

---

**East Peckham**                      **566926 148749**    **3 September 2012**    **TM/12/02594/FL**  
East Peckham And  
Golden Green

Proposal:                      Proposed redevelopment of existing sheltered housing site for  
4 flats, 12 houses and associated works  
Location:                      Marvillion Court The Freehold East Peckham Tonbridge Kent  
TN12 5AW  
Applicant:                      Circle Housing Group

---

**1. Description:**

- 1.1 The application is for the redevelopment of the site by Circle Housing Group (also known as Russet Homes) to provide social rented and shared ownership properties. Four no. two-bedroom flats, 2 no. 2-bedroom dwellings and 10 no. 3-bedroomed dwellings are proposed that total 16 units on the site. All buildings are to be 2 storeys in height with 31 associated car parking spaces, access road, landscaping and a cycle and bin storage area.
- 1.2 The units are laid out across the whole of the site with a central access road. The flats are to be positioned at the front of the site and continue the existing building line along The Freehold. Adjacent to these flats, at the front of the site is a retained area of open space and trees. The car parking areas separate the next dwellings, two terraces of 3 dwellings, that front the access road. Beyond two further car parking areas and a turning area are 3 pairs of semi-detached dwellings that face into the rest of the site, backing onto the northern boundary.
- 1.3 The design of the units is fairly simple with a mix of roof forms and materials including facing brickwork, render and vertical boarding. Concrete roof tiles are proposed. Detailing has also been added to some of the units to provide variety. All hardsurfaces are proposed to be tarmac or concrete paviers. Some landscaping and additional tree planting is proposed around the site.
- 1.4 The proposed car parking is laid out across the site and comprises 31 spaces, including 4 disabled spaces. Provision has been stated at a level of 1.6 spaces per dwelling, plus additional visitor spaces.
- 1.5 A number of reports and supporting documents have been submitted in support of the application and to justify the loss of this specific form of sheltered accommodation for the elderly. This includes an executive summary of a "Russet Older Persons Housing Assessment".
- 1.6 These reports identify the level of pre-application consultation within the community and the efforts made to consider alternative options for the site, including the retention and refurbishment of the existing units.

1.7 The reasons given by Russet for the redevelopment are that the existing units no longer meet current standards and for the following reasons:

- 15 of the bedsits have no bathrooms, but share 6 communal facilities
- Men and women have to share bathroom facilities
- The accommodation does not meet current space standards
- The homes are not fully accessible for wheelchair users
- The homes are old and are not energy efficient, so running costs are high
- The homes are unpopular with potential residents
- They are hard to let because of the bedsit arrangements
- Complaints arose due to shared bathrooms
- Recent allocations have included people from across the country
- Voids at 14% have been almost twice the percentage of other similar schemes (7%)
- It was difficult to make specific adaptations to the homes for people who need them.

1.8 A refurbishment option was considered but was found to have many drawbacks, as follows:

- The layout of the building means that the bedsits cannot be converted to meet current space standards
- There is limited space at the entrances to make the homes accessible by wheelchair users or someone with a walking frame
- Carrying out decent homes work (providing new kitchens, bathrooms, wiring and heating) will be expensive and still not bring the homes up to current standards
- This will not change the fact that the homes will still be hard to let
- The building's age and standard of construction means that it will be increasingly expensive to maintain
- The energy efficiency of the building cannot be easily improved to modern standards, so the homes will remain expensive to run.

1.9 For the above reasons, refurbishment was not a viable option and redevelopment options were considered. Consequently, detailed survey work and research was undertaken to identify the housing needs within the local area which focused on the needs of those aged over 55. The aims of redevelopment are to:

- Create quality new homes to meet the needs of current and future residents
- Increase the supply of homes for local people in housing need
- Have a range of different home types to suit the needs of the local community.

1.10 In addition, reports have also been submitted in respect of a Phase 1 Contamination Report and a Tree Survey/Arboriculture Report. These reports identify no major issues and identify that the trees on site are of low arboricultural value and are mostly fruit trees, some of which are in decay.

## **2. Reason for reporting to Committee:**

2.1 The level of local concern.

## **3. The Site:**

3.1 The site is situated on the northern side of The Freehold in East Peckham. Marvillion Court currently occupies most of the site: this is a two storey building divided into flats and bedsits (a total of 21 bedsits, 6 one-bedroom flats and a 3 bedroom manager's dwelling occupy the site). Surrounding this building are the grounds associated with the building which comprise a mixture of grass, shrub and planted areas. In front of the main building are a parking area and four small bungalows along the western boundary. The front of the site is grassed and open with a number of fruit trees and shrubs.

3.2 The site is within the village confines. Along the eastern boundary of the site is a public footpath to open countryside beyond and the rear of the site forms the boundary to the village. Immediately to the north is an area of trees and shrubs that provide extensive screening of the site from open countryside.

3.3 To the east, west and south of the site are residential properties that are a mixture of detached, semi-detached and terraced properties of varying ages and styles. A number of rear gardens face directly onto the site. Along the western boundary is a private drive serving an annex to 27 The Freehold.

## **4. Planning History:**

TM/67/10929/OLD    grant with conditions    31 March 1967

Demolition of existing houses and the erection of dwellings for local authority housing.

TM/69/10676/OLD grant with conditions 31 March 1969

Four aged persons bungalows and single bedroom aged persons flats (in two storeys) and four two-storey houses with new cul-de-sac.

TM/71/10911/OLD grant with conditions 22 October 1971

The erection of 27 grouped flatlets for aged persons, with wardens accommodation and three aged persons bungalows.

TM/97/00061/FL Grant With Conditions 24 February 1997

extension for lift enclosure and machine room

TM/97/01192/FL Grant With Conditions 15 September 1997

extension to provide lift enclosure and machine room

## 5. Consultees:

5.1 PC: No objection in principle to the redevelopment of Marvillion Court, however we do object to the proposal as specified above; the reasons being:

1. The proposed redevelopment by virtue of its size, scale, bulk and mass would result in an intrusive and demonstrably harmful impact on the existing residential properties and would harm the character of the area. It is believed that this would be contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

2. The proposed redevelopment would be contrary to policy CP26 which states that:

- The Council will safeguard land required for the provision of services to meet existing and future community needs, as identified by service providers.
- Proposals for development that would result in the loss in whole or part of sites and premises currently or last used for the provision of community services will only be proposed in the LDF or otherwise permitted if:

(a) An alternative facility of equivalent or better quality and scale to meet identified need is either available, or will be satisfactorily provided at an equally accessible location; or

(b) A significant enhancement to the nature and quality of an existing facility will result from the development of part of that facility; or

(c) The applicant has proved, to the satisfaction of the Council, that for the foreseeable future there is likely to be an absence of need or adequate support for the facility.

3. Russet Homes has not yet provided sufficient evidence of housing need. East Peckham Parish Council therefore considers it vitally important that an independent survey of the housing needs of the village is carried out and that consideration of the proposal be **deferred** whilst this independent survey is carried out.

4. East Peckham Parish Council is concerned with the disproportionate number of flats available for the elderly which is not in line with the perceived requirements and needs of our ever-increasing population of elderly residents in East Peckham.

5. The units of residential accommodation to be earmarked specifically for the elderly are unsuitable. Research shows that older people's housing aspirations tend to be towards a preference for two bed-room accommodation, with their own facilities in relation to the kitchen/bath-room. This is so that older people can have guests to stay, and can incorporate dish-washers, fridge-freezers and washing machines in their own accommodation. They also tend to want a small garden, or some form of outside living space (a balcony/patio/terrace). These preferences and trends have been borne out by Kent County Council's Social Innovation Laboratory (SILK) research undertaken as part of further developing the Kent and Medway Housing Strategy (Better Homes: Older People's Housing Needs and Aspirations, March 2011). We further understand that sheltered housing is not generally seen as being a preference by older people; however sheltered housing is seen as something that should evolve as people's needs change that is that people want general needs accommodation to adapt and change. The design criteria required for sheltered housing mirrored that described above (size, space, room to breathe, possibly with some ability to socialise): People are not adverse to communal facilities in or near their homes.

The over-whelming consensus is that people want to remain independent for as long as possible. When they can no longer remain independent they want something that is as close to normal living as possible with the relevant and appropriate health and social care inputs, and perhaps some degree of sociability factored in. People want choice and control for their whole lives and not just when they are under 55 plus. The trends in the future would suggest that people want to remain in their own homes for as long as possible. They are likely to move out of that accommodation into smaller homes if they are attractive, but they want to retain independence for as long as possible.

6. The proposed development would have an adverse effect on the traffic movements of the already extremely congested Orchard Road and The Freehold. Vehicles belonging to existing residents are already double parked along The Freehold making it extremely difficult for emergency vehicles; this development would only exacerbate the problem.

The Freehold and Orchard Road were originally built at the end of the 19th Century. The roads are narrow and the majority of the properties are terraced with no off street parking. Already the two roads are overcrowded with parked cars, reducing the road to single file. A couple of years ago, Kent Highways submitted an application to put in yellow lines at the junction of Orchard Road following complaints from the emergency services that the road was too heavily congested for fire engines and ambulances to get through. The refuse collection lorry also struggles to get to The Freehold via Orchard Road because of the parked cars. Cars are often damaged by drivers trying to get past and many residents have resorted to parking on the pavement - blocking access for pedestrians. When the Red Roses development was built in The Freehold in 2007 the developers claimed there would be adequate parking on site for the new properties. This has not happened and, in reality, the new residents park at least one of their cars outside the front of the development in The Freehold. As a result of this, there simply is not enough parking space in the road for all the cars. The few houses that do have driveways often cannot access them because people park too closely either side, or block them completely. The Freehold is simply not big enough to take another development. Despite the proposal of providing 31 parking spaces, this still would not allow the new residents to own more than one car and the overspill would bring The Freehold to breaking point. The Freehold is one of the oldest roads in the village. It was never designed as a main or access road. There is another development underway at the top end of The Freehold with a further three 3 bedroom houses being built. No other road in the village has seen such expansion in such a short period of time. The road has reach saturation point.

7. The Parish Council understands that there is a restrictive covenant in place at Marvillion Court. Whilst the Parish Council understands that the existence of a restrictive covenant is not material in the determination of this planning application, the Parish Council does however feel that some of the original reasons for the covenant being in place might still be a material planning consideration in its own right.

8. The adverse impact the proposed development would have on the existing infrastructure, i.e. drainage.

5.2 DHH: Environmental Protection:

5.2.1 I would recommend an informative that, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

5.2.2 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. Therefore, if it is possible to prohibit the use of bonfires by way of an informative, I would advise that this be attached if planning permission is to be recommended.

Waste Management Services:

5.2.3 General comments in respect of the collection of waste and refuse collection requirements. Collection of bins from individual property boundaries or specified bin storage areas can be achieved where vehicle access is permitted i.e. road constructed to highway standard to allow 32 tonne (GVW) Refuse Freighter and appropriate turning areas (vehicle 12m x 2.5m, with 6m wheelbase and 4.5m height). Consideration should be given to any turning area to accommodate the refuse freighter and to allow it to turn safely. Unadopted roads will need to be designed to eliminate parking in these areas.

Housing - Enabling

5.2.4 The applicant, Russet Homes, has worked closely with the Council in submitting this application which has several Housing related sensitivities and impacts. The existing scheme has historically been for 21 bedsits for older persons, but the design and layout of the building is certainly of its time (1973) and has a number of failings that the Housing Section appreciates are problematic to the Housing Association in being able to provide a modern and high standard of accommodation to its residents. It is also clear that the development in its current guise does not meet either the current or future aspirations of older people. Beyond the reasoning related purely to the outdated facilities the Housing Section also understands the Housing Association's concerns over the level of local need for the existing form of accommodation moving forward, as described in the applicant's independent report through the consultant DCA. The Housing Section agree with the Housing Association that either refurbishing Marvillion Court or rebuilding a "like for like" improved replacement scheme is not supported by purely housing arguments. This is based on the low level of truly local need for older person's social housing (as provided through a Housing Association) of the nature historically provided at this site.

- 5.2.5 Following a programme of sensitive decants and a high level of local community engagement, the applicant is proposing to redevelop the site into affordable housing for both rent and shared ownership. The Housing Section welcomes the diverse range of tenures proposed by the Housing Association, which includes accommodation for older persons, family housing for rent, and homes for shared ownership to incentivise home ownership.
- 5.2.6 The proposal assists meeting the housing need for the borough in the broader sense, but it is important to note that the Housing Association will, in partnership with Tonbridge & Malling, implement a Local Lettings Plan to ensure the new homes are all targeted at and prioritised for the residents of East Peckham before (if necessary) meeting a wider local need within the borough.

Contaminated Land:

- 5.2.7 The submitted report provides an adequate description of the site from a site walkover survey, the environmental and historical setting of the site, a conceptual site model, a preliminary risk assessment of the potentially complete exposure pathways, and a discovery strategy. It recommends a Phase 2 intrusive investigation to quantify the potentially complete exposure pathways identified (from potential made ground on-site). This Service would concur with the findings of the report and looks forward to the receipt of the Phase 2 site investigation report.
- 5.3 KCC (Highways): This application comprises a re-configuration and updating of existing sheltered housing on this site. It is noted that refuse collection proposals have been agreed with the Borough's Waste and Street Scene Services Manager. It is anticipated that the car parking allocations proposed will be adequate and not unduly affect the surrounding neighbourhood. Spaces for people requiring more room to get in and out of vehicles have also been catered for. The access is largely unchanged and is considered suitable for the area and the level of development proposed. I confirm that I have no objection to this proposal with respect to highway matters.
- 5.4 KCC: The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.
- 5.4.1 Development contributions must comply with three specific tests: necessary, related to the development and reasonably related in scale and kind. These tests have been duly applied in the context of this planning application and give rise to the following specific requirements with supporting evidence.



5.4.2 Primary and Secondary Education Provision: Primary School contribution of £27,752.03 towards the extension of a primary school local to this proposed development. Secondary School, no requirement currently. Libraries and Community Learning: A financial contribution towards the provision of the following: Local Libraries £1,439.00, Community Learning £1,883.15 and Adult Services: £278.62. Total requested Contribution amount £31,362.80. [sic]

5.4.3 The County Council is of the view that the above contributions comply with the provisions of Regulation 122 of the Community Infrastructure Levy Regs 2010 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a Section 106 obligation with the developer/interested parties prior to the grant of planning permission.

5.5 Private Repts: (108/32R/0X/0S) + Site and Press Notices (Major and PROW).  
Objections have been received on the following grounds:

- Accommodation for the elderly in the village is still required. The plans are for accommodation that does not suit the needs of the elderly
- The site should remain 100% for the older population of the village
- Sheltered accommodation for the elderly is required in East Peckham
- The proposed car parking is insufficient and further on-site spaces are required, no visitor spaces are provided on site
- Additional noise from the proposed development and the impact on the living conditions of existing residents
- Car parking is already a problem in the area and so congested that lorries and emergency vehicles have difficulty gaining access
- Cars have been damaged due to the limited width of the road with car parking on pavements that restricts access for pedestrians
- The Freehold cannot accommodate any further car parking or new developments
- The research submitted is fundamentally flawed by virtue of the very narrow remit
- Car parking standards are unrealistic in reality
- Communal housing accommodation for the elderly should not be lost and will affect the village and future residents
- Russet has not been listening to the people in the village

- Access to the site is restricted and will only get worse
- There should be one bedroom units on the site, single people cannot afford larger units and it is inefficient
- No trees or green space should be lost as a result of this development
- Enclosure of the space within the street scene
- The research identifies a need for 5 units for the elderly, but only 4 units are proposed and half of these are at first floor. This is not suitable accommodation for wheelchair users or those with difficulty in walking
- Loss of trees will affect the character of the road detrimentally
- Most of the residents of Marvillion Court did not have cars; occupiers of the new development will. The road cannot cope at present, let alone with further traffic or parking
- This is overdevelopment in an already overcrowded road and area
- Adding to an existing parking problem will only encourage bad feelings within the locality and confrontation with any new residents
- The closure of Marvillion Court has resulted in the loss of community facilities
- Can the infrastructure cope with this additional development and will there be an effect on existing flooding problems
- Development of this site would detrimentally affect existing residents and their quality of life
- This site was given to provide housing facilities for the elderly within the community
- Occupiers of two and three bedroom houses have two cars that will have to park in The Freehold
- Construction traffic will have problems accessing the site due to parked cars
- Where will construction and workers' cars park
- These plans have no consideration for existing residents.

**6. Determining Issues:**

- 6.1 The following policies are considered to be the most relevant to the assessment of the proposed development:

Tonbridge and Malling Borough Core Strategy 2007 (TMBCS)

CP1: Sustainable Development

CP12: Rural Service Centres

CP17: Affordable Housing

CP24: Achieving a High Quality Environment

CP26: Safeguarding of Community Services and Transport

Tonbridge and Malling Borough Managing Development and the Environment  
DPD 2010 (MDE DPD)

CC1: Sustainable Design

SQ1: Landscape and Townscape Protection and Enhancement

SQ8: Road Safety

National Guidance in the National Planning Policy Framework (NPPF)

Paragraphs: 49, 50, 54, 61 and 66 that relate to delivering a wide choice of high quality homes and requiring good design.

- 6.2 In planning policy terms this application is submitted by a Registered Provider of affordable housing for a local need in a rural service centre. The site is also a brownfield site close to local facilities within the village. East Peckham is identified in policy CP12 of the TMBCS as a rural service centre where, in principle, new housing development is acceptable. In addition, paragraphs 49, 50 and 54 of the NPPF clearly state that a wide choice of homes should be provided that reflect local demand and need and that this should be based on current and future demographics. It also states in paragraph 49 that housing development should be considered in the context of the presumption in favour of sustainable development. This site is a sustainable site due to its location within the village which is identified as a Rural Service Centre in TMBCS.
- 6.3 Research undertaken by Russet Homes clearly identifies that there is a need for social rented and shared ownership properties of the size and type submitted. In addition, the type, size and tenure of the proposed units is in line with the needs identified by the Council's Housing Section. The NPPF encourages applicants to engage in pre-application discussions with the local community and indicates that

this, and the outcomes from it, will add strength to the applicant's proposals. The applicants in this case have entered into such discussions, in the spirit advocated by the NPPF.

- 6.4 Therefore the principle of this proposed development is strongly supported by planning policies, in particular policies CP1 and CP12 of the TMBCS and paragraphs 49, 50 and 54 of the NPPF. It is considered that this scheme provides the type of housing that is needed in East Peckham and complies with evidence identified and collected by TMBC Housing Services. It will clearly bring significant benefits through the addition of modern housing units to the housing stock available within the village.
- 6.5 There is a clear view expressed by local residents and the Parish Council that more of this site should be retained for older persons' accommodation and that the loss of Marvillion Court as a sheltered housing scheme is both inappropriate and a significant loss to the village and existing and proposed residents. It is therefore argued that retaining the site for the elderly should be continued.
- 6.6 However, all the research and supporting information identifies that the site was under-used by elderly people in the village and was difficult to let due to its poor level of accommodation. It has also been demonstrated that refurbishment of the building was not viable or feasible and a redevelopment of the site was the only option. I can understand that the loss of this facility is not supported by local residents; however, all evidence suggests there was not an ongoing need for this type of sheltered housing for the elderly.

To clarify, the definition of housing need used by Russet Homes and the Housing Section is:

*Affordable housing includes social rented and intermediate housing, provided to specified, eligible households whose needs are not met by the market. Affordable housing should:*

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices; and*
- *Include provisions for: (i) the home to be retained for future eligible households; or (ii) if these restrictions are lifted, for any subsidy to be recycled for alternative affordable housing provision.*

- 6.7 The four flats proposed on the site have been identified for occupation by over 55s and their design allows for full wheelchair access for the ground floor units and space for a stair lift to the second floor units if required. This accommodation provides for better sized units and facilities than the existing buildings, albeit with a lack of private outdoor space. Equally, there is no reason why a two bedroom

house on the site cannot be occupied by the over 55s, with the provision of all necessary facilities. In addition, all the units on the site are to be constructed as life time homes which means they can be more easily adapted to changing circumstances and needs of the occupiers.

- 6.8 Consequently there is provision for accommodation for the elderly on the site, but in a different form to the provision that was available on the site previously. The previous provision, as stated above, was found to be unsuitable and no longer complied with current housing standards and needs.
- 6.9 Reference has also been made to policy CP26 of the TMBCS which, in summary, identifies the need to retain existing community facilities and the loss of such facilities should only be allowed if there is no longer a need for them or if there are alternatives available. Sheltered housing for the elderly could not be identified as a community facility to which this policy would apply, but it is understood that the communal and social area of the building was well used. Nevertheless, there is evidence that the sheltered housing accommodation was difficult to let, was often not occupied by local residents and was underused. Also, within the village there are a number of halls that could be used for meetings, social gatherings or similar uses, some of which are within close proximity to this site. I am of the opinion that the proposed development is not contrary to policy CP26 and in fact complies with the policy in terms of other similar community facilities being available locally.
- 6.10 In respect of the design and layout of the proposed development it is considered that the siting and layout of the proposed units is acceptable, both in terms of the overall form and layout of the site and in relation to adjoining dwellings. There are a variety of housing types, forms and materials across the site and detailing has been added to give interest and variety. Overall the proposed development complies with design policies encompassed in policies CP1 and CP24 of the TMBCS, policy SQ1 of the MDE DPD and paragraphs 61 and 66 of the NPPF.
- 6.11 However, there is scope for some further improvements to the roof form of the rear units and in terms of the layout of the car parking spaces and the spaces between the dwellings. A request has been made for these minor changes to be made to the proposal. Therefore I am anticipating amended plans to be submitted to address these concerns before the Committee meeting. Any amendments submitted will be reported to Members in a Supplementary Report.
- 6.12 The proposal, although of a different form to the existing buildings on the site, will not result in a significant impact on adjoining dwellings. The units have been sited to minimise overlooking and any loss of privacy, while providing the required level of accommodation that has been demonstrated to be necessary to serve local needs. Windows to the rear elevations are limited to bedroom windows and on units 7 and 14 a staircase window. No first floor flank elevation windows are proposed except on the front block of flats where there is a small bathroom

window to the side elevations. A planning condition is suggested to ensure no additional windows could be inserted at a later date without a planning application.

- 6.13 It is appreciated that there are a number of residential properties surrounding the site but, due to their siting and the siting of the proposed units, there will be limited direct overlooking or loss of privacy to these units or their private rear garden areas at the back of the existing properties. This is due to the significant distances between the existing and proposed units which is between 21 and 31 metres in all cases. This is in line with or in excess of guidance in respect of back to side or back to back distances. In addition, between the site and any existing properties, there is either a public footpath, private drive or highway that further minimises any impact. There is also existing screening and tree planting to a number of the properties that reduces the impact further.
- 6.14 Consequently, due to the above, the impact on surrounding residential properties and their amenities is limited and complies with policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 6.15 In terms of the impact on the streetscene and The Freehold, this has also been minimised, due to the retention of the open space and some of the existing trees to the front of the site. Although the whole of the existing site is open to the front and grassed with some tree planting, due to the level of accommodation and proposed car parking it has not been proposed to retain the whole of this green area. The proposed block of flats is sited along the building line of existing development within The Freehold and in line with the adjacent residential property. I do not consider a building sited in this location results in a detrimental impact on the street scene or the character of The Freehold, although there will be a change to the appearance, and the presence of this building is offset by the retention of trees and the green space on the other side of the proposed access road. The proposal therefore complies with policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 6.16 Turning to the proposed landscaping and the loss of some of the trees on the site, the submitted arboricultural report states that most of the trees on the site are fruit trees, which are of limited arboricultural value and, in a number of cases, are diseased or decaying. However, those trees that are sound still have an impact and value on the visual amenity of the site and therefore a number are to be retained in the south east corner. These trees and some shrubs will be protected by a planning condition to ensure their retention.
- 6.17 New landscaping is also proposed around the site and a number of trees are proposed. Details of this landscaping will be controlled by a condition that will address species and final layout. Nevertheless, I consider there is further scope for improvement in this regard and, as identified above, amendments will be requested to improve the detailed layout of the site. This request will also include

an attempt to increase the level and quality of the proposed landscaping across the site.

- 6.18 In respect of on and off-site car parking issues, there is clearly a significant and understandable level of concern in this regard. The proposal provides for 1.6 spaces per unit and an extra 4 disabled parking spaces. The parking standards require 27 spaces and up to 6 visitor spaces are also required. However, the figure in relation to visitor spaces can be reduced where other parking has not all been allocated to dwellings or where there are flats, which is the case here. Kent Highway Services has raised no objection to the proposed level of car parking and welcomes the inclusion of disabled spaces. Its opinion is that it is anticipated that the car parking allocations proposed will be adequate and not unduly affect the surrounding neighbourhood. However, it is considered that the proposed car parking could be better related to the units that it serves and in some cases could be repositioned to further reduce the need to park outside the site. Obviously, it is not possible to control how occupiers and visitors use the site, but a large area of visitor car parking towards the front of the site is proposed, that is clearly accessible and visible from The Freehold which should minimise as far as possible any need to park on The Freehold. The proposal therefore complies with policies CP1 and CP24 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD.
- 6.19 As stated above, amendments will be requested that look at the detailed allocation of the proposed car parking spaces and their relationship and proximity with the proposed units to see if this can be improved and enhanced, whilst improving the overall layout. This will also include looking at the width and layout of the access road and turning area, that although acceptable and in line with guidance could potentially be improved within the overall layout. It is hoped that these changes could further minimise the potential for car parking within The Freehold.
- 6.20 In terms of the existing on-street car parking problems and access along The Freehold and Orchard Road, it would be unreasonable to prevent the redevelopment of a site on this basis, although the issues are clearly important. The NPPF makes it quite clear that development should not be refused on highway issues alone, unless there is a severe impact. The traffic generated from a development of 16 units could not be said to generate a severe impact. The guidance also highlights the presumption in favour of sustainable development. As identified previously, this would be the case, for this site, in this location.
- 6.21 However, there is clearly a need to minimise any impact on existing residents and the car parking problems experienced in the area. For this reason I would suggest that a condition is imposed to ensure all construction materials and plant are stored on site and an area is allocated for all construction and related car parking. The proposal is in accordance with policy SQ8 of the MDE DPD.

- 6.22 In terms of refuse and bin storage areas, these have been provided for on-site and the layout of the site is accessible for refuse collection. An informative needs to be added to advise of the necessary requirements.
- 6.23 A contribution has been sought for education and community and social services from Kent County Council. Notwithstanding the assertions made by KCC, I am not convinced that the requested contributions do fully meet the requirement of the CIL Regulations. I am also aware that some of the resource provision strategies are currently under review by KCC. Moreover, the development is for 100% affordable housing to provide for a local need. Budgets for such developments are limited and strictly controlled. In the current financial climate, I consider it would be unreasonable to request such a contribution for this type of development that would have the potential to make the scheme unviable.
- 6.24 In respect of potential contamination, a Phase 1 survey has been submitted and DHH is satisfied with its findings. The findings suggest that a Phase 2 survey is now undertaken; consequently, a condition should be imposed to that effect.
- 6.25 Finally, limited information has been submitted with the application in respect of sustainable design, construction methods or the provision for renewable energy. As is required by policy CC1 of the MDE DPD, a housing development of this size should consider all these aspects and provide 10% renewable energy on site. A condition should therefore be imposed to address this matter and require the necessary provision of sustainable construction and equipment within the development. With such a condition the proposed scheme would comply with policy CC1 of the MDE DPD and guidance in the NPPF that identifies a need for new development to be carbon neutral.
- 6.26 The application is therefore recommended for approval, subject to conditions and subject to the receipt of any appropriate amended plans to address the revisions that have been sought to detailed design and layout issues, as mentioned during this report.

## 7. Recommendation:

- 7.1 Subject to the receipt of any appropriate amended plans to address the outstanding issues in relation to detailed design and layout, **DPTL be authorised to Grant Planning Permission**, in accordance with the following submitted details:

Floor Plans And Elevations 19387A 101 dated 23.08.2012, Floor Plans And Elevations 19387A 102 dated 23.08.2012, Floor Plans And Elevations 19387A 103 dated 23.08.2012, Floor Plans And Elevations 19387A 104 dated 23.08.2012, Floor Plans And Elevations 19387A 105 dated 23.08.2012, Floor Plans And Elevations 19387A 106 dated 23.08.2012, Street Scenes 19387A 107 dated 23.08.2012, Proposed Layout 19387A 110 dated 23.08.2012, Site Survey 4143 SHEET 1 dated 23.08.2012, Plan JMK7502 FIG 1 dated 23.08.2012,



Proposed Roof Plan 19387A 111 A dated 03.09.2012, Elevations 4143 SHEET 2 dated 03.09.2012, Elevations 4143 SHEET 3 dated 03.09.2012, Existing Floor Plans D01 dated 03.09.2012, Existing Floor Plans D02 dated 03.09.2012, Location Plan 19387A 100 dated 23.08.2012, Letter dated 03.09.2012, Supporting Statement dated 23.08.2012, Design and Access Statement dated 23.08.2012, Assessment Housing dated 23.08.2012, Soil Report dated 23.08.2012, Statement Community Engagement dated 23.08.2012, Tree Report dated 23.08.2012, Letter dated 23.08.2012, subject to the following:

### Conditions

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 3 No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the flank elevations of the buildings other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling

Managing Development and the Environment Development Plan Document 2010.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roofs of the buildings without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 8 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 9 No development shall be commenced until:

(a) further (Phase 2) site investigation, as recommended in the received Phase 1 Desk Study (at Marvillion Court, East Peckham, Tonbridge, Kent TN12 5AW) by Soils Ltd report Ref. 13057/DS dated July 2012, has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the Phase 2 investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements

for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 10 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 11 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with

policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 12 No development (including demolition of the existing building) shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work of this site have been submitted to and approved by the Local Planning Authority. The plan shall specify access routes into the site for construction traffic and contractors' vehicles, areas to be set aside for materials storage and maximise vehicle parking within the site and measures to protect adjoining properties whilst the development is under way. In addition, the plan shall specify pedestrian safety measures across and adjoining the site. The development shall be carried out in strict accordance with the details approved.

Reason: In the interests of residential amenity and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 13 Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development hereby approved will adopt and incorporate practicable sustainable construction standards and techniques. The scheme shall take account of the need to minimise: waste generation, water and energy consumption, and the depletion of non-renewable resources. The scheme shall also have regard to the target for at least 10% of the energy consumption requirements to be generated from decentralised and renewable/low carbon sources. The approved scheme shall be implemented prior to the first occupation of the buildings and retained thereafter.

Reason: In the interests of sustainable development and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy CC1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and the NPPF.

**Informatives:**

- 1 Tonbridge and Malling Borough Council operates a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day. The Council reserves the right to designate the type of bin/container.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Bank or Public Holidays.

- 3 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [nameandnumbering@tmbc.gov.uk](mailto:nameandnumbering@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Lucinda Green