

# PLANNING & GREEN BELT STATEMENT



**PLANNING APPLICATION BY:**

**POLHILL GARDEN CENTRE**

**RELATING TO:**

**POLHILL GARDEN CENTRE  
LONDON ROAD  
BADGERS MOUNT  
SEVENOAKS  
TN14 7AD**

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**Robinson Escott Planning LLP,**

Downe House, 303 High Street, Orpington, Kent BR6 0NN

**1. INTRODUCTION:**

1.1. We are instructed by Polhill Garden Centre to prepare this Planning and Green Belt Statement in support of an application planning permission for the following development on land at Polhill Garden Centre, London Road, Badgers Mount:

**“Continued use of two storage containers and an open sided canopy for use as a home delivery service ancillary to the garden centre with associated landscaping, tree and ecological works.”**

**(i) Background to Application and Submission Documents**

1.2. We are familiar with the site and the surrounding area and have studied carefully the planning policies associated with the site.

1.3. The submission represents a revised planning application following the refusal of **23/02285/FUL**, which was a proposal to permanently retain the home delivery service at the site, following its temporary approval under planning consent **20/02567/FUL** during the Covid 19 pandemic.

1.4. The Council refused planning application **23/02285/FUL** on 13 October 2023 on the following grounds:

**1) The proposal would be inappropriate development in the Green Belt and harmful to the openness of the Green Belt, contrary to the National Planning Policy Framework.**

**2) In the absence of compensation measures for the loss of greenspace on the site, the applicant has failed to demonstrate that the development would not result in harm to protected species, contrary to policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.**

**3) The applicant has failed to demonstrate that the development would not result in the loss or deterioration of the adjacent Ancient Woodland. Wholly exceptional reasons and a suitable compensation strategy also have not been demonstrated. The proposal would therefore fail to comply with policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.**

- 1.5. The temporary permission, **20/02567/FUL**, expired on 4 November 2023.
- 1.6. Following the refusal, the applicant has instructed Arboricultural and Ecology consultants to inform the response to grounds of refusal 2 and 3. Following dialogue with Officers, a more robust case of very special circumstances has also been prepared.
- 1.7. As outlined above, the proposal seeks the permanent retention of the home delivery service at the site. However, in light of the previous grounds of refusal, mitigation measures relating to ecology, landscaping and trees are now proposed.
- 1.8. In order to prepare a comprehensive and thorough assessment to support the revised planning application, specialist technical advisors and consultants have been appointed by the applicant. The application is therefore supported by the following technical documents:
- CIL Form
  - Preliminary Ecological Appraisal – Greenlink Ecology
  - BS5837 Tree Survey & Arboricultural Impact Assessment – Chartwell Tree Consultants
- 1.9. The submission is supported by a full suite of architectural plans of the development by Malcolm Scott Consultants.

**(ii) Scope and Purpose of the Planning & Green Belt Statement**

1.10. The purpose of this Planning & Green Belt Statement is to detail the development, as well as the site and the surrounding area. A thorough review of relevant planning history and planning policy is also undertaken. The statement then identifies the planning merits of the application against adopted policy guidance and best practice, and to outline any other material considerations to undertake the planning balance including a case of very special circumstances.

**2. APPLICATION PROPOSAL:**

2.1. Full planning permission is sought for the following development which represents a revision to planning application **23/02285/FUL**:

**“Continued use of two storage containers and an open sided canopy for use as a home delivery service ancillary to the garden centre with associated landscaping, tree and ecological works.”.**



Figure 1: Home delivery service.

2.2. As outlined in the introduction section, the delivery service was set up following the temporary closure of the garden centre in March 2020 as a result of the coronavirus pandemic. The structures were approved until 4 November 2023 under planning permission reference **20/02567/FUL**. The delivery service is situated in the north-eastern parcel of the garden centre site.

2.3. The applicant proposes to retain the structures and their use on a permanent basis due to the continued success of the delivery service resulting from the continued change in customer demand and shopping habits.

2.4. Given the ecology and tree refusal grounds raised under planning application **23/02285/FUL**, this revised application proposes the removal of the asphalt and to relocate the inner security fence 10 metres back into the site (including the current three metre distance), away from the woodland to create a buffer zone between the hard standing and the outer boundary fence. This 10 metre buffer zone, which encompasses the RPAs of the woodland edge trees, will then be planted with native species of tree and understory/ground cover vegetation.



- 3.2. Beyond the site boundaries to the north and east are areas of woodland, which are designated as being Priority Habitat Inventory (PHI) deciduous woodland, along with Plantation on Ancient Woodland Site (PAWS) – to the north only. This woodland is also part of the non-statutory designated SE09 Woodlands West of Shoreham Local Wildlife Site (LWS).
- 3.3. Further east of the site is the M25 motorway. South of the site are open fields which extend towards Polhill Business Centre. To the immediate west is the main buildings of the Garden Centre, whilst further west of the site is the Toby Carvery and loose knit commercial uses on the western side of the A224.



Figure 4: Extract from Proposals Map – home delivery area circled.



Figure 5: Flood Map for planning.



3.4. The site is located in the Metropolitan Green Belt and the Kent Downs National Landscape. The site is also located in an archaeological notification area. There are no heritage constraints associated with the site and the plot is in Flood Zone 1.

#### 4. **RELEVANT PLANNING HISTORY:**

4.1. Given the background of this application, the following planning applications are considered relevant:

- Continued use of 2 storage containers and an open-sided canopy for use as a home delivery service ancillary to the garden centre.  
Ref. No: 20/02567/FUL | Status: Decision - Granted
- Removal of 2 storage containers and open-sided canopy and erection of glasshouse.  
Ref. No: 22/00963/FUL | Status: Decision - Refused
- Removal of 2 storage containers and open-sided canopy and erection of glasshouse  
Ref. No: 23/00003/FUL | Status: Decision - Refused
- Continued use of two storage containers and an open sided canopy for use as a home delivery service ancillary to the garden centre  
Ref. No: 23/02285/FUL | Status: Decision - Refused

4.2. In approving the original temporary permission in 2020, the following very special circumstances were forwarded:

- The development would be an 'extension' to that of the lawful existing warehouse building by way of its use and purpose. The development would, by its design and volume, be "proportionate and subservient" to the 'original' buildings and would not materially harm the openness of the Green Belt through excessive scale, built or visual intrusion.
- **The development is visually contained within the existing garden centre and would not result in either an unrestricted sprawl of a large built up area nor would it lead to the merging of settlements.**
- **The development does not encroach upon the countryside and in visual terms views of it are limited due to the existing mature trees and adjacent garden centre development.**

- **The development undertaken does not intrude upon the openness of the Green Belt because it is well screened by existing mature woodland to the north and east and by the garden centre built development and residential dwelling to the west.**
- As to alternative sites, the development had to be within the garden centre's curtilage in order that plants and goods could be picked from the appropriate retail areas to fulfil customer orders (it would be financially unviable to rent premises beyond the Green Belt and transfer plants and goods to them from the garden centre). The site chosen is the best solution both in terms of logistics and in terms of seeking to minimise its visual intrusion into the Green Belt both by utilising brownfield land and by the extent of the surrounding visual barriers.
- The proposed development will enable a long established business employing over 149 staff to continue to operate profitably at a time of increasing uncertainty as to both the economy and the retail market in particular will evolve. By offering a home delivery service this will enable the garden centre to compete with internet retailers such as the garden plant and products retailer Crocus (who have recently teamed up with Waitrose) John Lewis Partnership) and Amazon.

4.3. The Council concluded that very special circumstances existed to justify the development. In consequence, the very special circumstances submitted were identified as being sufficient to outweigh the harm to the Green Belt in principle and to its openness, albeit only on a 3 year temporary basis. It is forwarded in this application that given the continued success and need for the home delivery service, the above very special circumstances, which justified the development on a temporary basis, are sufficient enough to allow the use on a permanent basis.

4.4. Subsequent attempts to replace the existing home delivery service were refused under applications 22/00963/FUL & 23/00003/FUL on Green Belt grounds.

4.5. Given the impending expiration of the temporary permission **20/02567/FUL**, the applicant applied for the permanent retention of the home delivery service. Although the

application was refused, in reviewing the case officers report, the following matters can be considered common ground between parties for the purposes of this application:

<b>Planning Consideration</b>	<b>Common Ground Between Parties</b>
<b>Green Belt</b>	The site could be classed as previously developed land. The land has an established use as a garden centre and comprises of numerous structures and building associated with this use.
<b>AONB/National Landscape</b>	The retention of the storage containers and canopy would not have a detrimental impact on the character and appearance of the surrounding area and would not erode the landscape character of this part of the AONB.
<b>Residential Amenity</b>	The home delivery service does not impact on the adjacent neighbours in terms of amenity and is in line with Policy EN2 of the Sevenoaks ADMP.
<b>Parking &amp; Highways Impact</b>	The proposal would not have an adverse impact on existing parking arrangements for the wider site and would not involve the creation of a new access. The proposal would therefore comply with policy EN1 of the ADMP.

4.6. The above planning history has informed this latest planning application.

**5. PLANNING POLICY & MATERIAL CONSIDERATIONS:**

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where the development plan contains relevant policies, applications for development which are in accordance with the plans should be allowed unless material considerations indicate otherwise.

5.2. The National Planning Policy Framework and the Planning Practice Guidance (PPG) are material considerations.

5.3. The Development Plan, as far as is relevant to this planning application, consists of:

- Sevenoaks District Core Strategy 2011
- Sevenoaks Allocations and Development Management Plan 2015

5.4. The following documents have also been reviewed as part of this submission:

- Green Belt Supplementary Planning Document (SPD) 2015

**National Planning Policy Framework (NPPF) 2023**

5.5. The following chapters of the NPPF have been reviewed as part of this statement.

- (2) Achieving sustainable development
- (6) Building a strong, competitive economy
- (9) Promoting sustainable transport
- (11) Making effective use of land
- (12) Achieving well-designed and beautiful places
- (13) Protecting Green Belt land
- (14) Meeting the challenge of climate change, flooding and coastal change
- (15) Conserving and enhancing the natural environment

5.6. We have referred to relevant paragraphs within the planning merits section of this statement.

**National Planning Practice Guidance (PPG)**

5.7. Relevant sections of the PPG have been reviewed including:

- Green Belt

**Sevenoaks District Core Strategy**

5.8. The following policies are relevant to this application:

- LO1 Distribution of Development
- LO7 Development in Rural Settlements
- LO8 The Countryside and Rural Economy
- SP1 Design of New Development and Conservation
- SP11 Biodiversity

**Sevenoaks Allocations and Development Management Plan (ADMP) 2015**

5.9. The following policies are considered relevant to this application:

- SC1 Presumption in favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- GB8 Limited Extension to Non-Residential Buildings in the Green belt
- GB9 Replacement of a Non-Residential Building

**6. PLANNING MERITS:**

6.1. In light of the foregoing policy assessment and description of the proposed development, the following main issues will be considered:

- Green Belt
- Ecology
- Trees

**Green Belt**

**(i) Appropriate Development**

6.2. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Openness is, to a large extent, the absence of perceived development, whether in the form of buildings, engineering or other operations or a material change of use of land.

6.3. Paragraph 154 outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would: - not have a greater impact on the openness of the Green Belt than the existing development;

6.4. Policy GB9 provides the local policy for extensions to non-residential buildings in the Green Belt.

- 6.5. It is common ground between parties that the site comprises previously developed land and therefore an assessment needs to be made on the home delivery services impact on the openness of the Green Belt.
- 6.6. An assessment of Green Belt openness must encompass a wider analysis than simply a comparison between footprint, volume and height of existing buildings to proposed building. There is a visual dimension to openness, and this is explicit in undertaking the Green Belt openness assessment. The Court of Appeal made this plain in the judgement of **Turner v SoS for Communities and Local Government [2016] EWCA Civ 466**.

***“The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach. The word openness is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents.***

***The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there. But, as observed above, it does not follow that openness of the Green Belt has no visual dimension.”***

**(Lord Justice Sales)**

- 6.7. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach; rather, it is also necessary to consider the spatial implications of a proposal. In other words, a development scheme cannot rely on the volumetric assessment



alone: it is necessary to take account of wider considerations, including the spatial implications of a proposal in such a location.

6.8. It is acknowledged that the following conclusion was made by Officers under **23/02285/FUL** in respect of openness:

*“In my view, the change of use, due to the erection of permanent structures on the land and the associated hardstanding, would not preserve openness and would fail to safeguard the countryside from encroachment which is a fundamental aim of Green Belt policy.*

*Furthermore, paraphernalia associated with the use of the land for commercial storage, i.e. hard surfacing, boundary fencing, vehicles and other associated clutter, would detract from the historical openness of this part of the site and the open land beyond. The proposal would therefore be inappropriate development in the Green Belt by definition and harmful to the openness of the Green Belt, contrary to policy GB9 of the ADMP and the NPPF.”*

6.9. Notwithstanding this, it is our view that the home delivery service has a limited impact on the openness of the Green Belt due to the following reasons.

- The development is visually contained within the existing garden centre site and does not result in an unrestricted sprawl of a large built up area, or the merging of settlements.
- The development does not encroach upon the countryside and in visual terms views of it are limited due to the existing mature trees and the adjacent garden centre buildings.
- The development undertaken does not intrude upon the openness of the Green Belt since it is screened by existing mature woodland to the north and east and by the garden centre built development and residential dwelling to the west.

6.10. These conclusions on openness were given as reasons by the Council in permitting the original temporary permission for the home delivery service.

6.11. On balance therefore, a case could be made that the proposal will not have a harmful impact on the openness of the Green Belt and would comprise appropriate development, based on the above conclusions.

**(ii) Very Special Circumstances**

6.12. Without prejudice to the position that the scheme comprises appropriate development in the Green Belt, if it is judged that the application scheme causes some harm to openness and constitutes inappropriate development, then it is necessary to consider whether there are very special circumstances, whereby the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.13. An assessment of whether there are very special circumstances in any particular case involves a balancing exercise of weighing the benefits of the appeal proposal against the harm to the Green Belt which arises by definition from inappropriate development and the actual harm to the purposes and objectives of Green Belt policy. (*Pehrsson v Secretary of State for the Environment [1991] 61P.and CR266*). Such a balancing exercise necessarily involves a consideration of the weight of the planning harm in whatever form it exists. If the benefits clearly outweigh the harm, then very special circumstances exist. In addition to the notional/definitional harm, if the extent of actual harm to the Green Belt is slight then the countervailing benefits need only to be proportionate and commensurate to outweigh such harm. The weight to be given to Green Belt policy and to the benefits of a proposal is a matter for the decision maker.

6.14. In assessing the planning application **23/02285/FUL**, the Council made the following assessment:

*“The case for very special circumstances put forward by the applicant within the accompanying planning statement relates to the need for the development to support the existing business and to satisfy customer demand.*”

*However, similar to previous applications, no detailed justification statement has been provided to demonstrate this. As such, the genuine need to retain the containers and open canopy permanently has not been clearly evidenced or justified. Furthermore, it has not been demonstrated that there is no satisfactory alternative to the proposed development. It has not been explained whether or not there is capacity within existing buildings for storage to meet customer demand.*

*In addition, there is no detailed explanation of the economic implications for the garden centre if permission were to be refused for the permanent retention of the storage containers and open canopy. It is understood from previous applications that the structures were used during COVID in connection with the garden centre's home delivery service. It is not entirely clear from the submission how the structures are currently being used or how they will be used in the future.*

*If it is still proposed to use the structures to support the home delivery service by providing storage, no financial information has been provided to demonstrate the contribution of the home delivery service to the garden centre's turnover in order understand the negative impact the refusal of planning permission could have.*

*In light of the above, it is considered that the need for the development has not been sufficiently demonstrated and therefore can only be attributed limited weight against the harms identified."*

6.15. It is important to emphasise that when approving the temporary permission under reference **20/02567/FUL**, the following very special circumstances were identified as being sufficient to outweigh the harm to the Green Belt in principle and to its openness (albeit on a temporary basis):

- The development would be an ‘extension’ to that of the lawful existing warehouse building by way of its use and purpose. The development would, by its design and volume, be “proportionate and subservient” to the ‘original’ buildings and would not materially harm the openness of the Green Belt through excessive scale, built or visual intrusion.
- The development is visually contained within the existing garden centre and would not result in either an unrestricted sprawl of a large built up area nor would it lead to the merging of settlements.
- The development does not encroach upon the countryside and in visual terms views of it are limited due to the existing mature trees and adjacent garden centre development.
- The development undertaken does not intrude upon the openness of the Green Belt because it is well screened by existing mature woodland to the north and east and by the garden centre built development and residential dwelling to the west.
- As to alternative sites, the development had to be within the garden centre’s curtilage in order that plants and goods could be picked from the appropriate retail areas to fulfil customer orders (it would be financially unviable to rent premises beyond the Green Belt and transfer plants and goods to them from the garden centre).The site chosen is the best solution both in terms of logistics and in terms of seeking to minimise its visual intrusion into the Green Belt both by utilising brownfield land and by the extent of the surrounding visual barriers.
- The proposed development will enable a long-established business employing over 149 staff to continue to operate profitably at a time of increasing uncertainty as to both the economy and the retail market in particular will evolve. By offering a home delivery service this will enable the garden centre to compete with internet retailers such as the garden plant and products retailer Crocus (who have recently teamed up with Waitrose) John Lewis Partnership) and Amazon.

6.16. In the context of the conclusions of the temporary permission (**20/02567/FUL**) and in response to the assessment made by the Council under **23/02285/FUL**, the following very special circumstances are now forwarded:

<b>Economic Implications / Need</b>	<p>The home delivery area at Polhill Garden Centre has become a vital part of its infrastructure since the retail landscape changes in 2020 caused by the Covid-19 pandemic which “Fundamentally altered consumer behaviour” (Retail Economics, 2020). While the garden centre’s core objective has been, and will likely remain, increasing physical visits to the site and the surrounding area, it recognises the necessity of a robust online strategy to maintain relevance in today’s digital marketplace.</p> <p>Consumers are now shopping more and more online with a 19.7% increase in e-commerce between 2019 &amp; 2022 (ONS, 2022). The centre’s online sales have increased dramatically above the average, shown below in figure 1.</p> <p>Figure 1:</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Turnover (Online Only)</th> </tr> </thead> <tbody> <tr> <td>2019</td> <td>£126K</td> </tr> <tr> <td>2020</td> <td>£1.3m (Covid Year)</td> </tr> <tr> <td>2021</td> <td>£567K</td> </tr> <tr> <td>2022</td> <td>£489K</td> </tr> <tr> <td>2023</td> <td>£494K</td> </tr> </tbody> </table> <p>With these increases has come a need to develop not only the garden centre’s infrastructure but also its staffing levels. There are now 8 full time employees working in the home delivery area to pick, pack and deliver goods sold both in store and online. A key aim for the future of Polhill Garden Centre is to develop its online sales significantly and reach £1m by 2025. This target is being achieved by increased budgets and 3 new back office staff dedicated to the sector.</p>	Year	Turnover (Online Only)	2019	£126K	2020	£1.3m (Covid Year)	2021	£567K	2022	£489K	2023	£494K
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As is clear, Covid in 2020 was the catalyst to increasing online sales. At this time the garden centre was utilising its car park to dispatch goods. This was not sustainable once the shop re opened and therefore they had to move the operation from the car park to the more suitable area of the online delivery area. Whilst the garden centre have not experienced sales volumes of 2020 its online turnover has increased by 292% since 2019 significantly higher than the 19.7% UK avg.

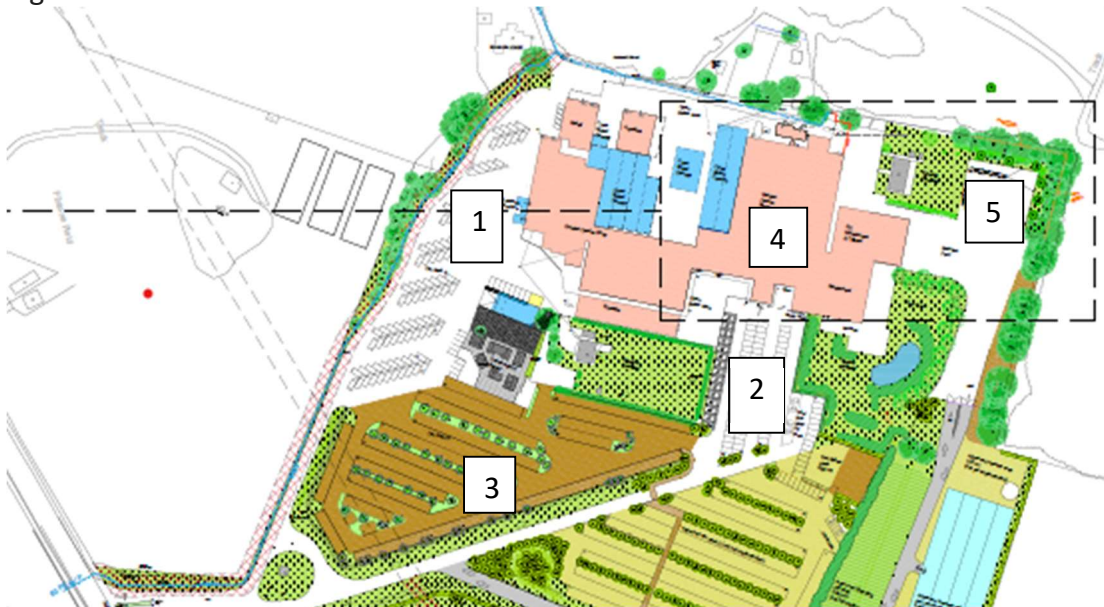
Whilst the above table shows pure online sales that go through the online delivery space the garden centre also have a significant amount of instore customer orders that go through the same space. (Data only available since 2020)

Figure 2.

Year	Total Sales order Values. (inc online sales)
2020	£2.3m
2021	£2.3m
2022	£2.3m
2023	£2.1m

The permanent retention of the home delivery services enables a long established business employing over 149 staff to continue to meet increased consumer demand for home delivery, competing with the large internet based retailers.

There is significant policy support for the rural economy as set out in paragraphs 88 and 89 of the NPPF, which states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. This is further supported in Policy LO8 of the Sevenoaks Core Strategy which supports the maintenance and diversification of the rural economy and contributes towards the vitality of the local community.

<p><b>Alternative Locations</b></p>	<p>Finding suitable space for loading and dispatching goods has been a key challenge.</p> <p>The garden centre’s extensive site analysis revealed only one suitable location, primarily due to security considerations. As a business in a vulnerable location, existing site is one of the few not publicly visible and benefits from existing security protocols. Additionally, the chosen location aligns with the existing location of the garden centre’s stock and staff, eliminating the need for further infrastructure changes to accommodate workspaces.</p> <p>Below is a map highlighting other possible areas and the reasons why they were discounted as a viable position for the home delivery service.</p> <p>Figure 3:</p>  <ol style="list-style-type: none"> <li>1) Front / western side of building.             <ol style="list-style-type: none"> <li>a. Conflicts with main entrance</li> <li>b. Conflicts with customer parking</li> <li>c. Conflicts with bus drop</li> <li>d. Conflicts with other uses – car wash / fish mongers etc</li> <li>e. Not accessible from warehouse – groceries would need to come through store.</li> <li>f. Health and safety issues with reversing HGVs</li> </ol> </li> <li>2) Rear car park             <ol style="list-style-type: none"> <li>a. Conflicts with main entrance</li> <li>b. Conflicts with customer parking</li> <li>c. Not accessible from warehouse – groceries would need to come through store.</li> <li>d. Health and safety issues with reversing HGVs</li> </ol> </li> </ol>
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	<p>3) South car park</p> <ul style="list-style-type: none"> <li>a. Conflicts with customer parking</li> <li>b. More prominent &amp; visible Green Belt location</li> <li>c. Too far from warehousing and will conflict with internal workflow of site.</li> <li>d. Health and safety issues with reversing HGVs</li> </ul> <p>4) Main building</p> <ul style="list-style-type: none"> <li>a. Insufficient space – Our store capacity is maxed out during busy periods with over 1.4m visitors per year, therefore, taking space for this operation would only condense consumers and make their shopping experience difficult.</li> <li>b. Issues with accessibility through the building and risk of heavy machinery being in contact with consumers.</li> </ul> <p>5) Benefits of current location</p> <ul style="list-style-type: none"> <li>a. Does not conflict with public facing areas of the site such as key entrances or customer parking.</li> <li>b. Safe area for operatives to park and make deliveries.</li> <li>c. Discreet position on site and not visible from surrounding area</li> <li>d. Easy access to warehousing</li> <li>e. Safe storage for vehicles overnight.</li> <li>f. Close to the store making picking more functional.</li> <li>g. Close to office space making enquiries quick and easy to solve.</li> <li>h. Easy access to water to keep plants healthy.</li> </ul> <p>The above analysis provides the tangible evidence and rationale for the proposed location of the home delivery services and why the existing location is the only suitable position for it.</p>
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6.17. The Council have previously given support to expansion schemes to important local businesses in the Green Belt, with very special circumstances relating to economic benefits and lack of alternative sites being given significant weight in the overall planning balance – see planning permission - 19/00419/FUL.

6.18. We conclude, therefore, that these other considerations, for the reasons set out above, cumulatively clearly outweigh the harm to the Green Belt and any other harm and constitute the very special circumstances necessary to justify planning permission being granted.



## **Ecology**

6.19. When assessing planning application **23/02285/FUL** the following refusal ground was given:

2) In the absence of compensation measures for the loss of greenspace on the site, the applicant has failed to demonstrate that the development would not result in harm to protected species, contrary to policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

6.20. In response to this, the applicant has instructed a **Preliminary Ecological Appraisal** which has been prepared by Greenlink Ecology.

6.21. There was no evidence or/potential for protected/notable species identified during the survey and since there is no perceived risk of impacts, mitigation measures have not been recommended for protected/notable species.

6.22. Recommendations have been made for ecological enhancement measures to ensure a net gain for local biodiversity, in relation to the creation of a 10 metre buffer zone, planted with new native species of trees and understory/ground cover vegetation, to enhance this area for local wildlife, in accordance with the principles of the NPPF.

6.23. Overall, there are no known overriding ecological constraints that would prevent the proposed works going ahead, subject to the recommendations made in this report being correctly implemented.

6.24. Given the conclusions of the **Preliminary Ecological Appraisal**, the previous ground of refusal raised under **23/02285/FUL** has been addressed.

## **Trees**

6.25. When assessing planning application **23/02285/FUL** the following refusal ground was given:

3) The applicant has failed to demonstrate that the development would not result in the loss or deterioration of the adjacent Ancient Woodland. Wholly exceptional reasons and a suitable compensation strategy also have not been demonstrated. The proposal would therefore fail to comply with policy SP11 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

6.26. The officer report stated that *“the application is not accompanied by an Arboricultural assessment to inform any avoidance, mitigation or compensation measures required for the Ancient Woodland.”*

6.27. In response to this, the applicant has instructed a **BS5837 Tree Survey & Arboricultural Impact Assessment** which has been prepared by Chartwell Trees. This has been prepared in conjunction with the **Preliminary Ecological Appraisal**. To avoid the risk of impacts to designated sites/notable habitats on a precautionary basis, mitigation measures have been recommended. The impact of this previous incursion is to be mitigated by the removal of the asphalt to create a 10m buffer zone along with soil decompaction and amelioration and replacement planting

6.28. Given the conclusions of the **BS5837 Tree Survey & Arboricultural Impact Assessment and Preliminary Ecological Appraisal**, the previous ground of refusal raised under **23/02285/FUL** has been addressed.

**7. PLANNING BALANCE & CONCLUSIONS:**

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 Act states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reinforced in paragraph 11 of the Framework. Having reviewed relevant policy, it is our view that the proposal complies with the development plan and there are no material considerations that would indicate that planning permission should be refused. The development, therefore, benefits from the statutory presumption in favour of development that accords with the development plan.
- 7.2. In respect of the Green Belt, the applicant has outlined that given the initial conclusions made by the Council under temporary planning permission **20/02567/FUL** and the nature of the proposed use on previously developed land, the home delivery service does not harm the openness of the Green Belt. Notwithstanding this, without prejudice, the applicant has prepared a more robust set of very special circumstance to justify the development in the Green Belt and cited other examples in this district to substantiate this.
- 7.3. Through the preparation of technical reports relating to ecology and trees, this revised application has now addressed reasons for refusal 2 and 3 under planning application **23/02285/FUL**.
- 7.4. In view of the above, it is concluded that the development proposed in this application is consistent with the aims and detailed requirements of the National Planning Policy Framework and the Development Plan and as such, should be given planning permission.