

07 December 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 29.11.23



# 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> To approve the minutes of the meeting of the Committee held on 16 November 2023, as a correct record.	(Pages 1 - 8)	
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>		
4.1 <b>23/02299/FUL - Tor Na Coille , 1 Ashley Road, Sevenoaks Kent TN13 3AN</b>  Demolition of existing house and erection of 6 semi-detached houses with car parking and access drives to existing road. Associated landscaping.	(Pages 9 - 26)	Anna Horn Tel: 01732 227000
4.2 <b>23/01853/FUL Kingdom, Grove Road, Penshurst Kent TN11 8DU</b>  Change of use of clubhouse from D2 to E and events use at ground and lower ground floor, with first floor and roof level for indoor and	(Pages 27 - 42)	Sean Mitchell Tel: 01732 227000

outdoor sport and events use (sui generis).  
Erection of a sound control lobby on the  
southeastern elevation.

## 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 4 December 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.

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 16 November 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, Hudson, Malone, Silander, Varley and Williams

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

Cllrs. Perry Cole, G. Darrington, Dyball, Reay, and Scott were also present.

31. Minutes

Resolved: That the minutes of the meeting held 28 September 2023 be approved, and signed by the Chairman as a correct record.

32. Declarations of Interest or Predetermination

Cllr Camp declared for Minute 34 - 23/01864/HOUSE - The Old Barracks, 95 Dartford Road, Sevenoaks Kent TN13 3TF that she was a member of Sevenoaks Town Council, but that she remained open minded.

Cllr Paul Darrington declared for Minute 35 - 23/00575/FUL - The Olympic , Beechenlea Lane, Swanley Kent BR8 8DR that he was a member of Swanley Town Council, but that he remained open minded.

Cllr Horwood declared for Minute 35 - 23/00575/FUL - The Olympic , Beechenlea Lane, Swanley Kent BR8 8DR that he was predetermined and would not participate in the item.

Cllr Harrison declared for Minute 36 - 23/01534/FUL - Land Rear Of 26 To 32, Hever Road, West Kingsdown Kent TN15 6HD that she was the local councillor for the area, but that she remained open minded.

33. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 34 - 23/01864/HOUSE - The Old Barracks, 95 Dartford Road, Sevenoaks Kent TN13 3TF.

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### Development Management Committee - 16 November 2023

Cllrs Bayley, Hogarth, and Malone declared that they had been lobbied in respect of Minute 35 - 23/00575/FUL - The Olympic , Beechenlea Lane, Swanley Kent BR8 8DR.

34. 23/01864/HOUSE - The Old Barracks, 95 Dartford Road, Sevenoaks Kent TN13 3TF

The proposal sought planning permission for a proposed infill of existing balcony to create en-suite, alteration to fenestration. The application had been referred to the Committee by Councillor Skinner to test the view of the Conservation Officer, as reflected in the recommendation, that the development would be harmful to a Locally Listed Building.

Members' attention was brought to the main agenda papers and the late observations, which did not alter the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Zara Milner-Pierce
Parish Representative:	-
Local Members:	-

Members asked questions of clarification of the speaker and the officer. In response to questions, Members were advised that the proposed en-suite would utilise existing drainage already present for the balcony. The colour of the proposed infill could be conditioned; this would need to be assessed for its impact to the heritage asset. It was explained that Locally Listed assets did not have the same statutory designation as Listed Buildings, but were referred to within the National Planning Policy Framework as non-designated heritage assets. The Locally Listed designation applied to the unit as a whole, including the balcony. It was the Conservation Officer's view that the bulk of the infill would undermine views of the building.

It was moved by the Chairman that the recommendation to refuse planning permission within the report be agreed. Members discussed the application, with particular attention to the bulk and colouring of the proposed infill. The lack of infill under the existing balcony was discussed. Members further discussed the importance of making heritage assets habitable in line with modern standards of living, noting that the proposal would provide additional facilities through existing infrastructure.

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

Resolved: That planning permission be refused on the following grounds:

A) 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.

35. 23/00575/FUL - The Olympic , Beechenlea Lane, Swanley Kent BR8 8DR

The proposal sought planning permission for the installation of a rugby pitch together with associated changing rooms, toilet facilities and training area. The application had been referred to the committee by Councillor Barnes on the grounds that the proposal would have an enhancement to biodiversity.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	John Ettridge
Parish Representatives:	Ryan Hayman
Local Members:	Cllr. Barnes (read by Cllr Horwood), Cllr Horwood, Cllr Scott

Members asked questions of clarification of the speakers and the officer. Two ecological reports had been prepared on behalf of Swanley Town Council. KCC Ecology disagreed with the conclusion of the second, more recent assessment that the enhancement of the existing grassland would provide a biodiversity net gain on the site. Moving the soil but retaining the acidic grassland was not possible. Off-site compensation for the acidic grassland had initially been included in the application, but Sports England objected to the proposed location for this, as it would have resulted in the loss of a playing pitch.

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 significant economic, social, and community benefits of the scheme, and the mitigation strategy within the proposal.

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The motion was put to the vote and it was lost.

It was moved and duly seconded that planning permission be granted, on the grounds that the proposed ecological strategy provided appropriate mitigation and enhancements which, alongside the social, economic, and community benefits to the area, weighed in favour of the development, subject to the precise wording of the following conditions covering: Time limit; Plans; Construction Ecological Management Plan; Biodiversity Net Gain and Enhancement Strategy; Evidence of monitoring; Lighting, Drainage and topography details in accordance with Sport England request; Cycle parking; Car parking spaces; Electrical charging points; Archaeological investigations; Crime prevention; Landscaping; Site levels, and others to be agreed with the Assistant Chief Executive and Chief Officer for Planning & Regulatory Services.

The motion was put to the vote and it was

Resolved: That planning permission be GRANTED subject to the precise wording of the conditions covering: Time limit; Plans; Construction Ecological Management Plan; Biodiversity Net Gain and Enhancement Strategy; Evidence of monitoring; Lighting, Drainage and topography details in accordance with Sport England request; Cycle parking; Car parking spaces; Electrical charging points; Archaeological investigations; Crime prevention; Landscaping; Site levels, and others being agreed with the Assistant Chief Executive and Chief Officer for Planning & Regulatory Services.

36. 23/01534/FUL - Land Rear Of 26 To 32, Hever Road, West Kingsdown Kent TN15 6HD

The proposal sought planning permission for the removal of former car parking area and erection of 4 dwellings with associated drive and car parking. The application had been referred to the Committee by Cllr. Harrison on the grounds of highway safety, parking, and neighbouring amenity.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

- |                          |                  |
|--------------------------|------------------|
| Against the Application: | -                |
| For the Application:     | -                |
| Parish Representative:   | Cllr. Ian Bosley |
| Local Members:           | Cllr. Bulford    |

Members asked questions of clarification from the speakers and officers. They were advised that the proposed gate would be fixed open, to create a delineation. West



Kingsdown Parish Council had previously cleaned the site and performed minor repairs to maintain it as a car park. They were further advised that KCC had not raised any safety concerns, and a lighting strategy would be conditioned to preserve amenity. There was no policy in place regarding the provision of EV chargers for guests. The existing car park was not a condition of a previous planning application. This would not prevent a new planning application from being submitted even if it had been a condition.

It was moved by the Chairman that the recommendation to grant planning permission within the report, be agreed. Members discussed the application, giving consideration to the loss of amenity for neighbours through noise pollution, the loss of parking, the potential impact on nearby shops and the rural economy, and the housing need of the district.

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 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

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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.

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.

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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.

THE MEETING WAS CONCLUDED AT 9:45PM

CHAIRMAN

4.1 - 23/02299/FUL	Revised expiry date 8 December 2023
Proposal:	Demolition of existing house and erection of 6 semi-detached houses with car parking and access drives to existing road. Associated landscaping.
Location:	Tor Na Coille , 1 Ashley Road, Sevenoaks Kent TN13 3AN
Ward(s):	Sevenoaks Town & St Johns

**Item for decision**

The application has been called to Development Management Committee by Councillor Skinner and Councillor Granville on the grounds of the impact on the street scene to Ashley Road and St Botolph's Road, the bulk and massing of the proposals in comparison to surrounding, contrary to the Sevenoaks Residential Character Area Assessment, the scale and site coverage of the development is out of keeping with the surrounding area, contrary to Sevenoaks Allocations and Development Management Plan Policy EN1, and concerns regarding changes in site levels.

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: 22-23-01, 22-23-02B, 22-23-03C, 22-23-04, 22-23-05, 22-23-06, 22-23-07, 22-23-09B, Tree Protection Plan.

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

3) Notwithstanding the approved drawings, the window(s) in the first floor side facing north and south elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to the commencement of works on the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following: (a) Routing of construction and delivery vehicles to / from site; (b) Parking and turning areas for construction and delivery vehicles and site personnel; (c) Site working hours and timing of deliveries; (d) Site layout and security measures; (e) Provision of wheel washing facilities; (f) Temporary traffic management / signage; (g) measures to deal with noise and dust.

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To ensure details of construction are provided in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

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

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

6) Prior to the development reaching above damp proof course, details of the hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall include details of species, sizes and a planting and maintenance schedule. The approved hard landscaping details shall be implemented prior to first occupation of the dwelling hereby approved, and shall be carried out in accordance with the approved details. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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

7) Prior to the development reaching above damp proof course, details of external materials will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

8) 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.

9) The cycle parking and vehicular parking as shown on plan number 22-23-03C shall be implemented prior to the first occupation of the dwellings, hereby approved, and shall be thereafter retained.

To encourage the use of low emissions vehicles and promote sustainable travel, and to provide satisfactory on-site parking in accordance with policy T2 and T3 of the Sevenoaks Allocations and Development Management Plan.

10) Within six months of works commencing on the site, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and shall be thereafter maintained.

In the interests of securing ecological enhancements in accordance with policy SP11 of the Core Strategy and the principles of the National Planning Policy Framework.

11) The development, hereby approved, shall be carried out in accordance with the Tree Protection Plan and the recommendations and measures detailed in Sections 9-15 of the submitted Arboricultural Report by Sylvanarb dated February 2023.

To ensure the retained trees are adequately protected to preserve the character of the area, in accordance with policy EN1 of the Allocations and Development Management Plan.

12) From the commencement of works (including site clearance), the following precautionary measures will be implemented to avoid capture of S41/priority species hedgehog: 1. Backfilling of trenches and other excavations will be undertaken before nightfall, or a ramp will be left to allow any animals to easily exit; 2. All excavations and trenches will be checked each morning throughout the construction period and prior to infilling; 3. All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.

In the interests of conserving protected species in accordance with policy SP11 of the Core Strategy and the principles of the National Planning Policy Framework.

13) Prior to occupation of the development, hereby approved, a lighting design plan for biodiversity will be submitted to and approved in writing by the local planning authority. The plan will show the type and locations of proposed external lighting, as well as the expected horizontal and vertical light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

In the interests of protecting biodiversity and avoiding a harmful artificial light spillage in accordance with policy SP11 of the Core Strategy, policy EN2 of the Allocations and Development Management Plan and the principles of the National Planning Policy Framework.

14) Prior to the first occupation of the development, hereby approved, the pedestrian visibility splays of 2 metres x 2 metres behind the footway on both sides of the access with no obstructions over 0.6m above footway level, and the vehicular visibility splays of 2.4 metres x 43 metres x 43 metres at the access with no obstructions over 1.05 metres above carriageway level within the splays shall be provided and thereafter maintained.

In the interest of highway safety.

15) No development shall commence until a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a 10% net gain in biodiversity within a 30 year period as a result of the development have been submitted to and agreed in

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writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/(ies) responsible for its delivery.

To ensure compliance with the Sevenoaks Town Neighbourhood Plan biodiversity net gain policy L1.

### **Informatives**

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

2) 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. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and



common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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

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

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

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

#### **Description of site**

- 1 The application site comprises a two storey detached dwelling located within a spacious plot adjacent to the junction of Ashley Road and St Botolph's Road. The site is located within the urban confines of Sevenoaks in a built up residential area. The site is accessed via an existing driveway from Ashley Road.

#### **Description of proposal**

- 2 Planning permission is sought for the demolition of the existing house and erection of six semi-detached houses with associated car parking, landscaping and access.

#### **Relevant planning history**

- 3 99/01726/FUL - Demolition of existing double garage and provision of new extension to side - GRANTED

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4 00/01200/FUL Provision of enclosed porch - GRANTED

### 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)

- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP7 Density of Housing Development
- LO1 Distribution of Development
- LO2 Development in Sevenoaks Urban Area
- SP11 Biodiversity

7 Allocations and Development Management (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage
- T2 Vehicle Parking
- T3 Provision of Electric Vehicle Charging Point

8 Sevenoaks Neighbourhood Plan (STNP)

- Policy C4 Design and residential character areas
- Policy L1 Biodiversity net gain
- Policy L4 Trees and hedgerows

### Constraints

9 The following constraints apply:

- Urban Confines of Sevenoaks

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- TPOs on south of site and along western site boundary

10 Other

- Sevenoaks Residential Extensions SPD
- Sevenoaks Residential Character Area Assessment SPD

**Consultations responses**

- 11 Sevenoaks Town Council – Recommended approval, subject to the planning officer being satisfied with density.

Response following re-consultation: Recommended refusal on the following grounds:

- The impact on the street scene of both Ashley Road and St Botolph's Road, the bulk and massing of the proposals, contrary to development guidance of the Sevenoaks Residential Character Area Assessment
- The scale and site coverage of development is out of keeping with surrounding area contrary to policy EN1
- The applicant has not satisfactorily demonstrated in drawings how the construction solves the changes in level between the proposed access points and the site.
- The proposals seek to remove one mature tree, 380sqm of amenity grassland and ornamental shrubs, contrary to policy L4 of Neighbourhood Plan which requires justification for tree and hedgerow removal.

- 12 Tree Officer – No objection. Notes TPO 4 of 1965 is located upon southern part of the site, this is an Area Order which means it would have only protected the trees that were there at the time of serving. Tree Officer doubts any of the trees in existence are therefore actually protected given their probable age. The proposed dwellings are shown to be more towards the eastern boundary where there is no vegetation of note. The shown retained vegetation also appears to be adequately protected during the development.

- 13 Conservation – No comment.

- 14 Thames Water – No comments.

- 15 KCC Lead Local Flood Authority – No comments, falls outside of KCC's remit as a statutory consultee.

- 16 KCC Highways – Raised concerns regarding the widening of the existing access and traffic conflict. Recommended visibility splays be secured by condition. Requested pedestrian visibility splays be widened to 2m x 2m. Comments regarding parking, advised applicant that with tandem parking the length of spaces should be 6m. Advises cycle parking four cycles per dwelling should be provided. Satisfied that the result of five additional dwellings would not have a significant impact on the highway network in terms of trip generation.

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- 17 Response following re-consultation: From the revised drawings the proposed fence dividing the driveways for plots 2, 3, 4 and 5 have been removed increasing the parking space to the required 2.7m width where the space abuts a wall. No objections, previous comments and concerns have been addressed. Recommends conditions regarding provision and retention of parking spaces, bound surface, cycle parking, EV points and provision of pedestrian and vehicular visibility splays.
- 18 KCC Ecology – Sufficient information provided. Recommends informative regarding breeding birds and conditions regarding precautionary working measures during construction, tree and hedgerow protection, a lighting plan for biodiversity and ecological enhancements. Response following re-consultation: amendments do not pose any significant impacts on biodiversity of the site, previous comments remain valid.
- 19 Environmental Health – No objection, recommends a Construction Environmental Management Plan be secured by condition. Response following re-consultation: the additional information is in relation to highways matters which are not within Environmental Health remit. Nothing further to add to previous response.

### Representations

- 20 19 Public comments received objecting on the following grounds:
- Design of dwellings is harmful and out of character
  - Density of scheme is harmful and out of character
  - Height of dwellings
  - Impact on The Vine Conservation Area
  - Increased level of development fronting Ashley Road and harm to street scene
  - Out of character with surroundings, harm to character and appearance of area
  - Contrary to design guidance
  - Development is not set back from street scene
  - Semi-detached design is harmful
  - Highway safety concerns including proximity to existing junction, increase in vehicle access points, increase in traffic, insufficient parking provisions, visibility
  - Loss of privacy and overlooking
  - Harmful precedent
  - Noise and disturbance from new houses
  - Sustainability concerns demolishing existing house and environmental concerns
  - Impact of scheme on structural integrity of neighbouring properties
  - Concerns regarding the change in levels and grounds works proposed
  - Overdevelopment and overcrowding
  - Concerns Town Council supported the scheme
  - Loss of vegetation and trees
- 21 5 public comments received following re-consultation, objecting on the following grounds:
- Concerns regarding driveway gradients and land level changes
  - Cars reversing from driveways across pavements with limited view
  - Concerns regarding accesses and tandem parking
  - Development will lead to parking issues on Ashley Rd and St Botolph's Rd

- Increase in traffic due to new accesses
- Overdevelopment of the site
- Harmful density and harm to character and appearance of area
- Noise
- Loss of privacy and overlooking
- Houses not in keeping with style or construction of existing houses in area
- Set a bad precedent
- Error in planning statement regarding percentage of developed land
- Area developed by houses increased by 75%, significant negative impact on visual amenity
- Harm to street scene and visual amenity of area through overbearing impact
- Visual impact of development
- Scheme is not sustainable development

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

22 The main planning considerations are:

- Principle of development
- Impact on the character of the area
- Impact to neighbouring amenity and future occupiers
- Impact to highways and parking

#### **Principle of Development:**

23 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

24 Policy SC1 of the ADMP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

25 Policies L01 and L02 of the Core Strategy require development to be focussed within the built confines of existing settlements. The Sevenoaks urban area will be the principal focus for development in the District. Policy LO2 of the Core Strategy states that provision will be made for housing within Sevenoaks Urban Area.

26 This site is within the built confines of Sevenoaks Urban Area and, as such, there is a presumption in favour of development. The development of this site would make a welcome contribution to the housing provision within the District of five additional housing units. It has been confirmed that the Council does not currently have the required five year supply of housing land, does not have an updated local plan for housing and is not meeting our housing delivery targets over a number of years. Therefore the planning balance is further tilted in favour of granting planning permission, as per paragraph 11 of the NPPF.

27 As such, the contribution of housing is given additional weight in helping to support the Council to meet its housing targets. As set out within NPPF paragraph 11, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of doing so.

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- 28 The location of the development is within an established residential area within the built confines of Sevenoaks, which is a strategic location for new housing and is supported by the necessary infrastructure. The development plan policies seek to maximise the potential of such sites. This is especially important within Sevenoaks District where the majority of the District falls within the Green Belt.
- 29 Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective and efficient use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Although not entirely consistent with the NPPF and its promotion of efficient use of land, Local Policy SP7 of the Core Strategy encourages densities that do not compromise the distinctive character of the area. Within urban areas (of Sevenoaks), new residential development is expected to achieve a density of 40 dwellings per hectare. When reviewing the density of the site, which is 0.17 hectares, the construction of six dwellings would result in a density of 35 dwellings per hectare. The addition of six new dwellings on the site would therefore be making a more effective and efficient use of land, whilst not introducing a harmful density of development on the site.
- 30 Overall, considering the above, the principle of development is acceptable, subject to other material considerations assessed below.

### Impact on the Character of the Area

- 31 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. Policy C4 of the Neighbourhood Plan states that new development in residential areas shall be of high quality and take account of the Sevenoaks Residential Character Area Assessment SPD.
- 32 The site is a corner plot and lies at the junction of Ashley Road with St Botolph's Road. The site lies within character area G02 of the Sevenoaks Residential Character Area Assessment SPD. The age of the buildings in this character area date from early 1900s to present day, largely comprising detached, residential, two storey dwellings, some with attic accommodation, that have a varied material pallet. The SPD identifies the mature tree lined avenue with wooded and hedged boundaries and notes that buildings are set back from the street scene with well landscaped and hedged frontages. The design guidance advises that new development should be well screened from the road and should fit unobtrusively within its setting and should not appear cramped within the site or out of context with the character of the street scene. It also advises that mature trees and boundary hedges should be retained wherever possible.
- 33 In terms of the spatial character, as per the Residential Character Assessment, the surrounding area is predominantly characterised by detached properties that vary in style, design and appearance. To the west of the site is the Medical Centre, and there are examples of larger three storey apartment buildings and semi-detached dwellings to the south of the site along St Botolph's Road. The site is located adjacent to the junction of Ashley Road with St Botolph's Road and is visible from both these street

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scenes. Whilst there is not a clear or set building line within the locality, the properties to the north of the site along Ashley Road do follow a slightly staggered but linear building line. The dwellings appear individually designed and incorporate a range of material finishes.

- 34 The three pairs of semi-detached properties on the plot would be set back within the site, with landscaped frontages proposed and the mature hedge along the southern boundary to be retained. The properties would follow a slightly staggered but linear building line which reflects the dwellings to the north of the site on this side of Ashley Road. Whilst the dwellings along Ashley Road are detached in nature, the introduction of semi-detached properties is not considered harmful to the character of the street scene. The existing pattern of development along St Botolph's Road is more varied in design, scale and form. The use of semi-detached properties means a more efficient use of the land which accords with NPPF principles. The dwellings are set in from all surrounding boundaries and would provide garden areas, parking and landscaping. The buildings do not appear cramped and much of the site would remain open and undeveloped as garden area, with spatial gaps maintained within the site and much of the existing landscaping protected.
- 35 The NPPF encourages development proposals to make efficient use of land to meet housing needs. The plot is spacious and the dwellings would not read as cramped, sitting comfortably within the boundaries of the site at a density of approximately 35 dwellings per hectare.
- 36 Regarding the design of the new dwellings themselves, they incorporate a traditional appearance which has been inspired by the 'Arts and craft' style, as detailed in the Design and Access Statement. Certain features from this period have been reflected in the design of the dwellings, including the deeper eaves on plots 1, 2, 5 and 6, with supporting bracket features. These plots are 2.5 storeys, with dormer windows serving the roof space. The middle pair, plots 3 and 4, has a double gable frontage design, also with accommodation in the loft space. The dwellings are considered acceptable in scale, bulk and mass when considering the existing character of the area and design variation within the locality of the site along both Ashley Road and St Botolph's Road.
- 37 The proposed dwellings integrate several positive design features including the incorporation of chimneys, detailing around the windows, detailing on the dormers, detailing on the roof profiles and inclusion of roof brackets. The material palette is proposed to be red brick, clay roof tiles, clay tile hanging and render. The material palette and design features are considered to give the scheme a positive design quality overall. Moreover, there are architectural variations between the middle and outer pairs of semis, with varying forms, material finishes and appearances, in accordance with the design guidance for this area. The new dwellings are considered to constitute high quality design that would not appear as obtrusive or out of character with the wider area, in accordance with the Residential Character Area Assessment SPD.
- 38 Comments have been received regarding the changes in levels between the access points and the site. The site currently has a significant level change between the

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access and the existing dwelling, with the existing dwelling set down at a lower height than the road. The planning statement addresses this, identifying that the site is roughly 1.5m lower than Ashley Road, the scheme has been designed so the ground floor front rooms are level with the road and the rear ground floor is level with the gardens. From the section drawings and existing site survey undertaken, it appears the land level will be built up at the front of the site to allow the access points. The section and elevation plans provided show the land level changes and how the properties will sit within the street scene. A condition is proposed that would require details of site and finished building levels to be submitted, to ensure that the completed buildings would sit comfortably on the site and relate well to each other as shown on the section drawings provided.

- 39 Regarding landscaping, four small trees on the property frontage are proposed to be removed as well as a small group of Lawson Cypress. These trees are identified in the arboricultural report as being of low value. The Tree Officer notes that the TPO on the site is an Area Order which means it would have protected trees that were there at the time of the serving. The Tree Officer comments that it is doubtful that any of the trees in existence are therefore actually protected given their age. That said, the applicant has detailed tree protective fencing and is seeking to retain the majority of the trees and landscaping on the site. The Tree Officer raises no objections to this. I am satisfied the trees to be retained will be suitably protected and that adequate new planting and landscaping is proposed on the site, in accordance with policy L4 of the Neighbourhood Plan. Further details of the proposed landscaping can be secured via condition.
- 40 The scheme is considered to be acceptable in terms of design and impact on the character of the area. The Council has a shortfall of housing and lacks a five year housing supply. This scheme would make effective and efficient use of land in providing a net increase of five new homes. The development would sit comfortably in the site and would not be considered detrimentally harmful to the street scenes of St Botolph's Road or Ashley Road. The development would not therefore have a harmful impact under the tests of paragraph 11 of the NPPF; i.e. there is not significant and demonstrable harm that would outweigh the benefits of providing additional housing within the District.
- 41 Overall, the proposed development complies with Policy EN1 and EN5 of the Allocations and Development Management Plan, Policy SP1 of the Core Strategy, the Sevenoaks Residential Character Area Assessment SPD and policies C4 and L4 of the Sevenoaks Neighbourhood Plan.

### **Impact on Neighbouring Amenity**

- 42 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 43 Regarding privacy and overlooking, the National Model Design Guide recommends separation distances of 15-20m when considering rear to rear relationships and 10m for rear to side elevation relationships to protect neighbouring privacy and prevent harmful overlooking.

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- 44 The first floor side facing windows proposed on the dwellings serve bathrooms and can be conditioned to be obscurely glazed to protect neighbouring amenity from a loss of privacy and overlooking.
- 45 To the west of the site lies the medical centre, with other residential properties sited to the north of the site. The dwellings would be separated from the neighbouring properties to the north of the site. Plot 6 would be sited some 10m from the side elevation of the dwelling to the north of the site, number 3 Ashley Road. Number 3 has a detached garage located at the front of the plot and there is extensive landscaping along this boundary. Much of this landscaping is to be retained, with new planting proposed adjacent to the road. The dwelling on plot 6 is set in from this shared neighbouring boundary and is considered adequately separated from this neighbour to protect privacy and prevent harmful overlooking. The first floor side facing window on plot 6 would be serving a bathroom so can be conditioned to be obscurely glazed.
- 46 Whilst the dwellings would be set slightly forwards of neighbouring dwelling number 3, due to the separation distances, the frontage of number 3 would retain a suitable degree of openness and outlook. The properties would mirror the height of this neighbour and would not appear visually intrusive or create an overbearing impact on number 3.
- 47 The dwellings are proposed to front onto Ashley Road. At the closets point they would be sited some 16m from the dwelling opposite, number 25 St Botolph's Road, and some 22m from number 2 Ashley Road. These separation distances are considered acceptable and would not cause harm to neighbouring amenity through a loss of privacy or outlook.
- 48 Moreover, the dwellings pass the 45 degree rule of light test on plan and elevation view and would not be considered to cause a harmful loss of light to any neighbouring properties. Due to the orientation of the site and the separation distances between the dwellings and neighbours, the proposal would not be considered do harmfully overshadow any neighbouring properties immediately adjacent to the site.
- 49 The change in land levels between the site, the road and neighbouring properties is noted, however, this is an existing relationship and the section drawings show plans to raise the land level to ensure the ground floor front rooms are level with the road and the rear ground floor is level with the gardens. A condition regarding land levels is proposed to further address this.
- 50 The Residential Extensions SPD defines private and protectable space as the first 5m of rear garden space. Considering the separation distances and layout of the proposed development, the private garden areas of the neighbouring dwellings would be protected from harmful overlooking and loss of privacy. Considering the site layout, positioning of windows and the separation distances, the proposal would not be considered to pose harm to neighbouring privacy or cause harmful overlooking to the surrounding neighbours.

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- 51 With regard to the future occupiers of the proposed development, all habitable rooms are served by natural sources of light and the dwellings comply with the National Minimum Space Standards. There are windows proposed at first floor level, but these can be conditioned as obscure glazed to protect the privacy of the future occupiers. The development would not detrimentally impact the residential amenity of future occupiers and sufficient outdoor amenity space would also be provided per unit.
- 52 A Construction Environmental Management Plan can be secured by condition to ensure measures are in place to control the working hours, noise, dust, traffic and timings of deliveries, in the interests of minimising disruption to neighbours.
- 53 Overall, the proposal is considered acceptable in terms of protecting existing neighbouring amenity and providing an acceptable standard of living for future occupiers, in accordance with policy EN2.

### **Parking and Highways Impact**

- 54 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking.
- 55 The KCC parking standards contained within appendix 2 of the ADMP state that in an edge of centre area a 4 bedroom dwelling should have 1.5 spaces. The site is in a sustainable location, close to the town centre of Sevenoaks. As per the plans, each dwelling has two tandem parking spaces that accord with the specified dimensions as advised by KCC Highways. Moreover, the applicant has also demonstrated satisfactory cycle parking per unit of 4 cycle spaces.
- 56 KCC Highways are satisfied that the result of five additional dwellings would not have a significant impact on the highway network in terms of trip generation.
- 57 Regarding the access, the applicant is proposing three new access drives, with the existing access maintained as is. KCC Highways have not raised objections to the scheme on highway safety grounds. The pedestrian and vehicular visibility splays are considered acceptable and can be secured by condition.
- 58 Ashley Road is an unclassified road so planning permission may not be required for the creation of a new access. Moreover, the road already has many residential access drives at regular intervals. It is a 30mph residential road and I am not concerned the new access drives will cause a 'severe' impact on the highway network, as per paragraph 111 of the NPPF.
- 59 Policy T3 of the ADMP states that electrical vehicle charging points should be provided within new residential developments to promote sustainability and mitigate climate change. A condition can be included on the scheme for the inclusion of a charging point per unit, in accordance with Policy T3 of the ADMP.

- 60 KCC raise no objections to the scheme following the re-consultation to address the initial comments. The scheme is considered acceptable in terms of highways and parking considerations.

### Other Issues

- 61 Flood Risk and Drainage

The site does not lie in a designated flood zone, nor an area of identified surface water flood risk. The proposed development would not be considered to pose unacceptable harm to the flood risk of the site. The application form states that foul water will be disposed of via public sewer and surface water will be managed via soakaway.

- 62 Ecology

Regarding ecology, the applicant has submitted a preliminary ecological appraisal and survey results. KCC Ecology are satisfied sufficient information has been provided. As there is limited potential for protected species, a precautionary approach is advised, this can be secured by condition. Further conditions regarding biodiversity net gain, a lighting plan for biodiversity and tree and hedgerow protection are proposed. Policy L1 of the Sevenoaks Neighbourhood Plan should whenever possible deliver a 10% net gain in biodiversity. Whilst the scheme has not demonstrated this as part of the submission, it can be secured via condition.

- 63 Heritage

The does not lie in a Conservation Area and is some 45m from the edge of The Vine Conservation Area to the east. The Conservation Officer has made no comments and raises no objections to the proposals. The site is considered adequately separated from the edge of the Conservation Area to have no identified impact. As such, the setting and significance of the heritage asset would be preserved in accordance with policy EN4.

### Community Infrastructure Levy (CIL)

- 64 The proposal is CIL liable and no exemption has been applied for.

### Conclusion

- 65 The Council has a shortfall of housing delivery and lacks a five year housing supply. This scheme would make effective and efficient use of land with the provision of five new homes within the urban area of Sevenoaks. The proposed development would be acceptable in terms of design and amenity, creating an attractive living environment for existing and future occupants and integrating well into the character of the area.
- 66 I have not found there to be harmful impacts that could be considered to significantly or demonstrably outweigh the benefits of additional housing within the District, as per the tests in paragraph 11 of the NPPF. The dwellings appear well spaced within the site and remain separated from nearby neighbouring dwellings. The dwellings are considered acceptable in design and would not be detrimentally harmful to the prevailing character of the area.

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67 The scheme is therefore considered to accord with the Development Plan and is recommended for approval.

### **Background papers**

Site and block plan

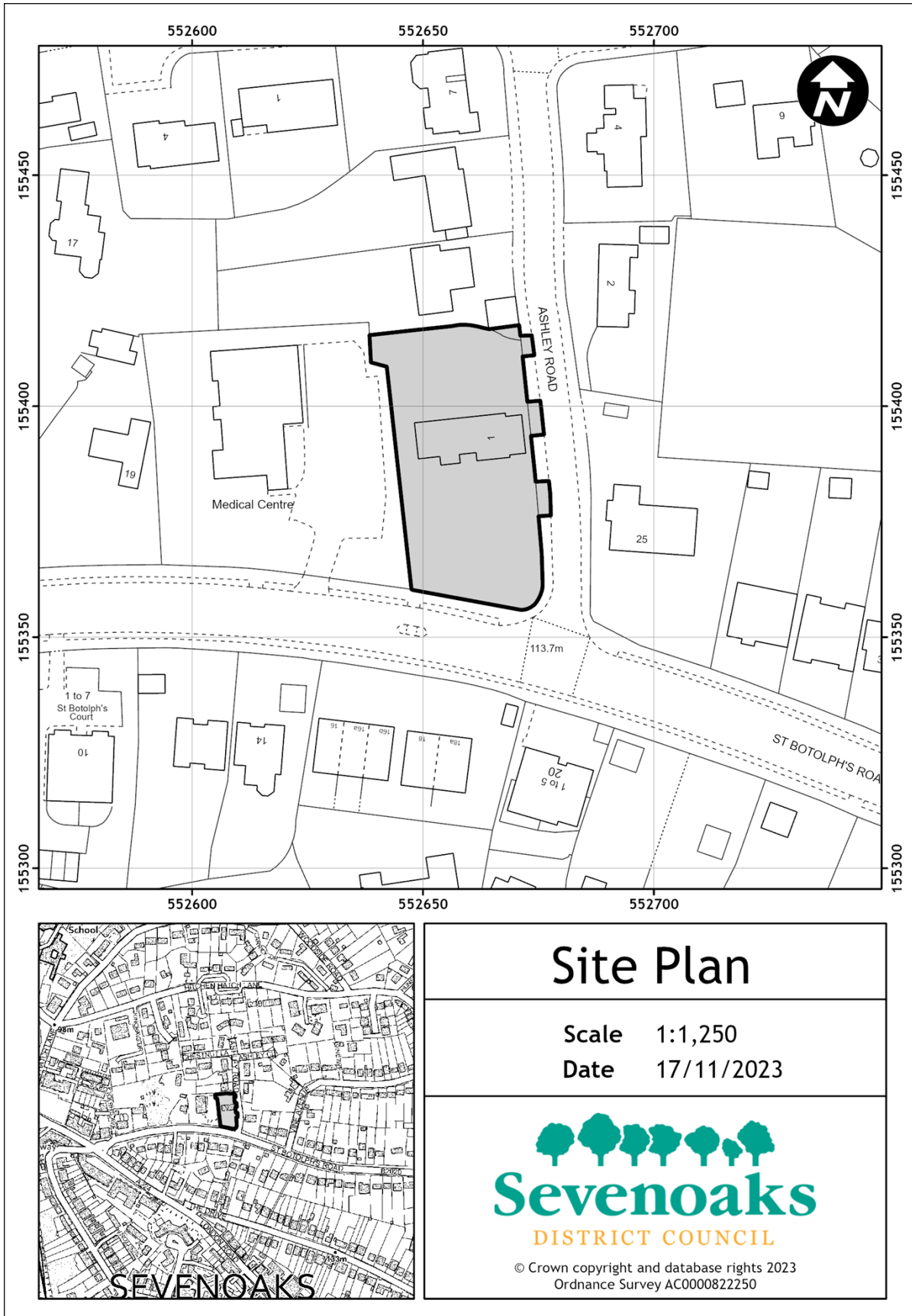
Contact Officer(s): Anna Horn

01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)





4.2 - 23/01853/FUL

Date expired 20 September 2023

Proposal:

Change of use of clubhouse from D2 to E and events use at ground and lower ground floor, with first floor and roof level for indoor and outdoor sport and events use (sui generis).  
Erection of a sound control lobby on the southeastern elevation.

Location:

Kingdom, Grove Road, Penshurst Kent TN11 8DU

Ward(s):

Penshurst, Fordcombe & Chiddingstone

**Item for decision**

The application has been referred to Development Management Committee by Councillor Streatfeild due concerns relating to impact of such use upon the existing residential amenity.

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

1) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 3034/05 Rev.01, A099 Rev.00, A0201 Rev.00

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

2) Within three months of the date of this permission, a noise management plan that incorporates noise mitigation measures as detailed in report 'Kingdom Penshurst - noise assessment and proposed mitigation' dated 16 June 2023, reference Ref Kingdom 230623.1CB and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Further details of the noise management plan shall include details of the following:

- Designation of an on-site management coordinator - to manage and review the plan;
- A process for recording and managing complaints relating to noise and disturbance;
- Installation of sound limiting system and or sound ceiling and other noise management mitigation measures with a schedule of timings of installation and maintenance;
- The management of visitors leaving the premises and clean-up operation.

Within one month or sooner of completion of the all mitigation measures as approved, a post-completion noise survey must be been undertaken with the venue operating with an agreed set up and at an agreed time (to be representative of the proposed use) by a suitably qualified acoustic consultant, and a verification 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 out 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 and approved in writing by the Local Planning Authority and installed and tested prior to operation.

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The mitigation measures must be retained thereafter and any changes will require the approval of the Local Planning Authority in writing.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

3) Within three months of the date of this permission a car parking management plan that includes the demarcation of the existing on-site parking area(s) and timing of works shall, be submitted to and approved by in writing by the local planning authority. The on-site car parking area(s) shall be maintained and retained for this purpose throughout unless otherwise approved by the Local Planning Authority.

In the interest of highway safety as supported by Policies EN1, T2 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order replacing or superseding this Order, the use of the building hereby permitted shall be limited to Class E and events use at ground and lower ground floor, with first floor and roof level for indoor and outdoor sport and events uses (Sui Generis) only.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

5) The number of persons attending any particular event(s) within the building shall be limited to a maximum of 150.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

6) The building shall be limited to only 52 late night events that function after 2100 hours on any day within a calendar year. The venue shall not exceed 150 people at any such late night event.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

7) No event(s) which commence on Friday or Saturday shall take place outside the hours of 09:30 that day and 23:30, and no event which commences on any day between Sunday and Thursday will take place outside the hours of 09:00 that day and 23:00 the same day. All amplified and non-amplified music must cease by 23:00 hours on days between Sunday and Thursdays and 23:30 hours on Fridays and Saturdays.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks



Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

8) The openings in the façade of the building shall remain closed at all times during an event, when not immediately required for access/egress.

To mitigate against noise breakout from the building fabric and in order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

9) No further external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed and shall only be in use in connection with the hours of use of the building when in occupation.

In order to safeguard the amenities of the visual amenity in accordance with Policies EN1, EN5, EN6 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Core Strategy.

10) No live or amplified music, shall take place on the roof and other terraces of the building subject to this permission.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

11) The external roof and ground floor terraces of the building shall not be used by any person after 21:00 hours on any day unless it is for maintenance or emergency purposes only.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

12) No fireworks shall be used on the site during events subject to this permission.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

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

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

## Agenda Item 4.2

### Description of site

- 1 The site relates to a former clubhouse building located with the parish of Penshurst, within open countryside.
- 2 Access to the site is from a shared vehicular access from Grove Road, which also serves an off-road cycle track and other buildings. The site has modest sized, unbound surfaced off street parking provision.
- 3 The site is within the designated Metropolitan Green Belt and High Weald National Landscape (formerly known as Area of Outstanding Natural Beauty (AONB))

### Description of proposal

#### Background

- 4 In 1992, temporary planning permission was given to form an off road cycling track under planning reference 92/01444/FUL and was in ownership of one person.
- 5 Then in 1995, a further planning permission was granted for its continued use and the erection of a kiosk.
- 6 Subsequent to that in 2004, planning permission (ref: 04/02527) was granted for the erection of a clubhouse, to which condition 9 of that permission imposed a restrictive use planning condition that stated:  
  
"The premises shall be used for the purposes of a clubhouse (Class D2) in association with the off road cycle track and the building shall be used for no other purposes (including any other purpose in Class D2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification."
- 7 From the Councils Building Control records, it was noted that works had commenced building the clubhouse on 26 February 2007.
- 8 During this time from photographic evidence, from off-roading cycle events held on-site in 2011, even though glazing had not installed within the building, the building was in use.
- 9 In 2015 the site as a whole was split and sold off into three parts. Two parts of the site were sold off to new landowners and the other was retained by the original landowner.
- 10 An email from the new landowner of the clubhouse stated to the Council that they were aiming to get the entire building watertight by November 2015.
- 11 In March 2017, it was noted by the Council that the clubhouse building had not been built in accordance with the approved plans and internal works were being undertaken to bring the clubhouse to a standard that complies with Building Regulations.
- 12 Taking into account of the above, it is being asserted by the applicant that as the clubhouse had not been built in accordance with the approved plans. It then followed that condition 9 of the planning permission 04/02527/FUL does not apply and as the

building has been in existence of more than 4 years, it is immune from planning enforcement proceedings.

- 13 This application seeks to regularise the use of the building and proposes an extension to it.

### Proposal

- 14 The proposed extension of the building will comprise of a single storey, flat roofed extension to the southeast elevation of the building. It would be formed from a timber framed structure with glass panelling and a timber cladded plinth. The justification for the extension is to create a new lobby area which would assist in reducing the level of noise breakout from the building's fabric, as amplified music will be played on the lower ground floor of the building. The extension will create approximately 34.2m<sup>2</sup> of floor area.
- 15 The other element of this proposal is to regularise the use of the building. As noted from the description of the development, this application seeks to allow the ground and lower floor of the building to operate under use class E for indoor sports with an ancillary element of commercial activities and the first and roof terrace to be used for indoor and outdoor sports, together with leisure and events uses – Sui generis (a use class of its own).

### Relevant planning history

- 16 92/01444 - Use for recreational purposes as a cycling track, together with new vehicular access, creation of car park and kiosk and installation of a cesspool – Granted
- 17 95/00223 - Continued use for recreational purposes as a cycle track, retention of vehicular access, car park and erection of kiosk (Renewal of planning permission SE/92/1444) - Granted
- 18 96/02256 -Details of landscaping, boundary treatment, parking, accessing, levels, drainage, kiosk, and retaining structures pursuant to conditions 1,3,6,9,10,11,12 and 13 of SE/95/0223 - Granted
- 19 97/00629 - Delete conds 4 & 5 of SE/95/0223 regarding work within the spread & adj to trees; vary conds 7 & 14 of SE/95/0223 to permit access by emergency vehicles, the disabled, & additional use for archery & wheelchair users - GRANTED
- 20 03/00104 -Erection of clubhouse for Penshurst Off Road Cycling -Refused
- 21 04/02527 - Erection of a Club House - Granted
- 22 07/00423 - Recreation Track – Granted
- 23 20/00344/LDCPR - Confirmation that the Clubhouse at Kingdom, Grove Road and it can be used for purposes within the use class D2 assembly and leisure building is lawful – REFUSED – Planning Appeal Lodged.
- 24 20/001523 - Creation of a decking area used ancillary to the lawful D2 (leisure/recreation) use of the land – Appeal ALLOWED

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- 25 21/03418 - Change of use of clubhouse from assembly and leisure to use of E class; ground floor and lower ground floor and roof terrace as indoor and outdoor sport (Sui Generis) - NON-DETERMINATION APPEAL LODGED

### Policies

- 26 National Planning Policy Framework (NPPF)
- 27 Core Strategy (CS)
- SP1 - Design of New Development and Conservation
  - LO8 - The Countryside and Rural Economy
  - SP8 - Economic Development and Land for Business
  - SP11 - Biodiversity
- 28 Allocations and Development Management Plan (ADMP)
- EN1 - Design Principles
  - EN2 - Amenity Protection
  - EN5 - Landscape
  - EN6 - Outdoor Lighting
  - EN7 - Noise Pollution
  - EMP5 - Non-allocated Employment Sites
  - GB7 - Re-use of a building with the Green Belt
  - GB8 - Limited extension to a non-residential building within the Green Belt
  - T1 - Mitigating Travel Impact
  - T2 - Vehicle Parking
  - LT1 - Tourist Accommodation and Visitor Attractions
- 29 Other:
- National Planning Practice Guidance
  - High Weald Area of Outstanding Beauty Management Plan 2019-2024 (National Landscape) (Objectives OQ3, OQ4)
  - Development in the Green Belt SPD
  - Kent Vehicle Parking Standards (SPG4)
  - CIL Regulations

### Constraints

- 30 The following constraints apply:
- Metropolitan Green Belt
  - High Weald National Landscape (formerly AONB)

### Consultations

- 31 Penshurst Parish Council – Objects for the following reason:
- “The addition of a conservatory on part of one wall will do little or nothing to address the issues raised in our objection to the previous application (21/03418).

- 32 We reiterate that the Officer's report for 21/00344/LDCEX states at point 43 "The sui generis use of the building, has brought about cumulative impacts upon nearby residents in terms of additional noise, traffic generation and highway safety issues from overspill parking onto Grove Road" and at point 44 "Overall, it is considered that the intensified use of the clubhouse building has an detrimental impact upon the living conditions of the existing occupants, creating an environment which would be fundamentally different from that which existed prior to May 2015, through increased levels of noise and disturbance."
- 33 We still consider that granting a sui generis use will increase the existing detrimental impact to nearby residents in terms of noise, traffic, and overspill parking. We are also concerned at the effects of noise, light pollution and traffic on the wildlife within this area of the AONB. We do not believe these issues could be overcome by the use of Planning Conditions.
- 34 We must emphasise to the District Council that, despite what the current Planning, Design and Access Statement may seek to assert, the current use has been deemed as NOT lawful under 21/00344/LDCEX. As far as we are concerned, this remains the position until such time as the Planning Inspectorate may decide otherwise.
- 35 Whilst we understand that the District Council may be reluctant to take planning enforcement action while there are outstanding appeals or planning applications, there is a very real possibility that the use of the site will simply become lawful by existing for 10 years without enforcement action (the current use has been ongoing for almost 8 years 4 months since May 2015). After all, what is to stop the applicant submitting further applications simply to "run down the clock", in the knowledge that no enforcement action will be taken whilst applications or appeals are undecided?"

Other Consultees

- 36 SDC Environmental Health - No objection subject to condition -  
"Chris Beale of Hydrock SPL track has a sensible approach to the determination of acceptable noise limiting for the venue. One would hope that within a sensible time frame sufficient evaluation could be undertaken to establish the suitability of the existing sound system within the venue. Alternative sound systems such as a sound ceiling could also be considered by the operator as this could significantly limit potential noise breakout.
- 37 The addition of a noise lobby will address an existing weak point in the building envelope as would having no music on the upper terrace and prohibiting the use of the area from 22:00 hrs. A comprehensive noise management plan that includes patrons outside of the building, including prohibiting drinks being taken out of the building from a specified time etc. Ultimately the aim is allow ongoing operations without significant adverse impact on neighbouring dwellings.
- 38 Therefore, subject to suitable conditions, I have no objection to the granting of planning permission in respect of this application."
- 39 KCC Highways - No comment
- 40 Environment Agency - No comment
- 41 Natural England - No objection raised

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42 Forestry Commission – No comment

### Representations

43 80 representations received in support of the application

44 1 petition/survey in support of the application with 1907 responses–

(Some of the responses received identify Kingdom to be an asset to the local community, a place which allows them to socialise, a safe place for their family and children to go and enjoy spending time outside and in nature, and having access to somewhere which is immensely beneficial to their health and well-being, both physical and mental, as well as providing benefits to the local economy, and to other surrounding businesses within the local community (my emphasis))

45 13 representations received objecting on the following issues:

- Insufficient parking
- Impact upon residential amenity
- Light pollution
- Increased traffic generation
- Highway safety concerns
- Neither conserves or enhances AONB
- Noise pollution
- Ecological impacts
- Building proposed is unsuitable for proposed use
- Never has been a D2 use
- Continuing complaints relating to use

### Chief Planning Officer's appraisal

46 The main planning considerations are:

- Impact upon Green Belt;
- Impact upon the existing neighbouring amenity;
- Impact upon the High Weald National Landscape (AONB);
- Highways.

### Impact upon the Green Belt

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

48 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". Paragraph 148 of the NPPF advises that Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

- 49 Paragraph 149 of the NPPF states that a “local planning authority should regard the construction of new buildings as inappropriate in the Green Belt’. However, a list of exceptions are provided, including the:
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- 50 Paragraph 150 (d) of the NPPF also allows the re-use of a building the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 51 Further to the above, Policy GB8 of the ADMP allows for limited extensions to non-residential buildings within the Green Belt providing the building is question is lawful and permanent and that any proposed extension would be proportionate and subservient to the original building and would not harm the openness of the Green Belt.
- 52 As mentioned above, the building is lawful by the passage time, as it was never built in accordance the originally approved 2004 scheme.
- 53 In terms of proposed development, a single storey extension to the ground floor of the southeast facing elevation of the building. The flat roofed, single storey extension would provide an additional **34.2m<sup>2</sup>** of floor area to be used as a lobby area for the building. The existing floor space of the building is approximately **748.4m<sup>2</sup>** (excluding roof terrace). The introduction of the single story extension would increase the size of the building by approximately **4.6%**.
- 54 Due to the design of the extension and when comparing it to its host, it is considered that the extension would constitute as a proportionate and subservient addition that has a limited impact upon the openness of the Green Belt.
- 55 In terms of the re-use of the building, the structure of the building is sound, as it is a modern building and has been completed within the last ten years. The re-use of the building would not have a materially greater impact upon the openness of the Green Belt and character of the area, in compliance with policy GB7 of the ADMP.
- 56 The development is appropriate development within the Green Belt, in compliance with Policies GB7 and GB8 of the ADMP, and paragraphs 149, 150 of the NPPF.

### **Impact upon the existing neighbouring amenity**

- 57 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by complying with a number of criteria. These include preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution.
- 58 At paragraph 185 of the NPPF, it states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 59 Policy EN2 of the ADMP requires proposals to safeguard the residential amenities of existing and future occupants of nearby properties. Equally, policy EN7 seeks to

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protect the existing amenities of surrounding properties, biodiversity and the AONB from noise generating development.

- 60 It is noted that there are objections from third parties to whom live near to the site and asserted that operation of 'Kingdom' has negativity impacted upon their amenities. The closest residential property is a partially subterranean building sited approximately 127m to the southeast of 'Kingdom'. This property is under construction and nearing completion.
- 61 The next closest property is approximately 133m to the west, known as Blowers Hill which is sited upon lower ground than Kingdom, but is adjacent to near to the main vehicular access to the site on Grove Road.
- 62 It is clear that the use of the building for events such as weddings could generate excess noise and disturbance. This could be from live or recorded music, guest's voices or vehicles entering and exiting the site. A noise assessment has been submitted with the application and concludes the effects of noise, together with proposed mitigation measures would result in a low impact effect upon local receptors. However if there was a 'do nothing' approach, then the nearby two properties, as mentioned above would be adversely impacted.
- 63 The consultation response from the Council's Environmental Health team concurred with the findings of the assessment and determined that any resulting effects of additional noise from the proposed change of use could be mitigated adequately by conditions. Based on the evidence it is considered that that there is no reason to disagree with either the findings of the assessment or the Environmental Health Teams response.
- 64 Conditions to control noise emanating from events/functions such as weddings which fall outside of standard working hours are not uncommon and the applicant and as suggested by the noise assessment, a Noise Mitigation Management Plan is to be employed. This together with alterations required to the building fabric itself (i.e. sealing of gaps/windows/doors) would significantly improve the sound absorption and limit noise emission from the building. Further details are required in this regard to be secured by condition, as well as other restrictions on the use of fireworks or entertainment outside of the building. The controls also allow for the ongoing and continued use of the site for a wide range of indoor and outdoor sport and recreation uses that support the rural enterprise.
- 65 By imposing a restriction in the number of late night events and the number of people attending, will limit the number of vehicle movements to and from the site. It has to be acknowledged that there is an existing use of the building and complaints have been received, however by imposing restrictions upon its use and other mitigation measures would lead to a betterment to the existing residential amenity, despite the objections raised by third parties and Parish Council.
- 66 Based on the reason above, the proposal would not harm the living conditions of nearby residents with regards to noise in accordance with Policies EN2, EN7, of the ADMP.

### **Impact upon the High Weald National Landscape**

- 67 The site is within the National Landscape (AONB) and the area is of high landscape quality. The primary purpose of the designation is to conserve and enhance natural beauty. The NPPF states that great weight should be given to conserving landscape



and scenic beauty within National Landscapes (AONB). This is reiterated in Policy EN5 of the ADMP and LO8 of the Core Strategy. Further advice on conserving the landscape is contained in the High Weald Area of Outstanding Natural Beauty Management Plan 2019- 2024.

- 68 The existing building would be extended in size, being single storey in height and adds approximately 34.3m<sup>2</sup> in floor area. The extension itself is discreetly sited to the southeast facing elevation of the building. The area is well landscaped, and the development would ensure there is limited visual harm to the character and appearance of the area and the National Landscape.
- 69 At present the building concerned in a mixed use and events are being held within the building and upon the wider land i.e., outdoor recreation, whereas the former use of the site was for off-road cycling. There is still some element of this use remains, as a part of the site retains a cycle track. The use of the site cannot readily be seen from outside of the site. It is acknowledged that the existing outdoor recreational use of the site and building may have an impact upon the tranquillity of the area at certain times. This reduction of tranquillity is therefore limited in scope and time which can be assisted by the use of appropriate restrictions by planning conditions to ensure the amenities of the area are not compromised to a detrimental degree. This loss of tranquillity has to be balanced against the benefits of the proposed use, which supports the secondary objectives of the Area of Outstanding Natural Beauty Management Plan for providing recreation, promotion of well-being, diversifying and supporting the rural economy.
- 70 In terms of light pollution and possible impact upon the dark skies of this designated area, it must be remembered that the building is existing, and light emitted from it is an existing situation. Notwithstanding this, it is noted that there is some external festoon lighting to the lower ground floor and upon the roof terrace. Light spillage is inevitable but would be localised and would only be used when the building is in use. As such to limit, any further impact from lighting upon the character of the area and ecological impacts, a condition can be secured, to secure further details of any further introduction of external lighting to the building.
- 71 In light of the above, the impacts arising from the use of the building upon the intrinsic qualities National Landscape would be limited however, there are identified benefits that outweigh the limited harm and by securing further restrictions to the use of the building would ensure that the National Landscape is conserved and there would be a betterment the area, in compliance with the relevant policies and the objectives of the AONB Management Plan.

### Highways

- 72 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'.
- 73 Policy T1 of the ADMP states that new development will be required to mitigate any adverse impacts that could result from the proposal. Policy EN1 of the ADMP states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that vehicle parking provision for non-residential developments should be made in accordance with advice by Kent County Council as the Highway Authority.

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- 74 It has been noted that there have been two incidents of vehicle accidents arising in this part of Grove Road have been recorded within the past five years and the severity has been recorded as 'slight' by crash data analysis.
- 75 The existing access to the site from Grove Road would remain unchanged.
- 76 On-site parking provision is existing within the site, however parking spaces are not demarcated however approximately there are 60 spaces that that can be accommodated and a further overspill parking can be found to the west of the site, adjacent to the access road. By ensuring that the existing parking is demarcated, it would allow for more efficient parking within specific areas within the site to be achieved, minimising the effect of overspill.
- 77 Kent Parking Standards (SPG4) advocates a parking standard for a Sui Generis use of 1 space per 22m<sup>2</sup>. Taking this into account, the existing provision of on-site parking exceeds this maximum standard, when considering the size of the building. Furthermore, by the restricting of the number of guests at events would also limit the number of spaces that is required for such a uses. This together with the submission of a car parking management plan would create a betterment upon the existing situation and would allow for additional measures when the use of the building and that of the wider area could, at times, be over-subscribed. This would alleviate the concerns raised by third party representations.
- 78 Taking the above into consideration and that KCC Highways have made no comment, as there are no identified likely impacts upon the public highway and the impact of the development would not be 'severe', this proposal would not be in conflict with the above policy nor the NPPF.

### Other issues

- 79 Consideration has been given to Parish Council comments and third-party representations and where appropriate have been discussed above. Notwithstanding this, it is acknowledged that some harm would be generated by the proposed use of the building, however with the necessary restrictions and mitigation measures secured by planning conditions, there would be an overall betterment to the use of the site and how it is operated without causing detrimental impacts upon the amenities of surrounding residential properties.
- 80 Paragraph 84 of the NPPF states that "Planning policies and decisions should enable
- a) the sustainable growth and expansion of all types of business in rural areas;
  - b) the development and diversification of agricultural and other land-based rural businesses;
  - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
  - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space.
- 81 Further to this, paragraph 85 of the NPPF advises that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

- 82 Penshurst is defined as hamlet, as cited by Settlement Hierarchy, July 2022. Penshurst has a limited range of services and facilities. Tunbridge Wells, Tonbridge and Edenbridge are the closest towns being approx. 5 miles from the site and Sevenoaks being approximately 7 miles. The likely scenario for visitors to the venue would involve those travelling from greater distances seeking to stay overnight in those towns as previously mentioned, during which time they would make use of bed and breakfasts, taxis and restaurants alongside the financial benefits to this rural business. As such, while the site is not well linked with public transport, it is close to a towns which does have good transport links and would make a significant contribution to the rural economy. On balance, despite the location of this site would advocate the reliance of car use, it would bring wider perceived public benefits in accordance with paragraphs 84 and 85 of the NPPF and the objectives OQ3, OQ4 of the High Weald AONB Management Plan which seeks promote rural economy, health/wellbeing and recreation within the National Landscape.
- 83 It is considered that by restricting the use of the site in terms of hours of use, limiting the number of people attending 'late night' events, controlling the use of external lighting, this would bring ecological benefits to the site, as opposed to the 'baseline' unrestricted use of the building.
- 84 It is acknowledged that there are two outstanding planning appeals on this site relating to the building in question and its use. However, this application is a revised scheme with mitigation measure proposed and therefore the application must be judged on its own merits without delay, in accordance with the NPPF and NPPG.

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

- 85 The development is not CIL liable.

### **Conclusion**

- 86 For the reasons above, subject to the imposition of the necessary planning conditions, would assist in mitigating against any harm caused by noise, traffic and use of the building concerned. The proposed use and continued use of the wider site, would not harm the landscape qualities of High Weald National Landscape and the limited harm that arises from the use of the building, would be outweighed by other benefits as outlined above.
- 87 The development would accord to Development Plan when taken as whole. There are no other material considerations which indicate the recommendation should be taken otherwise.
- 88 It is therefore recommended that this application is approved.

### **Background papers**

Site and block plan

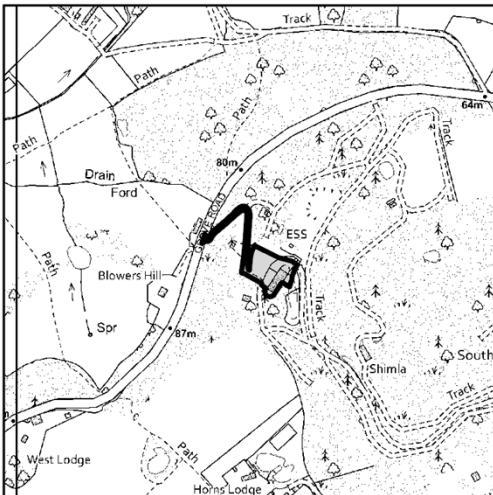
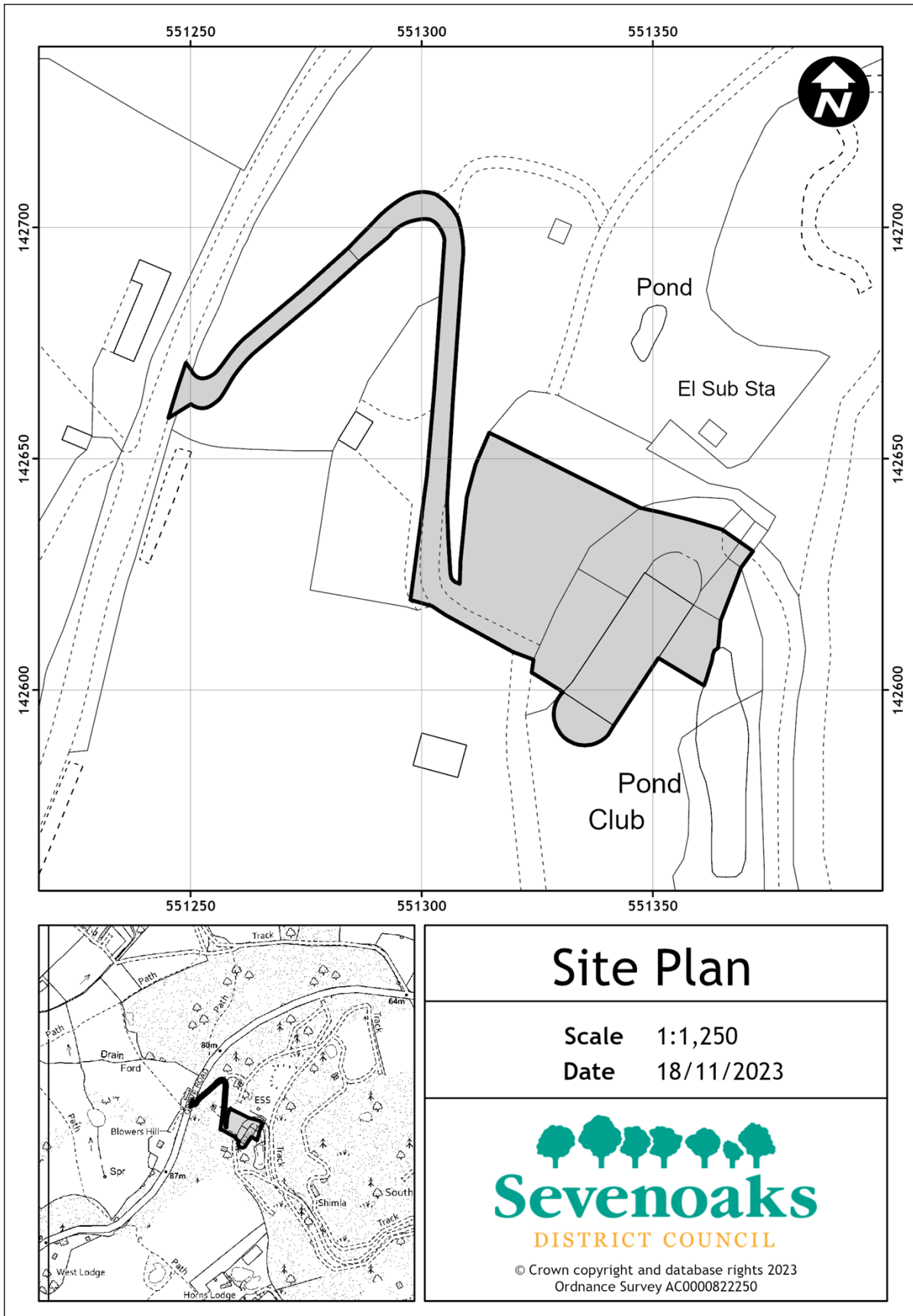
Contact Officer(s) Sean Mitchell 01732 227000

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

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
Date 18/11/2023



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Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN

