

4.2 21/03851/FUL

Proposal: Erection of pair of 3 bedroom semi-detached dwellings, parking and associated works.

Location: Land North of Pilgrims Oasts, Station Road, Otford,
KENT

 TN14 5QX

Ward(s): Otford & Shoreham

Item for decision

The application has been referred to Committee by Councillor Roy in light of concerns that the special rural character of this part of the village, and an area of designated open green space, would be lost as a result of the development, and that the harm arising would significantly and demonstrably outweigh the benefits of housing delivery.

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 shall be carried out in accordance with the following plans and details: Planning Application Forms; drawings 6509-PD1-01 Rev. A; 6509-PD1-02 Rev. L; 6509-PD1-03 Rev.D; 6509-PD1-04 Rev.G;

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

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

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4. Prior to commencement of development above damp proof course, full details of hard and soft landscaping on the site, which shall be in accordance with the approved plan 6509-PD1-04 Rev.G, shall be submitted to and approved in writing by the local planning authority. This shall include full planting plans and specifications; details of hard surfacing materials; and a plan for the management and maintenance of the landscaped areas. The approved hard

landscaping scheme shall be implemented prior to the occupation of the development hereby approved and the soft landscaping shall be implemented not later than the first planting season following the first occupation of the development. If within a period of 5 years from the completion of development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

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

5. Prior to commencement of development above damp proof course, details of all boundary treatments within and around the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

6. From the commencement of development on the site, full tree protection measures for the site shall be installed, in full accordance with the measures detailed in the Arboricultural Report by Sylvanarb (reference SA/1844/21). The protection measures shall remain in situ and in accordance with those details throughout the course of construction.

To ensure the ongoing protection of trees, to comply with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

7. From the commencement of works, the precautionary mitigation measures detailed within Chapter 10 of the Preliminary Ecological Appraisal by Native Ecology (reference 0802_R01_PEA) shall be implemented and shall be maintained throughout the course of construction.

To ensure the development safeguards biodiversity in accordance with policy SP11 of the Core Strategy.

8. Prior to commencement of development above slab level, a full biodiversity enhancement plan and strategy shall be submitted to and approved in writing by the Local Planning Authority. This will include full details of the measures incorporated within the approved Biodiversity Enhancement Plan (reference 6509-PD-04 Revision G) and the enhancement measures set out within the Preliminary Ecological Appraisal by Native Ecology (reference 0802_R01_PEA). This shall include a native species landscape scheme (trees and hedgerows) and the incorporation of integrated bat and bird boxes and bee bricks along with other habitat creation and protection measures, together with a timetable for

implementation. The development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and maintained as such thereafter.

To ensure the development delivers ecological enhancements in accordance with policy SP11 of the Core Strategy.

9. No external lighting shall be affixed to the building or erected within the curtilage unless in accordance with a lighting design plan for biodiversity which shall have been submitted to, and approved in writing by, the Local Planning Authority. The plan shall show the type, specification and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. The external lighting shall be maintained as approved thereafter.

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

10. No development shall take place on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period and shall include details of the:

- (a) Routing of construction and delivery vehicles to and from the site;
- (b) Parking and turning areas for construction and delivery vehicles and site personnel;
- (c) Timing of deliveries;
- (d) Provision of wheel washing facilities;
- (e) Measures to control the emissions of dust and dirt during construction;
- (f) Temporary traffic management / signage;
- (g) Storage of plant and materials used in constructing the development;
- (h) Hours of operation.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other users, and to safeguard the amenity of neighbouring residents in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

11. No development shall take place until arrangements have been made for an archaeological watching brief to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the watching brief proposals agreed pursuant to this condition and shall be carried out by a suitably qualified investigating body approved in writing by the Local Planning

Authority.

To ensure that any archaeological evidence discovered during ground works is adequately recorded in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

12. The development hereby approved shall not be occupied until the proposed vehicular access to the site from Station Road as shown on drawing reference 6509-PD1-02 Revision L has been constructed and provided with visibility splays of 43 metres x 2.4 metres x 43 metres at the access with no obstructions over 1.05 metres above carriageway level within the splays. The access shall be permanently maintained thereafter and the visibility zones shall be kept permanently clear of any obstruction.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

13. The development hereby approved shall not be occupied until the car parking spaces and vehicle turning space has been laid out within the site in accordance with the approved plan reference 6509-PD1-02 Revision L. The parking and turning areas shall be permanently retained exclusively for its designated purpose.

To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

14. Prior to the commencement of works associated with the proposed car park area, details of the Electric Vehicle Charging Points as shown on the Proposed Site Plan (reference 6509-PD1-02 Revision L) shall be submitted to and approved by the local planning authority. The development shall be carried out only in accordance with the approved details and those charging points shall be available for use prior to the occupation of the dwellings and maintained thereafter.

To ensure the delivery of Electrical Vehicle Charging Points, to comply with policy T3 of the Sevenoaks Allocations and Development Management Plan and to maximise the sustainability benefits of the charging points, in line with Policy SP2 of the Sevenoaks Core Strategy.

15. Prior to the first occupation of the development hereby approved details of the cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the cycle parking shall be maintained thereafter.

To preserve the character and appearance of the area and to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles in accordance with Policy SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

16. The development shall be carried out in accordance with the recommendations held within the submitted Contaminated Land Risk Assessment by Soil Environmental Services Limited, dated October 2021. In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and approved in writing by the local planning authority. The development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework.

17. The development shall be carried out in accordance with the recommendations of the Noise & Vibration Assessment (Lustre Consulting Report Reference 3036\NJ-NL\04-2022 dated April 2022). Should the foundations and structural design of the development differentiate from the assumptions in the Lustre report, a further vibration and re-radiated noise assessment shall be undertaken, and details submitted for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure the dwellings achieve appropriate environmental noise conditions, in line with Policy EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

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

To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the character of the locality, in accordance with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

Informatives

1. Highways: 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

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 0.06 ha site is located to the east of the centre Otford and just to east of the Otford railway station. The front of the site faces onto Station Road and has a boundary formed of a post and rail timber fence and laurel hedging. The rest of the site has been cleared and adjoins the former 'Bank Building' site where, currently, a new two-storey block of four 2-bedroom flats is under construction, as approved under planning permission reference 20/03662/FUL.
- 2 To the south west, adjoining the Bank Buildings site to the rear, is 1-4 Pilgrims Oasts dwellings. The northern side of Station Road, opposite the site, is also residential in character - directly opposite is a pair of white rendered semi-detached cottages (45 & 47 Station Road). The south and east of the site is surrounded by the Chalk Pits Recreation Ground, which is densely wooded and crossed by a network of footpaths, with an area of open space in the centre.

Description of proposal

- 3 The application proposes the development of a pair of two-storey, 3-bedroom semi-detached cottages. These would run in a north-south orientation. The southern cottage would have its principal elevation and entrance facing south west into the site; the dwelling on the north side would face Station Road to the north.
- 4 Each dwelling would have two allocated parking spaces, with one additional visitor space provided. These would be located to the south west of the dwellings. Access from Station Road would be via the shared access with the new dwellings under construction on the former Bank Building site.

Relevant planning history

- 5 The site has a long history of proposals for dwellings and other development, all of which have been refused; a number have progressed to appeal where they have been dismissed.
- 6 Key decisions relating to the site are identified below:

08/00642/FUL	Erection of 4 Bed Detached House with associated parking. Reasons for refusal: 1. Loss of allocated open space 2. Harm to visual amenity / character and appearance of the area. 3. Unsafe access onto distributor road.	REFUSED	08/05/2008
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08/01780/FUL	<p>Erection of 4 Bed Detached House with associated Parking.</p> <p>Reasons for refusal:</p> <ol style="list-style-type: none"> 1. Loss of allocated open space 2. Harm to visual amenity / character and appearance of the area. 	<p>REFUSED</p> <p>APPEAL DISMISSED</p>	<p>28/08/2008</p> <p>11/02/2009</p>
10/00541/FUL	<p>Erection of a 4-bedroom dwelling house with integral garaging.</p> <p>Reasons for refusal:</p> <ol style="list-style-type: none"> 1. Loss of allocated green space. 2. Harm to visual amenity / character and appearance of the area. 	<p>REFUSED</p> <p>APPEAL DISMISSED</p>	<p>07/05/2010</p> <p>22/11/2010</p>
13/00562/FUL	<p>Erection of single subterranean Class C3 dwelling house.</p> <p>Reasons for refusal:</p> <ol style="list-style-type: none"> 1. Harm to the natural and open quality of protected open space this space. 2. Harm the visual amenity / character and appearance of the area. 3. Insufficient information has been submitted to allow adequate consideration of the impact of the proposed scheme upon the trees lying in the adjacent woodland. 	<p>REFUSED</p> <p>APPEAL DISMISSED</p>	<p>22/04/2013</p> <p>07/02/2014</p>
15/00881/FUL	<p>Construction of a 10 room care home with 3 staff apartments.</p> <p>Reasons for refusal:</p> <ol style="list-style-type: none"> 1. Harm to the natural and open quality of protected open space. 2. The siting and layout of the proposed building, would fail to conform to the existing spatial pattern of development in the area. The proposed building, by virtue of its height, scale, mass and bulk would be out of keeping with the prevailing character and appearance of the existing built form. The introduction 	<p>REFUSED</p> <p>APPEAL DISMISSED</p>	<p>12/06/2015</p> <p>07/01/2016</p>

	<p>of this building would result in a prominent and incongruous feature within the street scene.</p> <p>3. Inadequate off-street parking provision for staff and visitors.</p> <p>4. Lack of information to confirm that the proposed development will not have a harmful impact on protected species and habitats.</p> <p>5. By reason of the siting of the building the proposal would be likely to result in harm to the long-term health of the adjacent trees.</p>		
16/03657/FUL	<p>Erection of a detached commercial storage building with 4 additional car parking spaces.</p> <p>Reasons for refusal:</p> <p>1. Loss of allocated open space /harm to the character and appearance of the area.</p>	REFUSED	30/01/2017

Policies

- 7 National Planning Policy Framework (NPPF)
- 8 Paragraph 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.
- 9 The same paragraph states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10 Out-of-date polices include, for housing applications, situations where the local planning authority cannot demonstrate a 5-year supply of deliverable sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement of the previous 3 years.

- 11 Footnote 7 (as referenced in the second bullet above) relates to policies including SSSIs, Green Belt, Local Green Space, AONBs, irreplaceable habitats, designated heritage assets and locations at risk of flooding.
- 12 Core Strategy (CS) policies:
- LO1 Distribution of Development
 - LO7 Development in Rural Settlements
 - SP1 Design of New Development and Conservation
 - SP2 Sustainable Development
 - SP5 Housing Size and Type
 - SP10 Green Infrastructure, Open Space, Sport and Recreation Provision
 - SP11 Biodiversity
- 13 Allocations and Development Management (ADMP) policies:
- SC1 Presumption in Favour of Sustainable Development
 - EN1 Design Principles
 - EN2 Amenity Protection
 - EN4 Heritage Assets
 - EN5 Landscape
 - GI1 Green Infrastructure and New Development
 - GI2 Loss of Open Space
 - T1 Mitigating Travel Impact
 - T2 Vehicle Parking
 - T3 Provision of Electric Charging Points.
- 14 Other material documents:
- Otford Parish Plan 2012
 - Otford Village Design Statement 2015
 - Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026

Constraints / Designations

- 15 The key policy constraints and designations are as follows:
- Allocated Open Space: the site is designated as part of open space allocation GI 2:698 (Chalk Pit Recreation Ground), defined as ‘natural and semi-natural’ open space.
 - Within the Urban Confines of Otford
 - Area of Archaeological Potential
 - Adjacent Area of Outstanding Natural Beauty - directly north of the site on the opposite side of Station Road, and further east (other side of rail line) and west of Pilgrims Ways East.

Publicity (second consultation) expired on: 03/06/2022

- 16 Parish Council - Otford Parish Council
- 17 Objection. The Parish notes that the area has been subject to six previous applications and four lost appeals. It states that the proposed construction of two dwellings would result in the loss of allocated open space and cause harm to the character and appearance of the area, contrary to policies GI2 and EN1 of the Sevenoaks ADMP and policies LO7, LO8, SP10 and SP11 of the Core Strategy. Further, the building was demolished before the adoption of policy for the protection of the open space. Protected Species Survey is required if approved.

Consultations responses

- 18 SDC Policy: (in summary)
- The Policy officer confirms that the key strategic planning policy issues are (i) Policy GI2 Open Space Allocation and the loss of open space and, (ii) the presumption in favour of sustainable development.
- 19 The ADMP Policy GI2 requirements for the protection of open space are summarised. This states that the loss of open space will not be permitted except where certain criteria are met (as detailed in the appraisal below).
- 20 The officer states that it has not been demonstrated that the proposal to redevelop this site meets the policy tests of Policy GI2 and notes the redevelopment of the site has been proposed and refused on multiple occasions.
- 21 The open space designation was not proposed for removal in the pre-submission version of the Local Plan.
- 22 With regards the presumption in favour of sustainable development, the officer states that the Council cannot demonstrate a 5 year land supply of housing and therefore decisions are subject to the presumption in favour of sustainable development as per paragraph 11 of the National Planning Policy Framework (NPPF).
- 23 This site lies outside of the Green Belt and the Area of Outstanding Natural Beauty (although it is considered to be in the setting) and therefore it is subject to NPPF paragraph 11d(ii) which states that the development should be granted unless “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”.
- 24 SDC Environmental Health Officer (EHO):
- 25 In his initial response, the EHO stated that the noise assessment has not evaluated or characterised ground borne noise and vibration and has failed to provide details of the likely noise exposure to any proposed amenity space. It is therefore difficult to determine if the guidance provided by BS 8233:2014 is met.

- 26 He further recommended that conditions be attached requiring a further contamination survey, remediation and validation requirements. The EHO later confirmed that “A phase 2 will not be necessary but the normal unexpected contamination [condition] should be added to cover anything that may have been missed by the desk top study.”
- 27 Updated comments were provided by the EHO following submission of a further noise survey. He stated that;-
- 28 “Having reviewed the document entitled ‘Land Adjacent to Bank Buildings - Otford | Noise and Vibration Assessment | Reference: 3036\NJ-NL\04-2022’ (dated July 2022) [produced by Lustre consulting] I find the report, methodology and findings to be reliable. I therefore recommend that any future permission granted is in accordance with the Lustre report such that glazing and ventilators shall meet the performance criteria detailed in section 4.3 of the Lustre report. The noise mitigation measures for external amenity areas detailed in section 4.9 of the Lustre report shall be implemented. All noise mitigation measures must be implemented and maintained thereafter.
- 29 Prior to first occupation and following installation of the glazing, ventilators and acoustic fencing, sound testing shall be carried out to demonstrate that noise levels for internal and external amenity areas detailed in the Lustre report have been achieved.
- 30 If the foundations and structure design differentiate from the assumptions in the Lustre report, a further vibration and re-radiated noise assessment must be undertaken to factor for the alternative designs.”
- 31 SDC Tree Officer:
Notes trees proposed for removal have already gone. No objection.
- 32 Natural England:
No comments. Reference to standing advice.
- 33 KCC Ecological Advice Service:
- 34 Revised comments received 15 June 2022:
- 35 “Protected/notable species
- 36 We advise that we are satisfied that sufficient ecological information has been provided - we have taken this view as the site is largely unvegetated and has limited opportunities for protected/notable species to establish on site.
- 37 However the presence of protected/notable species cannot be completely ruled out and we advise that are satisfied that the impact can be avoided through the implementation of the recommended precautionary approach.

- 38 If planning permission is granted and we recommend that this is implemented as a condition of planning permission. Suggested wording at the end of the report.
- 39 Lighting
- 40 Bats and other nocturnal animals are likely to forage /commute within the site and we recommend that any lighting condition requires the lighting plan to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. [link provided]
- 41 Woodland habitat
- 42 The ecological report has detailed that there is an area of lowland mixed deciduous woodland within the northern corner of the site and we understand from speaking to the planning officer this area has been cleared since the ecological report was carried out. The ecological report recommends that this habitat was retained in its entirety or if that was not possible at least partially.
- 43 When we previously commented we recommended that this area is replanted with woodland to replace the woodland which was recently cleared. The site plan has subsequently been updated to confirm that native trees will be planted within that area. We recommend that this area has minimal management once the trees have established and encourage a copse /mini woodland to establish.
- 44 The proposed development site is adjacent to an area of open space which is primarily woodland and therefore the creation of the copse will reduce the impact of the proposal on the adjacent habitat.
- 45 Ecological Enhancements
- 46 One of the principles of the National Planning Policy Framework is that “opportunities to improve biodiversity in and around developments should be integrated as part of their design” The report has made a number of recommendations to enhance the site for biodiversity and the site plan has confirmed that they will be incorporated into the site. The site plan has been updated to demonstrate that integrated bird, bat and insect boxes will be incorporated into the buildings. We recommend that the measures detailed within the proposed biodiversity enhancement plan (Offset Architects; April 2021) is implemented as a condition of planning permission.”
- 47 KCC Highways and Transportation:
- 48 No objection. Access is acceptable. Parking accords with Kent Residential Parking Standards. Pleased to note provision of EV charging points. Secure covered cycle storage required.

- 49 Conditions recommended regarding requirements for: Construction Management Plan; visibility splays; provision and retention of parking spaces; provision and retention of cycle parking; provision and retention of EV charging points.
- 50 KCC Public Rights of Way Officer:
Notes public footpath running parallel to railway. No concerns raised.
- 51 KCC Archaeology:
Confirmed no comment.

Representations

- 52 Twenty-five addresses were notified of the proposals. A site notice was erected outside the site on 22/12/2021 and on 11/05/2022.
- 53 Fourteen responses have been received from neighbours and members of the public, nine in support and five objecting. A detailed response has also been submitted by the Otford and District Historical Society. The issues raised these representations is summarised as follows:
- 54 In support:
- Proposal complements the approved development on the adjoining site;
 - Houses would be attractive and in keeping with the area;
 - Urgent need for small family homes within Otford;
 - Development would lead to an improvement in overall appearance and address longstanding poor appearance of site;
 - Effective use of scrubland;
 - Site previously accommodated two cottages;
 - Access already established;
 - Would help reduce traffic speeds.
- 55 Objections:
- Site is designated open space - number of applications/appeals already refused;
 - Access onto busy road would be difficult and dangerous;
 - Danger to all users of Station Road given high vehicle, pedestrian and cyclist use of road, and character of road, narrow width of footpath etc.
 - Objection to previous and proposed tree removal;
 - Design quality;
 - Safety of unattended children within and around site;
 - Detrimental to character of the area;
 - No evidence of previous building on site and their relevance is questioned;
 - Not brownfield land.

Chief Planning Officer's appraisal

- 56 The main issues for consideration are:
- Principle of use, including:
 - Loss of Open Space, including impact on the character and appearance of the area;
 - Acceptability of the Proposed Residential Use.
 - Design
 - Impact on the amenities of adjacent properties
 - Ecology and Trees
 - Impact on highways and parking

Principle of Use

- 57 Loss of open space and impact on the character and appearance of the area
- 58 The District's proposals map identifies the site as part of a larger area of designated open space (reference GI2:698); Appendix 9 identifies it as the Chalk Pits Recreation Ground comprising Natural and Semi-Natural open space. The application site forms the north western corner of the designated open space.
- 59 Policy SP10 of the Core Strategy relates to open spaces, confirming that open space of value to the local community will be retained. Development may exceptionally be allowed where replacement provision of at least equivalent value to the local community is provided. Paragraph 5.6.1 of the reasoned justification acknowledges that open spaces are an important feature, contributing positively to the environment in many areas of the District.
- 60 Policy GI2 of the ADMP also relates to the loss of open spaces in the District. It states that change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites within the urban confines of towns and villages, as defined on the policies map, will not be permitted unless the applicant demonstrates that:
- The open space is surplus to requirements and that there is no need for an appropriate alternative community, sports or recreational use, or
 - The loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility) or
 - The development is for alternative sports/ recreational use.
- 61 It further confirms that there should be no significant adverse impact on the character of the local environment and any biodiversity interests should be mitigated.
- 62 The applicant's submission responds to Policy GI 2 and the open space designation with a number of points, responding specifically to the need criteria within the policy. The submission notes that the site forms 0.06 ha

of a wider 3.33ha designation, representing 1.8% of the space. It is not in public use, is aesthetically unattractive and is physically and functionally divorced from the wider recreation ground. The findings of the 2018 Open Space Study also show that the area is well-provided with Natural and Semi-Natural Open Space, identifying a “large oversupply of open space in this category” (pg.61). The applicant suggests that the loss of this application site as open space would represent a “de minimus change” to open space in the area.

- 63 It is accepted that the site is not publically accessible or used for recreation purposes, and that it is of a distinctly different character to the wider Chalk Pits open space. I would further agree that the site itself comprises a small proportion of the wider designation. Further, it is evident that the site in its current cleared state cannot be defined as a “Natural or Semi-Natural” open space and that it is distinct and separate from the wider Chalk Pits recreation grounds, which is densely wooded.
- 64 The state of the site must be recognised, however, to be a result of the management of the site by those responsible for its upkeep, and has arisen outside of the planning process. Trees and vegetation that were previously present within the site and along its boundaries, as evidenced in earlier aerial photographs, have been removed, including the recent removal of trees at the northern end of the site. At present, the site is being used as part of the construction site for the neighbouring Bank Buildings development, albeit this is largely concealed behind the tall laurel hedgerow on the road frontage. The clearance of the site over a number of years, nonetheless, has happened without the need for permission and the suggestion that its resultant appearance should justify its re-development is erroneous.
- 65 It is nonetheless accepted that the site does not perform a public recreation function or offer the natural/ semi-natural environment that is present on the wider Chalk Pits open space.
- 66 The multi-purpose function of open spaces is pertinent here and the role of the application site needs to be considered in this context - both as part of the wider designation and in isolation.
- 67 In this respect, accompanying text to Policy GI 2 at paragraph 6.20 highlights the importance of open space for health and wellbeing and its value to the local community, which goes beyond recreation use. Paragraph 7.16 of the Sevenoaks Open Space Study further notes that, of the sites allocated as Natural and Semi-Natural Space, ... “not all sites are publically accessible but all have public value in terms of landscape character and the setting of settlements”.
- 68 Policies of the development plan require that developments respond to, and be consistent with, local distinctive character. This includes policies SP1 and LO7 of the Core Strategy, and the principles laid out in ADMP Policy EN1, which specifically resist the loss of open space that would have an

unacceptable impact on the character of the area. These policies require that account should be taken of guidance adopted by the Council, for example, in the form of Village Design Statements.

- 69 The Otford Village Design Statement (2015) highlights the importance of existing green spaces, including the Chalk Pits, within the village to the community. Design Principle 1e confirms that the community supports the preservation of all remaining areas of woodland within and adjoining the village envelope and which contribute to the sense of open space within the village.
- 70 The importance of this particular site is reflected in its policy designation within the development plan and is perceivable at the local scale where it is sited in a prominent location at a gentle bend and incline in Station Road when approaching from Otford Station. Here, the site provides part of a visual break as it marks the transition between built development and green open space, offering views towards the Chalk Pits woodland. The openness of the site, despite being stripped of soft landscaping internally, continues to contribute to the openness and rural character which characterises this part of Otford Village.
- 71 The importance of the allocated open space, and the weight attached to its protection, has been recognised by earlier refusals of planning permission and associated appeal decisions relating to the site. The Inspector for the most recent appeal decision relating to a proposed 10-bedroom care home, issued in January 2016 (reference APP/G2245/W/15/3131304), stated that:
- ‘Physically, the site remains undeveloped, and whilst it has been cleared and a close boarded fence erected along the Station Road boundary, the site has retained its overall open nature, which is reinforced by its prominent location on a bend in the road towards the top of a hill rising from the Otford Station direction. ...
- ... Taking into account the unacceptable nature of the design and the loss of open space, both which would be at odds with the character of the area, I find the proposal would fail to promote or reinforce local distinctiveness and therefore result in material harm to the character and appearance of the street scene.’
- 72 Prior to that, when considering an appeal for a ‘subterranean dwellinghouse’ (appeal APP/G2245/A/13/2204274), the Inspector concluded in February 2014 as follows:
- ‘Concerning the character of the area, the development proposed, by providing a new dwelling within the safeguarded area, would result in harm to the character of the greenspace.... It has not been demonstrated that the development would safeguard the important area of greenspace.’
- 73 The site continues to offer an open frontage to Station Road, providing views through to the woodland beyond, in a way that contributes to the semi-rural, verdant and spacious character of the Village.

- 74 By introducing a two-storey built form, the proposal would erode part of the undeveloped frontage and change the character of the site from one of openness and visual permeability, to being developed and domestic, interrupting views of the wooded belt beyond. The dwellings would be perceivable in views from the west when travelling up the hill from Otford Station, and would erode the transition between built form and open space that the site currently offers. The site may not be regarded as being as attractive as the remaining parts of the green space, but it still contributes to the visual amenity and undeveloped character of this area.
- 75 Given the contribution of this open space to the character and visual amenity of this village, it is not therefore possible to conclude that the space is “surplus” to open space requirements, nor is there a proposal - or is it practical - to mitigate its loss in line with the requirements of Policy GI 2.
- 76 It is therefore concluded that the loss of open space would be contrary to CS Policy SP10 and ADMP Policy GI 2 and would lead to a degree of harm to the visual amenity in this part of the Village, contrary to Core Strategy Policies SP1 and L07 and ADPM Policy EN1.
- 77 This harm must, however, also be seen in the context of the wider Chalk Pits open space that would continue to offer an open and green frontage as you travel eastward beyond the site - the verdant and open character of the Village would be retained, albeit this will be reduced.
- 78 Further, I would note the prominence and scale of the trees that would provide the backdrop to the proposed dwellings - the new dwellings would sit at their base behind a newly planted hedgerow and the woodland would continue to have a prominent presence in views travelling west along Station Road. Passing the site, the space between the proposed cottages and the new Bank Building development would open up and allow views through the site to the tree line beyond. Travelling further east, the wooded frontage of the Chalk Pits area would continue along Station Road and eastward along Pilgrims Way East, providing that verdancy and relief from the built form. From the junction with Pilgrims Way East looking back towards the site, while the new building on the Bank Building site is visible, the proposed cottages would be concealed behind woodland.
- 79 The application submission provides historic evidence within the Design and Access Statement and Historic Environment Desk Based Assessment (including historic photos and mapping) of the pair of cottages that were formerly present on the site (footprint shown on the Proposed Site Plan, drawing 6509-PD1-04). Mapping indicates these to have been in position from the mid C19th (being present on a Parish Tithe Map of 1844) until at least the mid-1960s. SDCs records similarly show this building on site on plotting sheets for the period 1974-1987; the applicant advises that they had been demolished prior to the 1980s OS map. Photos show the presence of the white cottages on the Station Road frontage, visible from the west from the bridge over the railway.

- 80 In this respect, I note that the open space designation was made following the demolition of these cottages and reflects the changed role of the site and its value and contribution as an area of open space, irrespective of the former use. I therefore attach limited weight to this point in considering the loss of the open space.
- 81 The existence of the semi-detached cottages in this location holds some relevance, however, to the consideration of the historic character and distribution of development within the village and how that would be reflected in the proposed development. The application similarly proposes a pair of semi-detached dwellings in a similar (not identical) position to the previous cottages, with a frontage onto Station Road, reflective of the historic built form in this location. I regard this as a material consideration to which I attach a small amount of weight.
- 82 I also note that the character of the locality will be changed by the new housing development on the adjoining 'Bank Buildings' site, which will be visible in views from Station Road. This development, being more intensive than the former Bank Building, has changed the visual context of the site, establishing a residential presence along the street frontage.
- 83 Principle of Residential Use
- 84 As set out in Section 36(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For Sevenoaks, the Development Plan is made up of the Core Strategy (CS) and Allocations and Development Management DPD (ADMP). National Planning Policies, such as those contained in the National Planning Policy Framework (NPPF) are material considerations.
- 85 The adopted Sevenoaks Core Strategy and ADMP planned for the delivery of 3,300 homes over the period 2006 to 2026 with the main site allocations being located around the urban areas of the District and on brownfield land.
- 86 Paragraphs 74 - 76 of the NPPF require the Council to identify a five-year supply of deliverable housing sites, including an appropriate buffer. As the result of the Housing Delivery Test for 2021 was 62%, the NPPF considers this as a significant under delivery of housing over the previous 3 years, and requires the application of a 20% buffer in line with para 74c). Furthermore, as the Core Strategy (2011) policies are more than five years old, the standard method figure for housing need must be used in place of adopting housing requirement for calculating the five-year housing supply. As a result of these factors the Council cannot currently demonstrate a five year housing land supply.
- 87 As acknowledged in the Council's Housing Delivery Test Action Plan, the five-year housing land supply calculation finds 2.9 years of supply of deliverable housing sites including a 20% buffer. Therefore, the lack of five-year housing supply is a significant consideration that the Council will have to balance with this application.

- 88 Given all of the above circumstances, we are now a presumption authority, where residential development should be allowed even if there is some harm. Applications should only be refused where is substantial and significant harm.
- 89 The implications of the ‘tilted balance’ described in paragraph 11 of the NPPF is discussed above, whilst we will consider the balance of the case later on within the report.
- 90 Paragraph 124 of the NPPF (in part) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change. The site lies within the Urban Confines of Otford and, as such, is in a location where Core Strategy Policy LO1 seeks to focus new development.
- 91 Policy LO7 confirms that development on a modest scale will be permitted within Otford, which is identified as a Local Service Centre, albeit in locations “where it can take place in an acceptable manner consistent with local character”. The site is adjacent to the new housing development on the former Bank Building site and, as noted above, previously accommodated a pair of semi-detached cottages. The site is within easy reach of the village centre and less than 100 metres walk of Otford Station entrance.
- 92 In this respect, and whilst recognising the conflict with the open space designation and the impact on character of the Village, the site would otherwise be considered a sustainable location for housing development, consistent with the aims of the development plan and the NPPF.
- 93 I note also that a number of public comments from Otford respondents have highlighted the need for new housing of this size proposed in the village, and the inability for local people to stay in the village due to the lack of housing stock.
- 94 Taking into account the Government’s objective of significantly boosting the supply of housing (NPPF, para.60) and the presumption in favour of sustainable development, significant weight must be attached to the delivery of two new family homes within the urban confines of Otford and its contribution to delivering a mix of housing types within a broadly residential area, in line with Policy SP5.

Quality of Design and Impact on Character

- 95 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.
- 96 The proposed cottages would run perpendicular to Station Road, with Plot 1 overlooking Station Road (reflecting the previous cottages on the site) and

Plot 2 facing south west into the site overlooking the courtyard towards the Bank Building development. A traditional style is adopted, with a gabled roof form, low eaves line and single storey bay windows in each of the dwellings' frontages.

- 97 The dwellings would be constructed from red brick with a soldier course detail at window head height, tile hanging to the first floor with clay roof tiles. The proposed features and traditional material palette are common to the wider context and a condition requiring material samples would ensure the final choice of materials is of the necessary quality, noting also the Otford Village Design Statement's preference for natural materials.
- 98 Mindful of the guidance set out in the Otford Village Design Statement regarding inappropriate roof forms, and the need to preserve the open setting of the dwellings as much as possible, it is proposed that a condition would also be attached removing permitted development rights to prevent incremental changes to the dwellings and their grounds.
- 99 The dwellings are of relatively small scale for three bedroom dwellings, evidenced by their modest internal floorspace, and set within open space. From views from the west and north, they would be set against the wooded backdrop of the Chalk Pits, with further landscaping greening and softening the site frontage - landscaping is discussed further below. They would not be visible in views from further east, from where they would be shielded by the Chalk Pits Woodland.
- 100 Overall, notwithstanding the conclusions regarding the loss of open space above, the form of the proposed development would respond appropriately to the scale, height, materials and site coverage reflective of the local area.
- 101 Impact on the Kent Downs Area of Outstanding Natural Beauty (AONB)
- 102 The site and the Chalk Pits lie outside the AONB and there would therefore be no direct physical impact on the character of the landscape within the AONB. The AONB, however, encompasses the dwellings on the opposite side of Station Road and extends along the west side of the rail line (to the west of the site) and around the north/east side of Pilgrims Way East.
- 103 The Countryside and Rights of Way Act 2000 places a statutory duty on local planning authorities, in performing functions in relation to, or so as to affect, land in an AONB, to have regard to the purpose of conserving and enhancing the natural beauty of the area. Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB which have the highest status of protection. Further, development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 104 The Planning Practice Guidance goes on to state that land within the setting of AONB often makes an important contribution to maintaining their natural beauty - development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

- 105 Policy EN5 protects the setting of AONB, noting that the AONBs and their settings will be given the highest status of protection in relation to landscape and scenic beauty.
- 106 The Kent Downs AONB Management Plan 2021-2026 offers further guidance on how developments within the setting of AONB's should be treated, stating that;
- 107 "Proposals which would affect the setting of an AONB are not subject to the same level of constraint as those which would affect the AONB itself. The weight to be afforded to setting issues will depend on the significance. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected by proposals in the setting, then the impact should be given considerable weight in decisions."
- 108 The AONB Management Plan notes the special components, characteristics and qualities of the AONB, including its:
- Dramatic landform and views; a distinctive landscape character;
 - Biodiversity rich habitats;
 - Farmed landscapes;
 - Woodland and trees;
 - A rich legacy of historic and cultural heritage;
 - The heritage coasts;
 - Geology and natural resources;
 - Tranquillity and remoteness.
- 109 Amongst the Management Plan's Sustainable Development Principles, Principle SD9 states that; ... "The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials."
- 110 Considering these matters further, while the development lies adjacent to the AONB, it would be small in scale and closely related to existing buildings in the vicinity, with other dwellings to their north, west and south. The proposed dwellings, as I have noted, would be of traditional design and would sit against a wooded backdrop. They are expected to be of good design quality that would appropriately reflect the character of the Village. There would be no extension of the Village boundary and further planting would be provided that would soften the development and complement the verdant character of the area.
- 111 While I have recognised above the harm resulting from the loss of open space in this part of the settlement, I do not consider the proposals would

cause harm to the above principal characteristics of the AONB and, in particular, would not materially erode the character or cultural heritage of Otford as a village set (in part) within the AONB. The fact that the site previously accommodated a pair of cottages is of some relevance here in considering the historic evolution of Otford over time and the ability of settlements to adapt over time, including through appropriate development.

- 112 Having regard to guidance set out in the AONB Management Plan, I have found that isolated harm to this part of the village outside the AONB would be well contained in views. When taking into account the design, scale, setting and materials of new development and its relationship with the adjoining AONB, I consider that the development would appropriately protect the setting of the AONB in line with Policy EN5.
- 113 Finally it should also be noted that the impact upon the setting of the AONB has not been a reason for refusal in previous decisions.

Residential Amenity

- 114 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development.
- 115 Separation distances between the new units and neighbouring dwellings would ensure that appropriate privacy standards would be maintained within existing and proposed dwellings - and that the dwellings and their neighbours would benefit from an attractive outlook. Given these distances, the proposal is not expected to give rise to harmful impacts on sunlight and daylight.
- 116 The south west elevation of the dwellings would face the new flatted scheme to the south, separated by over 21 metres. The Pilgrims Oasts dwellings would be further away still, some 28 metres to the south and screened by dense vegetation to the rear of the site. The closest of the proposed dwellings to Station Road, 'Plot 1', would have its principal elevation to overlooking the road; again, there would be over 21 metres between the new dwelling and the closest dwelling on the north side of Station Road (no.47 Station Road), forming a typical relationship of dwellings across a street.
- 117 Also accounting for changes in land levels (the site drops down from east to west), it is considered that this would achieve acceptable levels of privacy and would not give rise to overlooking or an overbearing development.
- 118 In terms of the proposed living accommodation, both new dwellings would have living and kitchen/dining spaces on the ground floor and three bedrooms with a family bathroom at first floor. Internally, the dwellings would meet the space standards set out within the nationally described space standards for a three-bedroom, four-person family dwelling, at 87m² and 89m² GIA respectively. Both would have private garden space to the rear, with woodland wrapping around their perimeter.

- 119 A Noise and Vibration Assessment has been submitted with the application, which has been reviewed by the Environmental Health Officer. Manned and unmanned noise and vibration surveys were undertaken at the application site, and noise modelling predictions carried out to assess the levels that may affect the proposed residential properties and amenity areas. The dominant noise source was found to be that generated by the adjoining road.
- 120 The Assessment concludes that acceptable internal noise levels from external sources could be achieved in the proposed dwellings subject to a suitable external façade construction being implemented; the report provides recommendations for the acoustic performance of the façade and glazing which would include laminated double glazing and acoustic trickle ventilators to the windows. These measures can be secured by condition.
- 121 With regards to rear gardens the Assessment finds that, while Plot 2 furthest from the road would achieve appropriate sound levels, the levels to the garden of Plot 1 would exceed the guidance noise levels without any mitigation. With the use of acoustic fencing, however, the noise report shows that the recommended noise guidance levels can be achieved within the rear garden. The elevated noise levels to the front part of the garden to Plot 1 are deemed appropriate in relation to its context and guidance set out in British Standard BS 8233. Further, these would reflect the noise environment in other nearby front gardens.
- 122 Vibration levels have been found to be at an acceptable level.
- 123 As noted in the comments section above, the Environmental Health Officer has confirmed acceptance of the noise assessment and the mitigation measures proposed. These matters will be subject to conditions, as recommended by the Officer.
- 124 Overall, I am satisfied that the proposed dwellings would create appropriate levels of amenity for existing and future residents of the development and would safeguard the amenities of neighbouring residents, in accordance with Policy EN2 of the ADMP.

Trees and Landscaping

- 125 ADMP Policy EN1 requires that proposed developments respect the topography and character of a site, and sensitively incorporate natural features such as trees, hedges and ponds.
- 126 An Arboricultural Report is submitted with the application, including Tree Survey and Tree Protection Method Statement. The Report notes that two small groups of trees identified as being of low value and one individual tree identified as being in a poor condition - all at the northern end of the site adjacent to Station Road - are to be removed to accommodate the scheme. The loss of these trees is considered to be “of no significance to the visual amenity of the locality and will be mitigated through the landscape proposals for the site.” I note separately, as considered below, that these

trees were considered to have some ecological value as a Habitat of Potential Importance.

- 127 From visiting the site, it is evident that these trees have already been removed from the site prior to the application being submitted, so it is not possible to fully assess the impact from their loss. Nonetheless, the application proposes a landscaping scheme incorporating new tree planting along the site frontage and at the northern end of the site, replacing those trees removed and providing a further buffering to the adjoining woodland. This provides the opportunity to replace the former 'low value' trees with specimens of greater landscape amenity and biodiversity value.
- 128 The proposed landscape scheme also provides for the replacement of the invasive laurel hedgerow to the road frontage with a more suitable native species. This hedgerow would sit behind a post and rail fence and be planted at height that would both obscure the acoustic fence that shields the northern corner of the site and soften the road frontage.
- 129 The rear gardens would be lawned, with other areas of grass, hedgerow and soft landscaping created around the dwellings. The car parking spaces would be permeable grass crete. These measures would limit those parts of the site that would be hard surfaced.
- 130 The Tree Protection Measures, as recommended in the Arboricultural Report, would be conditioned to ensure that off-site trees are subject to ongoing protections. SDC Tree Officer has confirmed that he has no objection in this respect.
- 131 Overall, while noting the change in the views into the site from an open frontage to views of the new built form, I consider that an appropriate landscaping scheme has been put forward that will soften the impact of built development and assist in blending it with the woodland beyond, while also protecting existing trees. I therefore consider the scheme to be compliant with ADMP Policy EN1.

Biodiversity

- 132 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 133 A Preliminary Ecological Appraisal (PEA) has been submitted with the application, which assesses the site for its ecological value and recommends a set of mitigation and enhancement measures. The site in its current condition has limited ecological value in its own right, save for the former area of deciduous woodland at the northern end of the site which had been removed following the evaluation within the PEA. The site is, nonetheless, bound by the woodland and open space of the Chalk Pits, which holds more value as an ecological resource and the site is recognised for its foraging potential and as a potential commuting route into the surrounding habitats.

134 A series of mitigation and enhancement measures are therefore recommended in the report and, with the exception of the protection of the trees within the site, have been incorporated within the proposals and/or can be secured by condition. These include:

135 Mitigation:

- Removal of invasive laurel hedgerow and planting of non-invasive species.
- Enhanced boundary habitat planting to improve opportunities for foraging and commuting bats and increase connectivity within the surrounding habitat.
- Careful lighting design.
- Protection of boundary woodland.
- Native tree and shrub planting to enhance habitats for nesting birds.

136 Enhancement:

- Native tree planting,
- Species rich hedgerow planting
- Inclusion of native and nectar rich planting around buildings.
- Provision of integrated bat boxes and bird boxes.
- Provision of bee bricks.
- Inclusion of permeable boundaries.

137 The Biodiversity Enhancement Plan provided by the applicant further confirms the provision of new planting comprising species of native trees, shrubs and bushes aimed at attracting insects and birds; accompanied by a range of biodiversity features that include bird and bat boxes, bee bricks, insect boxes and log piles. These mitigation and enhancement measures would be subject to conditions as recommended by KCC Ecological Services.

138 The KCC Ecology Officer has reviewed the submission and confirmed that they are satisfied that sufficient ecological information has been provided. Further recommendations were made regarding the replacement of woodland in the north of the site, which have been brought forward through an amended Biodiversity Enhancement Plan. Details regarding other biodiversity features, which are proposed within the above Biodiversity Enhancement Plan and PEA, can be further secured through condition.

139 Alongside the tree protection measures incorporated within the Arboricultural Report, the proposal would deliver on the policy objectives of CS Policy SP11 to conserve and enhance biodiversity.

Parking and Highways Impact

140 Policy EN1 states that all new development should provide satisfactory means of access for vehicles and pedestrians and provide adequate parking. Policy T2 of the ADMP states that dwellings in this location

(suburban/village) with three bedrooms would require a minimum of 1.5- 2 parking spaces per unit.

- 141 I note the comments received regarding the busyness of this road and the potential for conflict between existing and new users resulting from the access. KCC Highways has confirmed that the widened access, which would be shared with the neighbouring Bank Building development and has been approved under this application for the adjoining site (SE/20/03662), is acceptable. Parking provision, which would be provided as two allocated spaces for each dwelling plus one visitor space, is also agreed as acceptable.
- 142 The proposed site plan shows that an electric vehicle charging point would be provided for each property in line with the aims of Policy T3 of the ADMP. Secure space for bicycle storage would also be provided within the parking area. In this way, and taking into account the site's proximity to Otford rail station and services, the development would offer the opportunity to reduce the reliance on travel by car in line with CS Policy SP2.

Other Matters

- 143 Archaeology: The Site lays within an Area of Archaeological Potential, where Policy EN4 of the ADMP requires that provision is made for the preservation of important archaeological findings. The Desk Based Assessment submitted with the application notes that the site has the potential for the presence of buried archaeological remains from the prehistoric, Bronze Age, Romano-British and medieval periods. The Senior Archaeological Advisor from KCC has confirmed she has no comments on the application. Given the potential for archaeology to be discovered, however, it is considered appropriate to attach a condition requiring an archaeological watching brief to be implemented in accordance with a scheme to be submitted and approval by the Council, in line with Policy EN4 and the NPPF.
- 144 Contamination: A Phase I Desk Top Contaminated Land Risk Assessment is submitted with the application and confirms that no potential sources of contamination or pollutant links are considered to exist on or within a significant distance of the site; no further intrusive investigation is deemed necessary. The Environmental Health Officer has confirmed agreement with this approach and has recommended that a condition be attached that addresses the potential for unexpected contamination to be found during the works; in which case, a further risk assessment and remediation strategy would be necessary.

Conclusions and Planning Balance

- 145 As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. As noted above, the NPPF requires in these circumstances that planning permission is granted unless any adverse impacts of doing so would "significantly and demonstrably outweigh the benefits".

- 146 In this respect, I have identified a conflict with Policy GI 2 for the protection of designated open space and, related to this, harm to the character of this part of Otford through the depletion of this green space and visual break in the built up area, contrary to Policy SP1 and EN1 and L07.
- 147 On the other hand, the development provides much needed housing in the District and within Otford, located within the urban confines of Otford, a short distance from the station, and on a site that accommodated a pair of semi-detached cottages over a significant period.
- 148 I have also taken into account the fact that the site represents a small proportion of the Otford Chalk Pits designated area of open space and that the site is physically and functionally separate from the wider designation. These in themselves do not justify the development but they restrict the level of harm and the potential threat to the wider area of open space. The development would still be seen in the context of the woodland that would wrap around it and would give way to wooded frontage when travelling east along Station Road. The visual break and softening would be retained.
- 149 I also consider that the application includes an appropriate response to design quality, landscaping and biodiversity measures, to help the new development sit comfortably within the site over time.
- 150 Overall, therefore, I have found that the harm from visual intrusion and loss of open space would not “significantly and demonstrably” outweigh the benefits taking all factors into account.
- 151 I note that this conclusion differs from that of the previous decisions, including those considered at appeal, and these have been carefully considered in reaching a position on this site. I would note that, in each of these cases, the balance has taken into account a range of factors in reaching a conclusion, and a number have been refused additionally on the basis of other matters. For example, the appeal decision relating to the 10-bed care home noted not only the impact on the character and appearance of the area, but also the harm to local highway infrastructure, the failure to protect local biodiversity and the unacceptable harm to nearby trees; noting the lack of evidence on the level of demand for this type of housing, the Inspector concluded that the harm would not be outweighed by the benefits. It is also of relevance that the appeal scheme was substantially larger than the development now proposed.
- 152 The subterranean dwelling was also refused at appeal in 2014, with the Inspector noting the absence on evidence to satisfactorily demonstrate that the development would not be harmful to adjoining trees, so potentially extending harm beyond the site boundary.
- 153 In this instance, I have found that the current application proposal has adopted a suitable approach to other matters.

- 154 Most significantly, in the five years plus since the most recent appeal decisions on the site, the housing land supply position in Sevenoaks has become far more pronounced, and the weight applied to delivering housing in the district has significantly increased. By way of comparison, for example, the Sevenoaks' Authority Monitoring Report for 2015/16, reported that the local authority exceeded housing delivery targets in the year to 31 March 2016 and was further able to demonstrate that it exceeded the requirement for a 5 year supply of housing land. The Housing land Supply and Housing Delivery tests are substantially different from five years ago and the need for housing within our district is now significant, which weighs heavily in favour of approving schemes.
- 155 Therefore, although I have found harm in the delivery of the development through the loss of a visual relief in the urban form and minor loss of a designated open space, when applying the NPPF's presumption in favour of sustainable development and the tilted balance, it is not considered that the harms identified would significantly and demonstrably outweigh the benefits of the contribution of two appropriately designed new dwellings within Otford.

Community Infrastructure Levy (CIL)

- 156 This proposal is CIL liable and there is no application for an exemption.

Conclusion

- 157 In conclusion, I have found that harm will arise as a result of the development through the loss of part of a protected open space and its contribution to the character of the village in providing relief and contrast to the built areas of the settlement. This would conflict with policies for the protection of open space and the character and appearance of the area. The local planning authority is required, however, to take into account other material considerations and, in this respect, the "tilted balance" of the NPPF paragraph 11 must be applied. In doing so, given the sustained under-delivery of housing and pronounced housing need within the District, significant weight must be attached to the delivery of two new dwellings in a sustainable village location.
- 158 In considering the balance, I have noted that the substantial part of the protected open space would be retained, including open frontage along Station Road to the east of the site and that the Chalk Pits Woodland would maintain their prominence as a backdrop to the development. The proposal also has a historic link to earlier dwellings on the site and this has been highlighted as being of some limited relevance in the historic development of the Village. The proposal would also accord with policies relating to design, landscaping, biodiversity and amenity.
- 159 As noted above, the NPPF requires that where a local planning authority cannot demonstrate a 5-year supply of housing or where housing delivery is substantially below the required rate, planning permission should be granted unless (i) it would conflict with national policies for protected areas

or, (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In applying the planning balance to the current application, I have found that the harms would not significantly and demonstrably outweigh the delivery of good quality new homes that would meet local needs.

160 On balance, and subject to the conditions set out above, I therefore recommend that the application is approved.

Recommendation

161 It is recommended that this application is GRANTED

Background papers

Site and block plan

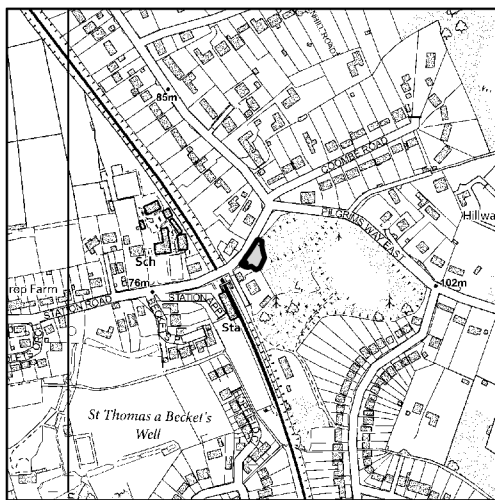
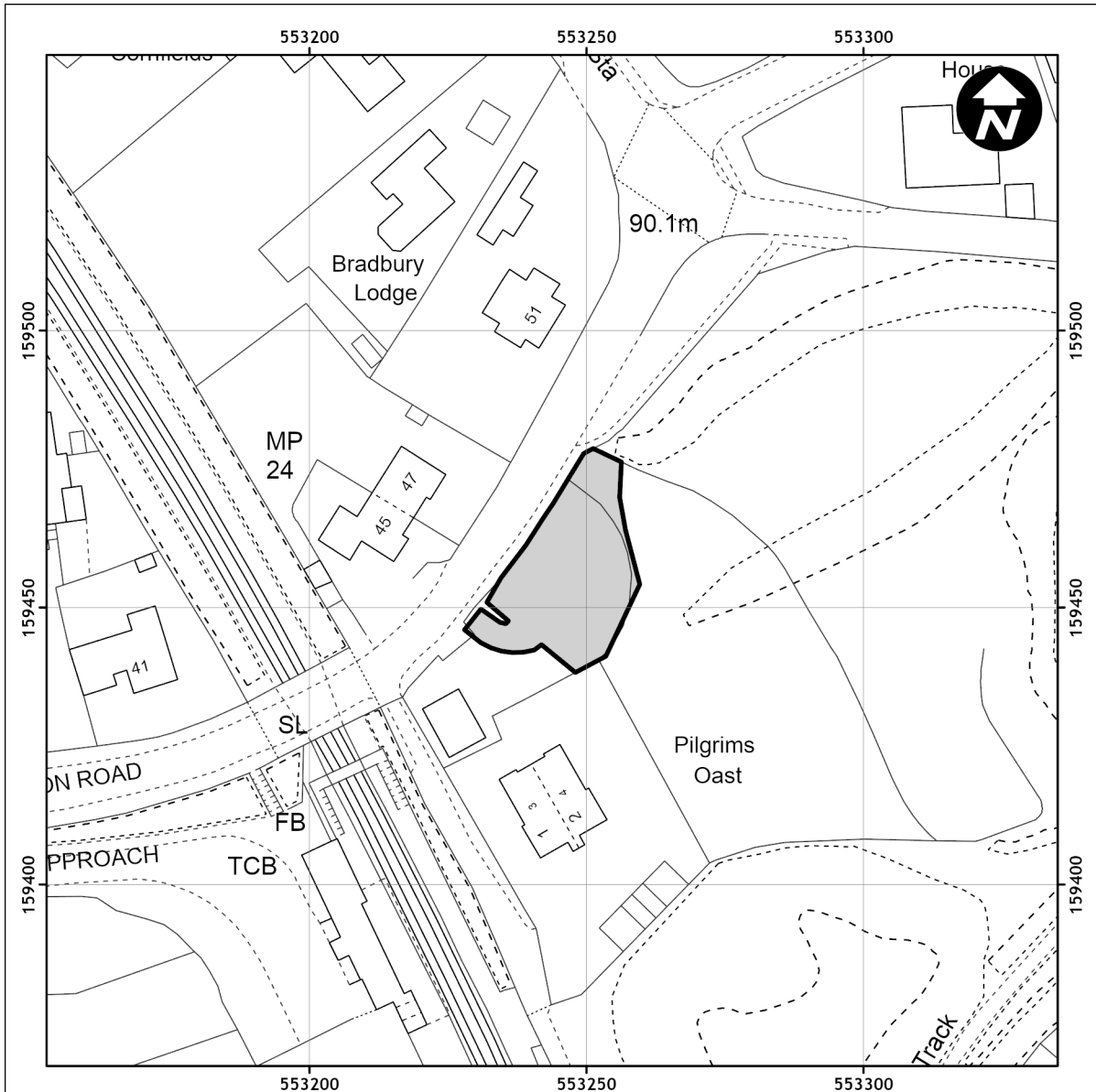
Contact Officer(s): Nicola Furlonger

Extension: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents](#)



Site Plan

Scale 1:1,250
Date 22/06/2022



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Ordnance Survey 100019428.

BLOCK PLAN

