

4.2 23/00575/FUL

Revised expiry date 17 November 2023

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

Location: The Olympic , Beechenlea Lane, Swanley Kent BR8 8DR

Ward(s): Swanley Christchurch & Swanley Village

Item for decision

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

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

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

National Planning Policy Framework

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

Description of site

- 1 The site consists of a flat mown grassed area, which is located within the curtilage of The Olympic. The rugby pitches and associated buildings would be located where the forming driving range was situated.
- 2 The Olympic is a building located along Beechenlea Lane which is owned by Swanley Town Council. The building is used as a conference and function centre which also includes sports facilities for use.

Description of proposal

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

Relevant planning history

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

Policies

- 11 National Planning Policy Framework (NPPF)

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

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

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

- 12 Core Strategy (CS)

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

13 Allocations and Development Management (ADMP)

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

14 Other

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

Constraints

15 The following constraints apply:

- Metropolitan Green Belt

Consultations

16 Swanley Town Council – three responses received

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

1. An additional site owned by Swanley Town Council has been found opposite the Olympic which can be bio-enhanced.
2. The development will still preserve the openness of the greenbelt in line with NPPF.
3. The rugby pitch and training pitch will enhance the sport provision in the town.

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

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

20 KCC Ecology

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

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

23 April 2023

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

25 However, further information is requested prior to determination:

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

26 May 2023

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

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

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

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

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

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

provided, as well as published best practice³ into consideration to reach this conclusion.

- 46 Taking the 2022 botanical survey as the baseline, would require off-site compensation as previously advised to achieve no biodiversity net loss and a biodiversity net gain. The suitability of any compensation site would need to be demonstrated in advance of determination through appropriate baseline surveys that could include botanical survey and soil sampling, as well as any other surveys deemed necessary by a suitably qualified ecologist.
- 47 On-site enhancement of retained grassland
- 48 We have reviewed the grassland management recommendations and do not consider that the grassland management recommendations are appropriate for all the types of grassland on the site.
- 49 The retained neutral grassland around the edges of the site would benefit from grassland cutting on a three to five-year rotation, with no more than one third of the grassland cut in any one year in order to protect the reptiles and to benefit invertebrates on-site.
- 50 The retained lowland acid grassland would likely benefit from more than one cut per year following the advice of a botanist so that flowering plants have a chance to flower and set seed before being cut. An example cutting regime could be: a cut in late July/August once flowering has finished for key species, and then monthly cutting until the ground is too wet in winter in order to emulate aftermath grazing. Then there could be a cut in spring prior to flowering. The grass would not be cut between April/May and July/August (dependent on botanist advice). To meet the requirements of the condition assessment sheets in the metric, a system of zoning could be created in the grassland to permit variable patches to remain uncut during some months in the cutting season.
- 51 The Natural England Lowland Grassland Management Handbook⁴ provides some useful guidance on the management/management aims of U1 *Festuca ovina* – *Agrostis capillaris* – *Rumex acetosella* grassland, although the slightly differing requirements of the Defra biodiversity metric will also need to be considered.
- 52 We request that the proposed management of the retained grassland be updated, although this could be secured by condition. We would also request that attempts be made to avoid fertiliser and foster sensitive management for this grassland type, even on the rugby pitch/training area as far as possible and as previously suggest by both Kent Wildlife Trust and Lesley Mason.
- 53 KCC Ecology were asked to clarify whether their comments noting that the applicant was no longer proposing compensation as part of this application. Their further comments, recommending refusal are set out below.
- 53 “It is our opinion that based on current proposals there will be a net loss of biodiversity from the site. It is our opinion that this is in contravention of national and local planning policy, as well as the legal biodiversity duty of public bodies.
- 54 Under current proposals, according to Arbtech there is a projected loss of around 0.54 ha of lowland acid priority grassland habitat, with around 0.67 ha retained and enhanced. Due to the rarity of this habitat in the county, even a small loss of this habitat could be considered significant.

- 55 We disagree with the Arbtech assessment that enhancement of the retained grassland will adequately compensate for the loss of 0.54 ha of lowland acid grassland and provide a biodiversity net gain on-site.
- 56 We are of the opinion that a suitable bespoke on- **and** off-site compensation strategy needs to be identified prior to determination as there is a strong possibility that any condition attached to a granted planning permission for off-site compensation may not be adequately discharged on feasibility grounds, that includes difficulty of finding a suitable site for enhancement, difficulty of habitat recreation, and/or unexpectedly high costs that make the entire project unviable.
- 57 Relevant Policy and Legislation
- 58 Paragraph 180 of the National Planning Policy Framework (NPPF) 2023 states: “When determining planning applications, local planning authorities should apply the following principles:...a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”
- 59 Habitats of principal importance (priority habitats) such as the lowland acid grassland onsite are “Capable of being a material consideration in the...making of planning decisions.”
- 60 (Paragraph 84, Government Circular (ODPM 06/2005)). Lowland acid grassland is identified as a priority habitat in the UK Biodiversity Action Plan (UK BAP). The habitats are listed to help public bodies such as local planning authorities meet their ‘biodiversity duty’ to be aware of biodiversity conservation in their policy or decision making.
- 61 Policy SP 11 – Biodiversity, of the Sevenoaks District Council Core Strategy (Adopted 2011) states: “The biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity.” The explanatory text includes the following: Paragraph 5.7.3 “...biodiversity is not confined to protected sites but occurs throughout rural and urban areas. It is therefore important, and in accordance with Government advice, that Biodiversity Action Plan priority habitats and species are protected and enhanced wherever they occur”.
- 62 Detailed Reasoning
- 63 The Grasslands Trust (2012) estimates that 20,000 ha of lowland acid grassland remains in England (Hicks and Doick, 2014). According to research carried out by Kent County Council (ARCH, 20121), acid grassland habitat is a rare habitat in Kent. There is an estimated 253.5 ha to 261.12 ha of the UKBAP priority habitat lowland acid grassland left in the county, a decrease of 40% of that recorded in 1990 (ARCH, 2012). This equates to between approximately 234.7 and 241.8 football pitches² of this habitat remaining in Kent. Sevenoaks District has the highest proportion of acid grassland (36% of the county resource) in the county (ARCH, 2012).
- 64 There have been two ecological assessments provided regarding the condition of the acid grassland on-site. The assessment submitted with the application in March 2023 indicated that the lowland acid priority grassland was in ‘good’ condition following a survey on 24th June 2022. An updated botanical walkover and grassland condition assessment was carried out 22nd June 2023 and the lowland acid priority grassland habitat was re-defined as being in ‘moderate’ rather than ‘good’ condition. The

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

- 65 The re-classification of the grassland as being in 'moderate' condition in 2023 meant that the loss of the 0.54 ha of grassland could be compensated for through the enhancement of the retained 0.67 ha of grassland, permitting a biodiversity net gain of 19.45%. This net gain is not possible if the grassland is classified as being in 'good' condition. Changing the baseline condition of the lowland acid priority grassland habitat to 'good' condition produces a biodiversity net loss of -57.68% under current proposals. With this scenario, off-site compensation⁴ is then needed to achieve no net loss and a biodiversity net gain.
- 66 In accordance with paragraph 265 of the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government, and taking a precautionary approach, we consider that the appropriate ecological baseline should be lowland acid priority grassland of 'good' condition. We have consulted with the applicant, Arbtech, and Lesley Mason and have taken all the information provided, as well as published best practice⁶ into consideration to reach this conclusion.
- 67 Taking the 2022 botanical survey as the baseline, would require off-site compensation to achieve no biodiversity net loss and a biodiversity net gain. The suitability of any compensation site would need to be demonstrated in advance of determination through appropriate baseline surveys that could include botanical survey and soil sampling, as well as any other surveys deemed necessary by a suitably qualified ecologist.
- 68 Lowland acid grassland is difficult to compensate for due to the soil and nutrient requirements of the target ecological community. Without a suitable compensation site being identified in advance of determination we would be concerned that any condition attached to a granted planning permission could not be discharged.
- 69 Suitable Compensation
- 70 It is down to the applicant to demonstrate suitable compensation. However, we note there are records of acid grassland on land off-site to the east. There is ~0.15 ha of mapped acid grassland to the west of the previously proposed off-site compensation area as shown in n Figure 1, below.
- 71 When an off-site compensation area was previously proposed (Figure 2), no information regarding proposals for ecological compensation, or the condition status of the potential area of acid grassland was provided by the applicant. Information provided should have included a baseline botanical survey of the off-site area, carried out at the correct time of year, by a suitably competent ecologist, as a minimum. Information should also have been included regarding how the area would need to be managed to compensate for the loss of acid grassland on-site.
- 72 It is our view that were compensation proposed on the previously proposed off-site area, the existing football pitch on this site, could be retained (as needed by Sport England), as well as the 0.15 ha of lowland acid grassland along the western boundary, potentially enhanced as a measure of compensation for grassland lost on-site. However, the viability of this option would be dependent on the results of ecological baseline surveys to determine whether the acid grassland showing on KLIS mapping⁷ is still present, and if so, in what condition.

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

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

85 Sport England

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

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

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

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

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

91 Sport England – Non-Statutory consultee role and policy

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

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

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

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

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

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

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

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

- 132 Access and egress will require gates of same height as boundaries to allow area to be secure when not in use, especially at night. Gates should be lockable and designed so that the locking areas do not act as potential hand or foot holds to aid climbing. In addition, any pedestrian and cycle routes must be separate and clearly designated for safety. They must be well lit and maintained, devoid of potential hiding places and enable natural surveillance along the path and its borders.
- 134 Cycle and bin storage.
- 135 Any cycle parking provisions should be contained within a well-lit, securable, roofed building and promote natural surveillance. We recommend the inclusion of SBD or Sold Secure Gold Standard ground/wall anchors. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can be used as a means to commit crime, be a climbing aid or even an arson hazard.
- 136 Car Park.
- 137 The design criteria for the car park should follow the principles laid down in the police owned 'ParkMark' initiative - appropriate lighting, CCTV, Security fencing, Exit/entry barriers or gate, clear signage to help drivers and pedestrians navigate the car park safely etc. Secure motorcycle, moped and scooter parking should be made available and the inclusion of SBD or Sold Secure Gold standard ground anchors are recommended. Such parking provision should also benefit from natural surveillance, be lit after dark when in use and be secure when not in use to prevent anti-social gathering and criminal activity. Any EV charging points should be provided in a safe and secure space and should benefit from maximum natural surveillance.
- 138 Lighting.
- 139 A qualified lighting engineer should be consulted, and a suitable lighting policy should be installed to help deflect criminality, while minimising light pollution. Lighting of all roads including main, side roads and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
- 140 Storage.
- 141 Secure storage for play and sports equipment should, where possible, be provided within the main building (Olympic Centre), with ready secured access from outside.
- 142 Alarms.
- 143 The Olympic Centre and any storage facility should be fitted with a suitably designed, fit for purpose, monitored intruder alarm system, ideally monitored or fitted with remote monitoring. Any fire doors should be fitted with alarms to help prevent unlawful access and trespassing if doors are left unsecured.

- 144 Windows.
- 145 Windows and the glazing should meet SBD standards. A sandwich of toughened and laminated glazing should be considered. Toughened glazing offers protection to accidental impact, e.g. rugby balls, while laminated glazing provides enhanced security.
- 146 Consideration could be given to additional shuttering for easily accessible windows as an added layer of security. Window apertures should meet the following minimum standards:
- 147 Doorsets.
- 148 External doorset apertures should meet one of the following minimum standards, doorsets must be certificated by an UKAS accredited certification body.
- 149 CCTV.
- 150 CCTV provision and management is recommended for the Olympic Centre entrances, cycle parking provisions, car park and storage areas as part of the security requirements for this proposal.
- 151 Landscaping.
- 152 Trees should be pruned so that they do not provide climbing aids, which may compromise perimeter security. In addition, trees shouldn't obscure lighting columns or CCTV cameras.
- 153 SBD includes a list of products that have been awarded the 'Police Preferred Specification' status, which includes doorsets, windows, CCTV, boundary and perimeter treatment, among others. If approved, site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools, and other vehicles and be site specific to geography and site requirements.
- 154 Our comments are designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.
- 155 This information is provided by Kent Police Design Out Crime Team and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.
- 156 KCC Highways
- 157 Thank you for your consultation in relation to the above planning application. I note that in highway terms the proposals do not differ materially from the previous application for this site, SE/22/01848.
- 158 Consequently, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

159 I note that since my previous comments, there have been no changes to this application which would affect the highway aspects of this proposal. Consequently, my previous comments dated 20th April 2023 still stand and the suggested conditions are considered appropriate

160 Urban Design Officer

161 The NPPF requires all schemes to demonstrate compliance with the principles set out within the National Design Guide which have broadly been grouped into ten characteristics of well-designed places. The NPPF states that 'Development that is not well designed should be refused' (paragraph 134, 2021). Design comments are therefore structured around the proposals response to these ten characteristics. Other guidance used to assess the proposal include Building for a Healthy Life, Green Infrastructure Planning and Design Guide and Kent Design Guide.

162 Context: enhance surroundings

163 The site is located outside the east of Swanley Town and forms part of the Olympic Centre, which includes sports facilities for outdoor bowls, snooker and boxing and an events space. The proposed sites is located directly east of the outdoor Bowling Green and have previously been used as a golf driving range. The site is largely grassland with a long rectangular open canopy structure along the western edge previously used for the driving range.

164 The proposal will retain the canopy structure and introduce changing facilities and toilets accommodated within two simple and functional single storey steel cabins sited to the rear (west) of the existing canopy. Due to this, the proposed buildings will have minimal visual impact on the site and its surroundings and therefore raise no concern. The impact of the proposed rugby pitch and training area on the site also raises no concern.

165 Nature: enhanced and optimised

166 It is suggested that a vegetated roof could be adopted for the changing room accommodation to improve the biodiversity opportunities and sustainable water management of the proposal in line with the NDG, paragraph.91

167 No further comments following the amendments made to the application.

168 SDC Tree Officer

169 The space shown for the pitch is open grassland with no trees or planting of note. I therefore have no objections to the proposal. I could not ascertain where the proposed ecological enhancement area is to be located and I have not see details of the proposed enhancements. This needs to be clarified with more detailed information.

170 No further comments following the amendments made to the application.

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

Representations

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

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

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

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

Chief Planning Officer's appraisal

182 The main planning considerations are:

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

Principle of the development

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

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

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

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

185 Policy SP11 of the Core Strategy relates to the biodiversity of the District, which will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity. This policy is seen in connection with Para 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by:

“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)” and “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

186 Para 179 of the NPPF state:

“that we should protect and enhance biodiversity and geodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

187 The application site falls within the Green Belt with the land located behind the main building of The Olympic. The land was last used as a driving range, however this land has not been used for some time now. The site is a lowland acid grassland habitat.

188 The proposal may be acceptable in principle, subject to an assessment as to whether the development is compatible with policies for protecting the Green Belt and Biodiversity.

189 Impact on the Green Belt

190 Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

191 Paragraph 138 of the NPPF identifies five purposes that Green Belt serves, including to assist in safeguarding the countryside from encroachment.

192 Paragraph 147 of the NPPF states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

193 Paragraph 148 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly

outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

- 194 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 195 As set out in paragraph 149 of the NPPF, new buildings in the Green Belt are inappropriate development. There are some exceptions to this, such as the provision of appropriate facilities for outdoor sport as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 196 The part of the site proposed for this development was previously a golf driving range and is not currently in use. The applicant has indicated it was last used as a driving range in 2017. The proposal would see the creation of a rugby pitch and training area along with buildings to provide a sheltered area for post training/match refreshments, home and away team changing rooms and toilets in two metal containers. These buildings would be located behind the old driving range structure which is to be retained and used for spectators. This is in addition to the remodelling of the land on the site, which would involve significant excavation of the current site to create a full size rugby pitch and training pitch.
- 197 Given the nature of the proposed development, the purpose for which it is intended, and the modest changing rooms, I am satisfied that the proposal comprises appropriate facilities for outdoor sport.
- 198 The assessment of impact on openness is reliant not upon the degree of visibility but also relates to the absence of building forms. The purpose of the Green Belt is also to protect land against unrestricted development and safeguard the countryside from encroachment. The cumulative impact of the development on the openness of the Green Belt would be limited due to the size of the structures and their location adjacent to an existing building.
- 199 I am also satisfied that, for the same reasons as above, the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.
- 200 The proposal therefore comprises appropriate development in the Green Belt in accordance with the NPPF.
- 201 Impact on biodiversity
- 202 Paragraph 174 of the National Planning Policy Framework (NPPF) 2021 states in part:
“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”
- 203 Paragraph 180 of the NPPF 2021 also states in part:

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

- 204 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 205 The proposed pitches and buildings would be located on lowland acid grassland which is a Habitat of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Section 40 of this Act places a general duty on a local planning authority to conserve and enhance biodiversity. The proposed pitch would have an impact upon this grassland due to the excavation works that would be needed. As identified by KCC Ecology, this would lead to loss of part of a priority habitat and therefore cause significant harm to biodiversity. In accordance with para 180 (a) of the NPPF, if significant harm to biodiversity cannot be avoided, it should be adequately mitigated or, as a last report, compensated for, and if this cannot be achieved, planning permission should be refused.
- 206 Due to the nature of acid grassland, there is inherent difficulty involved in compensating for lowland acid grassland habitat and evidence would be needed to demonstrate that the requirements of para 180 of the NPPF can be met, with the habitat compensated for.
- 207 Following the initial submitted information and the comments received from KCC Ecology in April & May 2023 in which they objected to the proposal due to the lack of information. The applicant undertook further investigations and studies which were submitted in September 2023. The information consisted of:
- A biodiversity gain plan that includes the required bespoke compensation for the loss of lowland acid grassland habitat;
 - The associated biodiversity metric calculations in the original excel spreadsheet format;
 - The completed condition assessment sheets used to provide the baseline information for the biodiversity net gain calculations;
 - A revised Biodiversity Enhancement Strategy to ensure that it reflects all the survey information, biodiversity net gain information, all the proposed avoidance, mitigation, compensation and enhancement measures proposed for the site. This should include relevant protected species such as skylark and reptiles, as well as the adjacent ancient woodland, the compensation site AND realistic long-term management proposals both on-site and off-site to ensure a biodiversity net gain is deliverable as part of this project
- 208 The applicant has previously proposed a compensation site on the west side of Beechenlea Lane, on other land they own, though it has not been demonstrated that this land could be used to re-create the acid grassland required, following the partial loss of the priority habitat on the site of the proposed new pitches.
- 209 Sports England objected to the inclusion of this site as compensation for the acid grassland as it would have led to the loss of a football pitch. Discussions with Sports England confirmed that they would object to the loss of the football pitch even if it had only been there for a temporary period, as it was an indicator of need. The

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

- 210 Whilst conditions could potentially be imposed to secure some of these works, any conditions have to comply with the tests in the National Planning Policy Guidance, including to be reasonable and enforceable.
- 211 The NPPG states that “when used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects”.
- 212 Para 56 of the NPPF states:

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

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

Status of Agricultural Land

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

Ancient Woodland

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

Design and impact on the character and appearance of the area

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

Impact on residential amenity

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

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

Prevention of Crime

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

Impact on highways safety & parking

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

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

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

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

Impact on heritage assets

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

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

Impact on the public right of way

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

Provision of new pitches

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

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

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

Community Infrastructure Levy (CIL)

241 This proposal is not CIL liable.

Conclusion

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

243 It is therefore recommended that this application is refused.

Background papers

244 Site and block plan

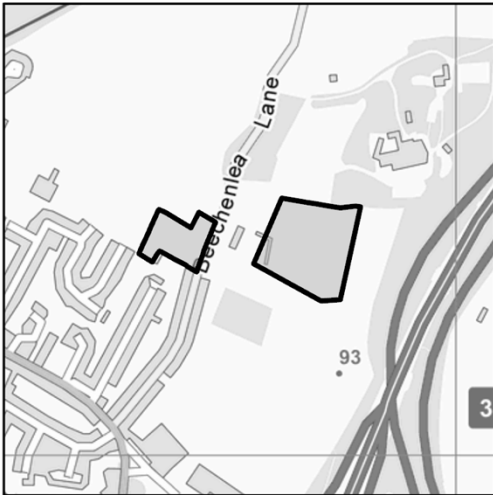
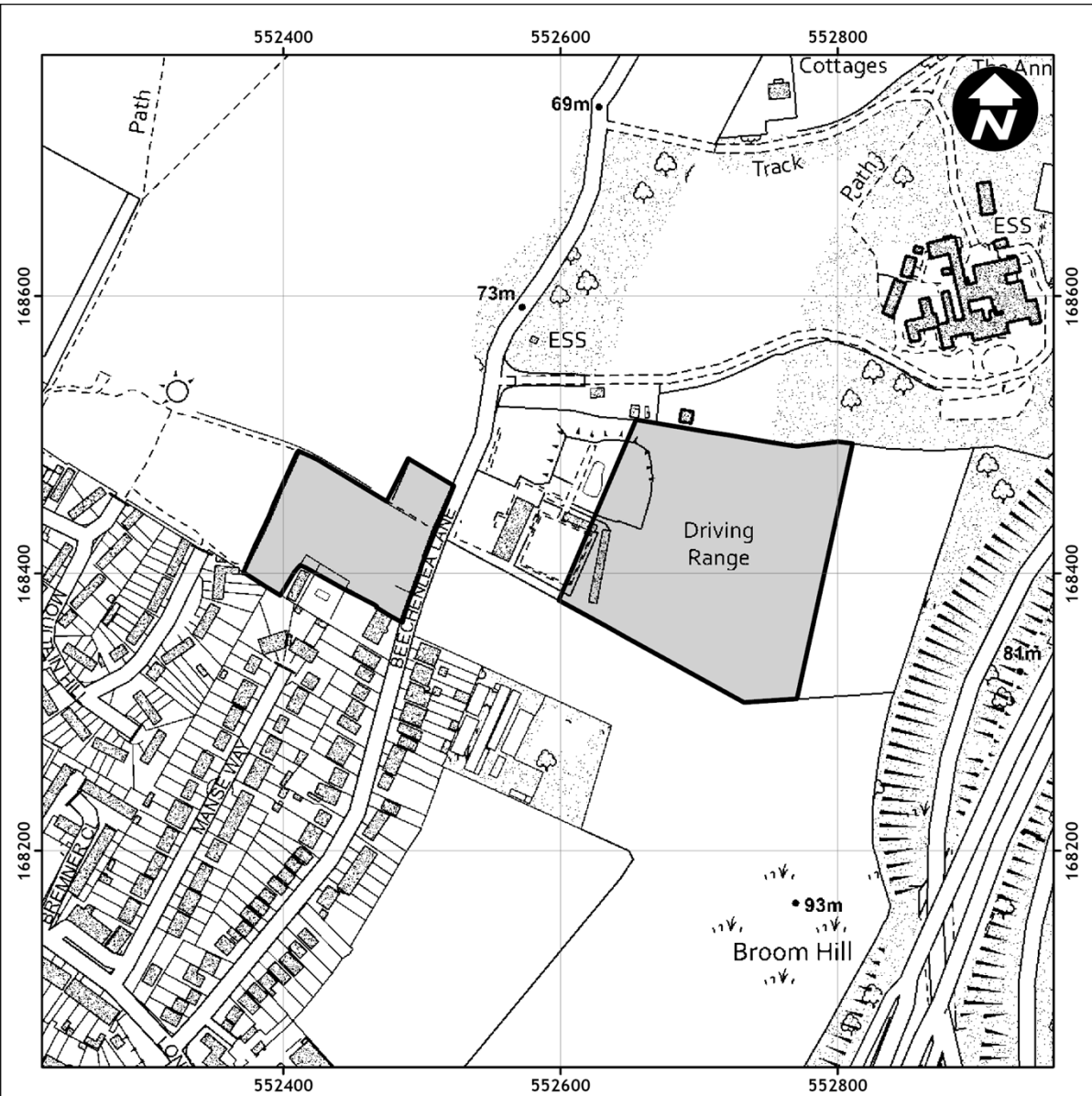
Contact Officer(s):

Scott Fisher: 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:5,000
Date 20/10/2023



© Crown copyright and database rights 2023
Ordnance Survey AC0000822250

PROPOSED BLOCK PLAN

