is brownfield and is centrally located within an established settlement. This paragraph also requires that planning decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”. In this context, the text refers specifically to the potential for development on car parks and service yards.
- 28 Paragraph 124 promotes development that makes efficient use of land, taking into account the identified need for housing and other forms of development and the availability of land to accommodate it. Elsewhere, the NPPF highlights the important contribution make by small and medium sized sites to meeting housing requirements – paragraph 69 states that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
- 29 As highlighted in later sections of this report, there remains a significant unmet need for housing in Sevenoaks District, with the local authority failing to deliver the required five year supply of housing or meet its delivery targets over a number of years. The development would deliver four new dwellings that would contribute to meeting this overall need and to meeting the specific need within this part of the District for two and three bedroom homes highlighted within the Sevenoaks Targeted Review of Local Housing Needs (January 2022). The delivery of homes in this location is entirely consistent with national policy, and would further support sustainable travel modes that would limit future car use. I address parking and travel matters further in the

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highway safety and parking section of this report. The loss of an informal, private car parking area is, nonetheless, supportable in this context.

- 30 In terms of national policy, the proposed development is supported in principle.

### **Impact upon the character and appearance of the area**

- 31 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
- 32 The application site is a modest parcel of land laid to hardstanding to the rear of the parade of shops and flats and their garages. The site is informally used for car parking overspill, though it is private land, the land is not formally a public car park.
- 33 The site is partially visible through the gap between the bungalow of no.24 Hever Road and no. 26, which is the western end of the parade of shops. The majority of the site is tucked behind the garage en-bloc and the parade of shops thus limiting the visibility from the main road. Other potential vantage points include Multon Road, particularly from the cul-de-sac comprising numbers 7 to 13, and very oblique views from Hever Avenue to the east.
- 34 It is proposed to construct four dwellings in a small staggered terraced block, partially giving the appearance of two pairs of semi-detached dwellings. They span from the northern to southern boundary of the site, with the fronts and rear facing west and east respectively. The dwellings are typical two storey pitched roof dwellings, with a second floor within the roof space, and are proposed to be constructed from brick with tiled roofs.
- 35 The housing typology in the area is mixed, though there is a greater proportion of single storey bungalows in this area. The scale of the dwellings is considered acceptable having taken account of the screening of the site, the setback from the main road, the restricted visibility from public vantage points and the relationship to neighbouring dwellings. It is also noted that the development is located to the rear of an existing row of two storey development and thus the dwelling would not look out of place. A massing study was submitted to demonstrate that the dwellings would fit with the scale and massing of the area and preserve neighbouring amenity, as outlined later in this report.
- 36 In terms of materials, the development incorporates brick and tiles which is sympathetic to the character of the area. Details can also be secured via condition.
- 37 With regards to landscaping, the existing site is entirely hardstanding. The proposed development includes soft landscaping, comprising residential lawn and shrub/tree planting; a landscaping scheme to provide further details can be secured via condition. The development would enhance the visual amenity/aesthetic of the site through soft landscaping and would accord with policy EN1 in this regard.
- 38 It is noted that the southern boundary comprises a row mature conifers that sit outside the site, and that the new development would be sited close to the boundary. However, the tree officer has not raised any concerns and has confirmed via email that

due to them being sited on the other side of the boundary wall the proposed development would be unlikely to result in harm to or loss of the trees.

- 39 Limited information regarding artificial lighting has been provided. The site is not in the open countryside or a protected area; however, due to the site being surrounded by existing residential development it would be sensible to ensure a lighting strategy is conditioned to ensure any proposed lighting will preserve amenity.
- 40 Overall, the proposed development is considered to preserve the character of the area and any outstanding matters can be secured via condition. In consequence, the proposals accord with policy EN1 of the Allocations and Development Management Plan and SP1 of the Core Strategy.

### **Impact upon residential amenity**

- 41 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 42 The application site is located within a mostly residential area and is surrounded on all sides by neighbouring occupants.
- 43 Flats above 26-32 Hever Road & 24 Hever Road
- 44 The proposed dwellings are over 15m away to the rear of 26-32 Hever Road and further still to the first floor flats which do not extend as far rearwards as the ground floor units. This separation distance would be sufficient to accord with the National Model Design Code and would preserve appropriate levels of privacy, outlook and light amenity for the neighbouring residents. The proposed dwellings would also not result in excessive noise disturbance; any noise impact is likely to be less than that of the existing air conditioning (AC) units to the rear of the shops.
- 45 As for number 24 Hever Road, a modest bungalow fronting the main road, this dwelling is directly adjacent to the access road/drive that leads to the application site, as is its garden. For the same reasons as above, the new dwellings would not result in an unacceptable loss of amenity through impacts on privacy, outlook or light levels. There may be some minor disturbance from traffic passing by the property; however, the number of trips for four dwellings is expected to be less frequent than the existing use of the site for informal parking throughout the day.
- 46 In terms of privacy for the neighbours fronting Hever Road, the proposed dwellings do not include any side elevation windows in the north side. Consequently, in conjunction with the aforementioned separation distances there will be no undue overlooking and subsequent loss of privacy for the neighbouring occupiers.
- 47 7 & 9 Multon Road
- 48 To the rear of the application site resides 7 & 9 Multon Road; the rear garden boundaries of these two bungalows adjoins the application site. A massing study was submitted to demonstrate that the siting of the two storey dwellings would not result in a loss of amenity for these neighbours. Due to the screening from the conifers and the separation distances only the tips of the roof pitches may be visible. As such the dwellings would not appear overbearing and dominant from either the rear gardens or

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windows of these neighbouring dwellings and thus the amenity for the occupants will be preserved. There are no south facing windows in the proposed development.

49 81 & 83 Hever Avenue

50 The eastern boundary of the application site borders the rear gardens of 81 & 83 Hever Avenue, the proposed development will not result in a unacceptable loss of privacy, light or outlook for the residents of these properties due to the separation distances which are in excess of 40m, well in excess of that recommended by the National Model Design Code.

51 20 & 22 Hever Road and 1 Multon Road

52 The proposed dwellings are set to be located towards the middle of the site, in line with the middle of the garage en-bloc. Consequently, the dwellings would be over 20m from the gardens of 20 & 22 Hever Road and further still to the rear of 1 Multon Road. These separation distances are considered sufficient to preserve amenity. The distance to the rear garden of number 24 Hever Road is less, however the amenity garden area (first 5m from rear of the dwelling) is sufficiently located away to preserve amenity.

53 Other considerations

54 The concerns regarding construction vehicle parking and traffic are noted, and consequently a construction management plan has been conditioned. The construction management plan will require the developer to submit details for matters including (but not limited to) the parking of vehicles during construction, storage of materials, operating hours, and measures to control the emission of dust and noise.

55 The representations received regarding rear access to number 24 Hever Road are noted. The property does not currently benefit from any rear garden access, the occupier wishes to resolve this but this would necessitate a right of way onto the landowners land (now the application site). The visitor parking in within the area that could feature a rear garden gate. This is a civil matter and would require the neighbouring resident to make the necessary arrangements with the land owner. There would be sufficient space remaining to install a pedestrian gate. Nevertheless, this is not a matter for consideration in this planning application.

56 Amenity for proposed occupants

57 Turning to the amenity for the proposed occupiers, the dwellings all accord with the nationally described space standards for internal space and are acceptable in this regard. Each dwelling has access to private outdoor amenity space and the dwellings would not be subject to unacceptable levels of overlooking and loss of privacy. As for internal light and ventilation, the dwellings are orientated so that the rear garden face east, and internally the primary habitable spaces are located to the rear of the dwellings, resulting in ample sunlight.

58 Due to the location to the rear of the parade of shops the dwellings could be exposed to noise disturbance from the existing AC units and other plant/equipment. Having undertaken a site visit, the noise from the AC units was apparent, though reduced when within the application site to the rear of the garage en-bloc in the location of the proposed dwellings. A Noise Impact Assessment was subsequently requested, the submitted assessment details required mitigation measures which the Council's Environmental Health Officer has confirmed is sufficient, subject to conditions.

- 59 Overall, the proposed development is considered to accord with policy EN2 of the Allocations and Development Management Plan.

### Highways and parking

- 60 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 61 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 62 Policy T1 of the ADMP requires new developments to mitigate any adverse travel impacts, including their impact on congestion and safety. Policy T2 of the ADMP relates to vehicle parking and policy T3 requires the provision of electrical vehicle charging points.
- 63 The application site has an existing access from Hever Road, the access runs between numbers 24 and 26. KCC Highways has raised no concerns regarding the safety of the access.
- 64 The main issue as seen in the representations made on the application is the loss of parking. While the site is informally used for parking for visitors of the parade of shops as a 'spare', unused parcel of land; however, the land is, and has seemingly always been, private land. The site is therefore not an official car park and could be closed off to the public at any time by the land owner; the fact it has not to date and that it has been used for parking for a long time does not change this fact. KCC Highways have confirmed this in their comments.
- 65 In light of the above, there is no loss of formal parking, with alternative parking spaces provided in front of the shops and in the on-road parking bays on Hever Road. Where necessary, on-street parking may be found further afield, but a short walk from the shops where there are no restrictions. It is accepted that, where parking spaces are occupied, this may cause some inconvenience – this is not, however, considered to represent unacceptable harm.
- 66 Moreover, the benefits of delivering additional housing in a sustainable urban location are considered to justify the loss of an informal parking area. It must be recognised that the site is located within an urban area close to the village centre where housing development is strongly encouraged by national and local policies, particularly in light of the current lack of housing supply, and where it would be an efficient use of previously development land in accordance with paragraph 124 of the National Planning Policy Framework. As referenced above, the proposal is also supported by policies LO1 and LO7 of the Core Strategy as it seeks to site development within existing settlements, and in this case a sustainable location that is in close proximity to services, shops, and public transport – including a bus stop directly in front of the parade of shops. The parade of shops may have a loss of some informal parking; however, again due to the village centre location they are accessible in multiple ways.
- 67 It is noted that the original development of 26-32 Hever Road had two planning applications in the 1960s, with the 1965 planning permission (TH/5/65/124) including a condition that the area to the rear (the current application site) be retained for parking. This permission was superseded by the one in 1966 which did not include the same condition. There is, therefore, no formal requirement to retain the site as parking as a

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requirement of planning permission. The current application site as outlined above is not a formal car park and the use to date has been informal.

- 68 Turning to parking for the proposed dwellings. The proposal is for 4x two or three bedroom properties, with the third room being a study or bedroom. This would be down to the occupiers. On the basis all dwellings are three bedroom properties, policy T2 of the Allocations and Development Management Plan would require 1.5 spaces per dwelling, one to be allocated to each new property and the remaining 2 (total) to be unallocated. The proposed site plan shows a total of 6 spaces and thus the development accords with this policy, as confirmed by KCC Highways who have raised no objections in terms of parking. I note that the parking requirement for two bedroom dwellings is one space per dwelling.
- 69 It is noted that the application site is a very sustainable location with shops and services in close proximity and a bus stop directly in front of the shops with direct routes to Swanley town in less than 20 minutes. In light of this, the proposed parking is considered sufficient. It is also noted that purchasers of the properties would be less likely to have (and discouraged from purchasing) multiple cars if they are aware the dwellings do not feature multiple parking spaces and due to the village centre location of the site.
- 70 Policy T3 of the ADMP requires all new dwellings to have EV Charging facilities. The site plan does detail some provision of EV charging facilities, however further details can be secured via condition.
- 71 Overall, the proposed development will accord with policies T1 to T3 of the Allocations and Development Management Plan and the relevant sections of the NPPF.

### Planning balance

- 72 Paragraph 2 of the NPPF states that, as set out in planning law, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For those policies that are out of date, they should be given less weight, to the extent that they are out of date (in accordance with paragraph 210 of the NPPF).
- 73 Paragraph 11d of the National Planning Policy outlines that in decision taking a presumption in favour of sustainable development means: “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 74 The Council’s Local Plan is out of date for some of the most important policies (i.e. housing) and the Council is also unable to demonstrate a five-year housing supply, thus the tilted balance is engaged for this proposal. In addition to this, the Housing Delivery Test shows that the Council is only delivering 62% of the five-year housing supply. The shortfall of housing supply is therefore given significant weight.
- 75 Accordingly, due to the location of the development within the settlement confines of West Kingsdown a presumption in favour of sustainable development must be taken such that planning permission must be granted unless, under the terms of paragraph 11d of the NPPF, the benefits of doing so would be significantly and demonstrably

outweighed by harm identified. The application site is not located within a protected area as outlined in footnote 7 such as Green Belt or AONB.

- 76 In this case a potential harm identified is a loss of parking. For the reasons outlined above, the parking exists only as an informal arrangement, and I consider the harm from the loss of this parking area to be minor. Nevertheless the loss and any subsequent harm is factored into the planning balance.
- 77 The application site is located within the village centre, it is brownfield site as opposed to green or undeveloped parcel of land – in this case the development is in the form of hardstanding across the entirety of the site. Paragraph 124 of the NPPF encourages efficient use of land, which this development would be. Weight is also afforded to the sustainable location, the sympathetic design and materials, and the location away from any Green Belt land. Moreover, due to the site being laid to hardstanding, it is largely devoid of any ecological value. The redevelopment of the site with some soft landscaping will enhance the biodiversity and ecological value; this is also afforded weight.
- 78 In summary, the tilted balance is engaged and the minor harm is not considered to outweigh the benefits and the presumption in favour of sustainable development.

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

- 79 The development is CIL liable, a liability notice will be issued separately.

### **Conclusion**

- 80 The proposed development is considered acceptable in principle, it will contribute to the delivery of new homes in the District in a highly sustainable location, preserve the character of the area and the amenity of existing future residents. There will be no loss of highway safety. The presumption in favour of sustainable development is engaged and I find no significant and demonstrable harms that would outweigh this presumption. The development is considered to accord with policies LO1 and LO7 of the Core Strategy, policies EN1, EN2 and T1 to T3 of the Allocations and Development Management Plan, the NPPF and relevant supplementary planning guidance.
- 81 It is therefore recommended that this application is granted.

### **Background papers**

- 82 Site and block plan

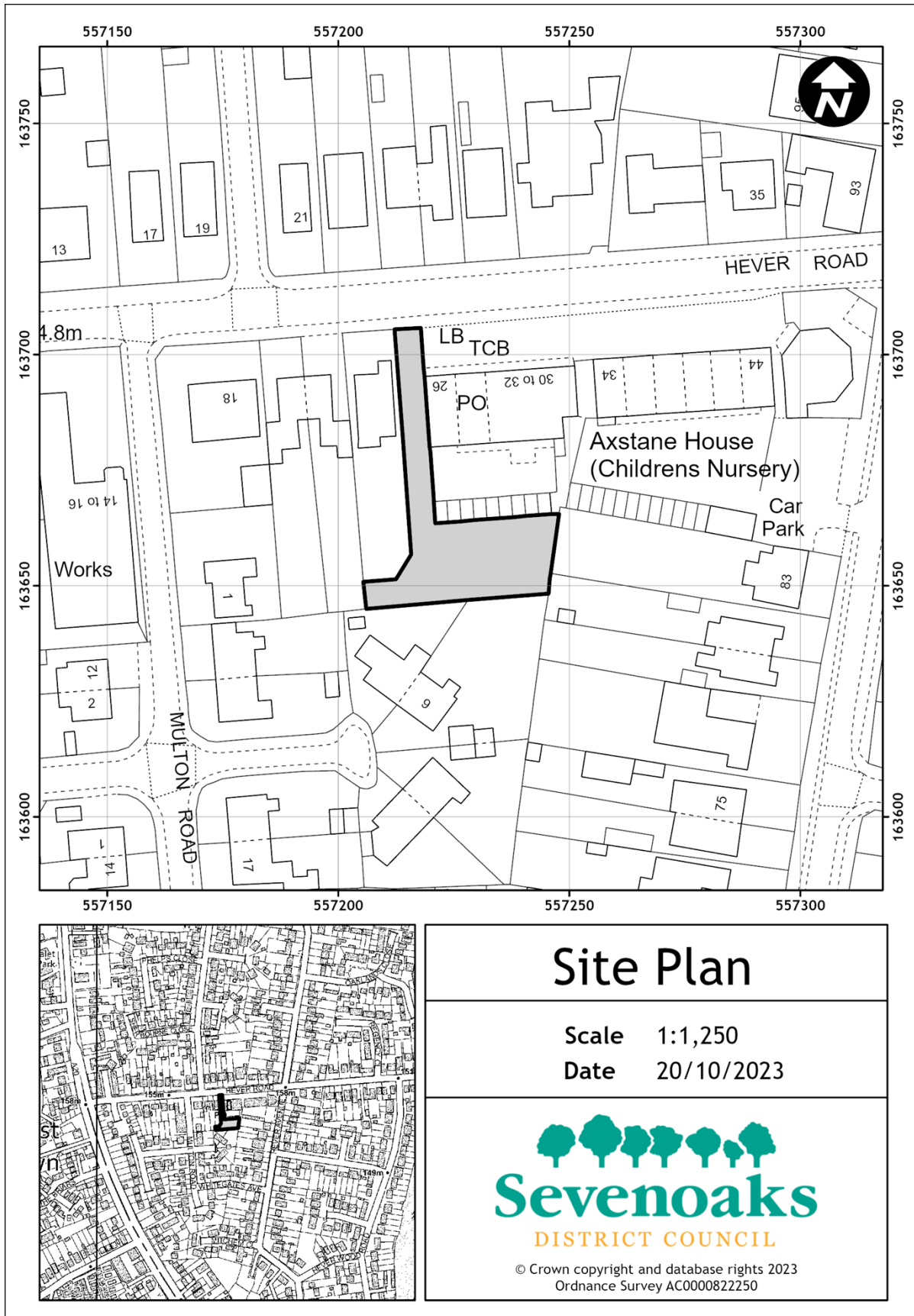
Contact Officer(s): Ashley Bidwell

01732 227000

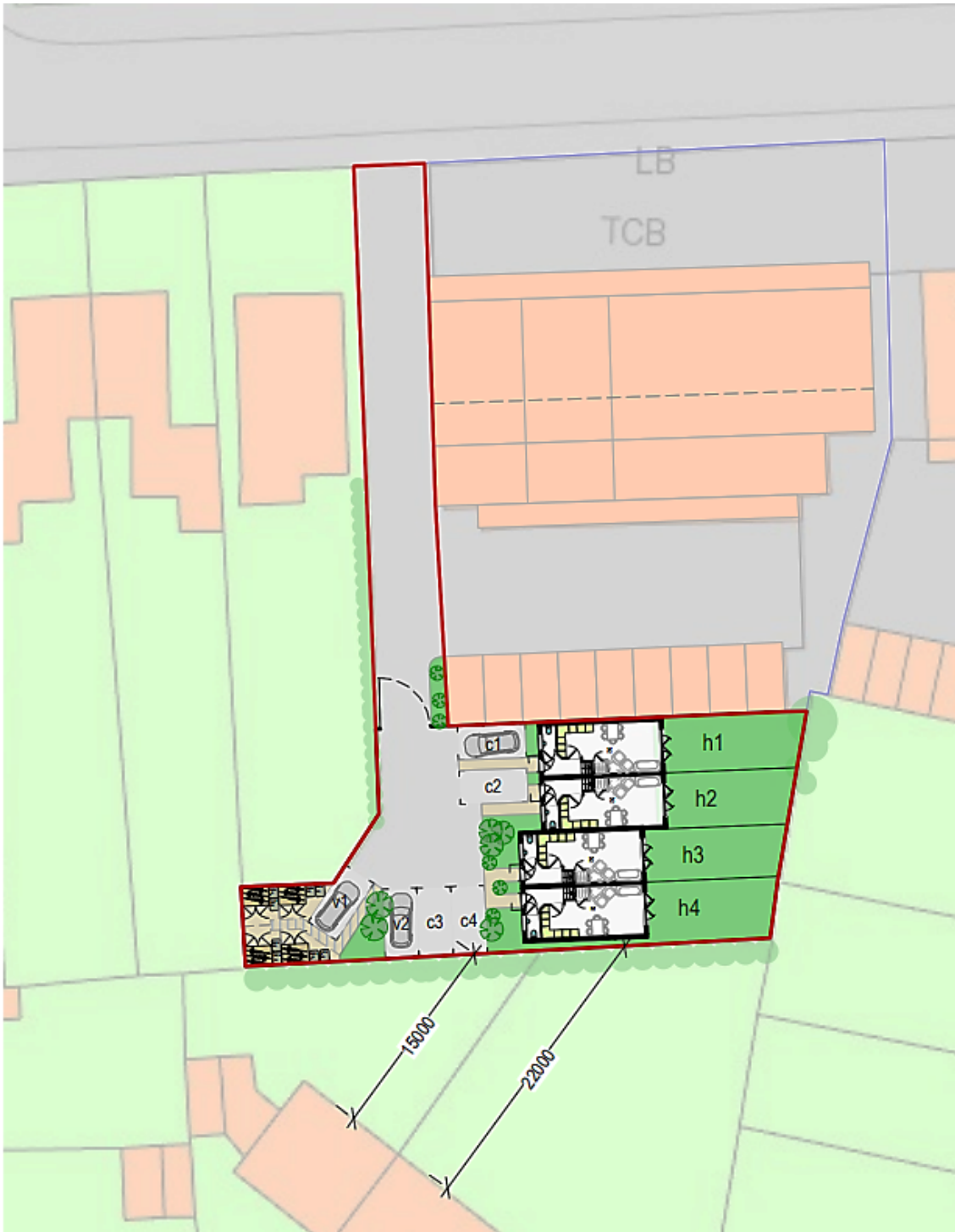
**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)







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Planning Application Information on Public Access – for applications coming to

DM Committee on Thursday 16 November 2023

**4.1 - 23/01864/HOUSE - The Old Barracks, 95 Dartford Road, Sevenoaks, Kent TN13 3TF**

[Link to application details:](#)

[Link to associated documents:](#)

**4.2 23/00575/FUL - The Olympic, Beechenlea Lane, Swanley, Kent BR8 8DR**

[Link to application details:](#)

[Link to associated documents:](#)

**4.3 23/01534/FUL - Land Rear Of 26 To 32 Hever Road, West Kingsdown, Kent TN15 6HD**

[Link to application details:](#)

[Link to associated documents:](#)

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