
Plaxtol **561195 153803** **27 September 2013** **TM/13/03006/FL**
Borough Green and
Long Mill

Proposal: Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking spaces and landscaping
Location: Shrubshall Meadow Long Mill Lane Plaxtol Sevenoaks Kent
Applicant: Moat Homes Limited

1. Description:

- 1.1 The application is made by Moat Homes Limited and proposes seven affordable new homes for rent and shared ownership, comprising 2x three bed houses, 3x two bed houses and 2x one bed apartments. The total gross floor area breakdown for the housing provision is 514 square metres (2x 3 bed units at 87.8 sq. metres, 3x 2 bed units at 78.4 sq. metres, and 2x one bed units at 53.1 and 50.1 sq. metres).
- 1.2 The houses would be laid out as two distinctive blocks, arranged either side of a hard surfaced access road and a communal 12 space car park. The properties would be two storeys in height, formed with simple tile hung roofs and brick elevations with elements of shiplap weatherboarding. A timber box bay window on the gable end at first floor level is provided on the southern elevation of the northern most terrace block, overlooking the service road and communal car parking area. Traditional style entrance canopies, casement windows with simple fenestrations and gable brackets with exposed joinery details/finials are proposed across the development.
- 1.3 The dwellings have been designed to meet Code for Sustainable Homes Level 3, Building for Life and Lifetime Homes standards. Porous paving will be used for the new private road surfaces, except for the rumble strip at the entrance to the development.
- 1.4 The application is accompanied by an Ecological Scoping Survey, a Flood Risk Assessment, a Rural Housing Needs Survey for Plaxtol and a Tree Survey. The development proposes the removal of eight young Oak trees (classified as Category B and C grade trees) within the development footprint, together with clusters of young trees and vegetation. Significant trees near the site boundaries are to be retained and protected in accordance with the relevant British Standard (BS5837:2012).
- 1.5 The Plaxtol Housing Needs Survey (January 2013) submitted with the application, undertaken by Action with Communities in Rural Kent and commissioned by the Council, identifies a need for seven homes for local people who are in need of

affordable housing. These are for two single people, three couples and two families, with three of the households requiring housing now and the other four within the time limit of March 2015 when the project must be completed to meet the applicant's HCA contract. The Survey details that the 7 respondents who are in need of affordable housing indicated strong local connections to Plaxtol Parish, with 6 currently living within and 1 living outside the Parish. The Survey has identified a need for the following homes:

- 2 x 1 bed (rented);
- 1 x 2 bed (rented);
- 3 x 2 bed (shared ownership); and
- 1 x 3 bed (shared ownership).

1.6 The scheme will be delivered with the aid of grant funding from the Homes and Communities Agency.

2. Reason for reporting to Committee:

2.1 In light of the special circumstances relating to local needs housing.

3. The Site:

3.1 The application site lies directly behind (to the east) Nos 1-8 Shrubshall Meadow, an existing affordable housing scheme operated by Moat Homes Limited, as granted planning permission in 2001 under application reference TM/00/01790/FL. It is located on the eastern side of Long Mill Lane and on the north-eastern corner of the village of Plaxtol.

3.2 The application site is located outside of the Metropolitan Green Belt boundary and outside the defined village confines of Plaxtol (as identified by Core Strategy Policy CP13). It is located within the North Downs Area of Outstanding Natural Beauty. The site is currently vegetated with a number of Oak trees and shrubs, although initial undergrowth clearance works have been undertaken by the applicant in order to carry out a detailed topographical survey of the land.

3.3 The site generally slopes in a west to east direction, falling gradually towards the River Bourne which is located beyond the eastern boundary of the application site. The site is located immediately adjoining Flood Zones 2 and 3.

3.4 A Public Right of Way (MR327) runs along the northern boundary of the application site.

4. Planning History:

TM/60/10683/OLD Refuse 11 January 1960

Outline application for Residential Development.

TM/00/01790/FL Grant 12 April 2001

Rural affordable housing comprising 4x 1 bed flats, 2x 2 bed houses, 2x 3 bed houses, access road, parking and associated works.

5. Consultees:

5.1 PC: No objection in principle but not a unanimous decision and subject to the conditions listed below:

- A robust system of allocations of properties must be put in place to ensure that the new tenants/shared owners have a genuine local connection to Plaxtol;
- TMBC accepts that the definition of 'Local' will mean a connection to the PARISH of Plaxtol, not the WARD of Borough Green and Long Mill;
- That TMBC Housing Department undertakes to work with Plaxtol Parish Council to develop a simple, yet robust system of early notification of both rental and shared ownership vacancies at Shrubshall coupled with an assurance, in each case, that the prospective occupier meets the housing and local connection criteria;
- That TMBC Planning Officers pay close attention to the – as yet largely unspecified – drainage plans for the development to ensure they are robust; and
- That TMBC Planning Officers ensure that Moat Housing Association's contractors preserve the mature trees identified in the independent woodland survey.

5.2 KCC (Highways): No objection, noting that the proposed car parking allocation exceeds the minimum required for housing proposals in a rural context.

5.3 KCC (Public Rights of Way): No objection.

5.4 Environment Agency: No objection, although note that only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control measures (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as

being contaminated. There should be no discharge made to ground. There must also be no direct discharge to groundwater, a controlled water.

5.5 Kent Fire & Rescue Service: No objection

5.6 Private Reps (10/0X/13R/0S) + Press Notice (Departure/Public Right of Way): 13 letters received, raising the following matters:

- Questions whether there is actually a true need for these new affordable homes;
- Alternative affordable homes are available nearby, the local area of Borough Green is only a few miles down the road;
- Will the existing infrastructure (electricity, phone lines, phone signal) support further development in Plaxtol;
- Plaxtol Primary School is already over-subscribed;
- The development does not comply with the Parish Plan of linear development;
- Questions whether occupants of the new scheme will be able to purchase their home in a way that the current occupants of Shrubshall Meadow are prevented from doing so;
- Concerns with a poor level of upkeep/maintenance undertaken by Moat Homes Limited on the current properties in Shrubshall Meadow;
- Lack of parking provision to serve the new development. There is also a lack of parking with the current Shrubshall Meadow properties;
- Seven new homes would add additional traffic to the local road network;
- The proposed layout of the dwellings has been poorly considered. The positioning of houses/flats on Plots 4-7 means the neighbouring private rear garden of Spring Cottage will be overlooked, resulting in a loss of privacy for the residents of Spring Cottage;
- Concerns raised regarding surface water run-off, during construction and once the development is occupied;
- Oppose the loss of a significant number of trees to make way for the development; and
- The site has become a haven for wildlife as it has been undisturbed for so long.

6. Determining Issues:

6.1 The key determining issues to consider in this case can be summarised as:

- the planning policy context;
- whether a need exists for additional rural affordable housing units in the Parish of Plaxtol;
- details of the proposed nominations process to demonstrate how any defined local need will be controlled;
- the impact of the proposals on landscape character and appearance;
- siting, design and amenity impacts;
- the effect of the development on highway safety and the suitability of off-street parking arrangements; and
- other issues raised as part of the consultation and publicity process, including infrastructure, drainage, wildlife concerns.

6.2 The application site is located outside the Plaxtol settlement confines and outside the Metropolitan Green Belt as defined by Tonbridge and Malling Borough Core Strategy 2007 (TMBCS) Policy CP13 and therefore is, by definition, within the countryside. TMBCS Policy CP14 states that development within the countryside will be very limited but one exception, *inter alia*, is affordable housing which is locally justified as an exception under TMBCS Policy CP19.

Affordable housing need

6.3 TMBCS Policy CP19 is the first key test and states that '*development to meet a specified identified local need for rural affordable housing may exceptionally be permitted in situations where there would normally be a presumption against development. Such development will only be permitted where all of the following requirements are met:*

- a. *the Council is satisfied that there is a genuine local need for affordable housing within the Parish or, where appropriate, in adjacent Parishes as defined by the categories of need set out below and verified by means of a comprehensive local appraisal;*
- b. *the identified local need arises within an area remote from any major urban area and cannot be met by any other means;*
- c. *the proposal is of a size and type suitable to meet the identified local need and will be available at an appropriate affordable cost commensurate with the results of the appraisal;*

- d. *the proposed site is considered suitable for such purposes by virtue of its relationship in scale and siting to an existing village and its services, its proximity to public transport, and the absence of overriding countryside, conservation, environment, or highway impact; and*
- e. *The initial and subsequent occupancy is controlled through planning conditions and agreements as appropriate to ensure that the accommodation remains available in perpetuity to meet the purposes for which it was permitted'.*

- 6.4 The application is accompanied by an independent Housing Needs Survey for Plaxtol undertaken in 2012 by Action with Communities in Rural Kent (ACRK), with support and guidance from the Council's Housing Services and Plaxtol Parish Council. The results of the Survey identify a need for seven additional affordable units within Plaxtol; this need is to serve 2 single people, 3 couples and 2 families. Of this identified need, 3 of the households require affordable housing now and 4 within the next three years. I am satisfied on the basis of this comprehensive Housing Needs Survey submitted with the application that there is a genuine need for further affordable housing within Plaxtol parish. I consider that the requirement of TMBCS Policy CP19 part (a) has been met in this instance.
- 6.5 Plaxtol is a rural village, located some 3km south of the nearest urban area of Borough Green. The rural housing need identified in the ACRK Survey arises from within the Parish of Plaxtol, as opposed to a larger geographical area covered by the Ward of Borough Green and Long Mill. It is therefore wholly appropriate that this demonstrated local housing need is dealt with within the village where it can be demonstrated that the occupants of the proposed dwellings have a genuine local connection with Plaxtol village.
- 6.6 Whilst the demonstrated need for 7 additional affordable units could, *in theory*, be met by another means (such as an alternative location) within the village, the need could not be met other than by new building works. Since the first phase of 8 affordable units at Shrubshall Meadow were developed, following the grant of planning permission in 2001, there appears to have been an expectation that further units may be developed in due course and in the subsequent planning documents land was excluded from the Green Belt at the east of those properties. This expectation was previously the subject to an allocations policy in the old (now superseded) Tonbridge & Malling Borough Council Local Plan 1998 under Policy P2/17(e). I am therefore satisfied that the current proposals are in line with TMBCS Policy CP19 part (b).
- 6.7 The development proposed provides for 2x three bed houses, 3x two bed houses and 2x one bed apartments. Each of the proposed units is modest but reasonably related, in floorspace terms, to the respective bedroom numbers of each property. Similarly, the layout and size of gardens are appropriate to the respective unit types/sizes. The proposed number/size of units in the proposal differs slightly from

the ACRK Survey of need, which required: 2 x 1 bed; 4 x 2 bed and 1 x 3 bed. The key difference is that one two bed home for shared ownership is now proposed to be a three bed unit. This change has been made in recognition that, for this tenure, it would permit the household to grow without provoking the need to move to a larger dwelling elsewhere, therefore enabling the occupants to be able to stay within Plaxtol. The change also permits a broader offer of units types and a greater diversity of dwelling sizes within the seven units proposed. Taking this into account, I am satisfied that the proposed units types are reasonably related to the demonstrated local need, as required under TMBCS Policy CP19 part (c).

Proposed nominations process

- 6.8 As detailed above, TMBCS Policy CP19 requires that the initial and subsequent occupancy of the new units is controlled through planning conditions and a legal undertaking (as appropriate) to ensure that the accommodation remains available in perpetuity to meet the purposes for which it was permitted. A legal obligation will therefore be required in this particular instance in order to cover the proposed nominations process and to ensure that the seven new units remain affordable in perpetuity to meet the purpose for which they are now justified.
- 6.9 On the basis that this scheme is being proposed to meet a defined 'local' affordable housing need, it is critical that the occupation of the new homes (regardless of tenure) is appropriately controlled and regulated to ensure that at all times they are prioritised for occupation by those with housing need and a local connection to the Parish of Plaxtol, as opposed to a wider geographical Ward of Borough Green and Long Mill. However, in the unlikely event that during the long life of the scheme a lack of Plaxtol nomination leads to a void property, the allocation process must include provision for the home to be occupied, rather than remain empty, all in accordance with the Council's Housing Allocation Scheme as in operation at the time. Although details of the planning obligation are yet to be formally agreed with the applicant, the following key points would be secured as part of a cascade allocation system:
- priority will be given to those applicants with a local connection to the Parish of Plaxtol;
 - where there are no suitable applicants that meet the above local connection criteria, priority will be given to those applicants with a *local connection to immediately neighbouring parishes to Plaxtol*; and
 - in instances where there are no suitable applicants with a local connection in accordance with the above, other applicants on the shortlist with a local connection to Tonbridge & Malling will be considered on the basis of housing need. Applicants without any local connection to the Borough will not normally be considered for an allocation on this development.

- 6.10 In addition to this cascade system, we have committed to report to the Parish Council the particular local connection criteria met in terms of future nominated households to the seven units.
- 6.11 Subject to the satisfactory completion of a planning obligation covering an appropriate nominations process policy (in accordance with the indicative cascade system set out above) and a requirement to make the units remain affordable in perpetuity, I consider the scheme meets with the requirements of TMBCS Policy CP19 part (e).

Landscape impact

- 6.12 As noted above, the application site is located within the North Downs Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the National Planning Policy Framework (NPPF) requires that weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 6.13 The application site is located on the north eastern boundary of the village confines which is just within the eastern most boundary of the AONB. The application site itself is relatively well screened from wider vantage points (from the north) as a result of a mature tree screen along the northern boundary of the Public Right of Way before the land opens up to wider open agricultural fields. As part of the indicative landscaping scheme submitted at this stage, the applicant proposes a 'green buffer' planting strip along the northern boundary of the site adjacent to the Public Right of Way. This would provide an element of compensatory planting to mitigate the loss of eight young Oak trees from within the development footprint. The combination of existing vegetation which would remain beyond the site boundary and the new landscape planting which would be secured as part of a required landscaping scheme would mean that, in my opinion, the impact of the proposed development on the wider AONB landscape setting would be negligible.
- 6.14 Whilst the loss of young Oak trees is unfortunate, when considered in the context of the compensatory planting which would be included in a site landscaping scheme, the development will be acceptable. Furthermore, there are trees which are located just outside of the development footprint and will be retained and protected during construction works in accordance with the relevant British Standard.

Siting, design and amenity impacts

- 6.15 The proposed units would be arranged as two distinct blocks, located around a hard surfaced access road and communal car park. At the nearest part, the proposed dwellings would be located some 36 metres from the rear façade of the existing properties in Shrubshall Meadow and approximately 47 metres from the

rear façade of Spring Cottage . Such distances, together with the arrangement of the properties on the development site, are quite acceptable and appropriate.

- 6.16 Concerns have been expressed regarding the potential loss of privacy of the rear garden area of Spring Cottage arising from the arrangement of the southernmost block of the new development. The southernmost plots (Plots 6 and 7) are both one bedroom flats; one at ground floor level and one at first floor level. The front outlook of Plot 7 (the top floor apartment) has two windows at first floor level; one serves a hallway, the other is an obscure glazed bathroom window. The garden of the adjacent Spring Cottage property measures some 60+ metres in length and, as noted above, is approximately 47 metres to the west of the façade of proposed Plots 6 and 7. On the basis of the layout of the first floor apartment at Plot 7 and its proposed windows, together with the façade to façade separation distance to Spring Cottage, especially bearing in mind that conventionally a distance of around 25m is the norm, I do not consider that an objection on the loss of privacy could be sustained in this instance.
- 6.17 The indicative materials of the plots have been chosen to reflect the current Shrubshall Meadow properties, utilising red stock brick elevations with use of Shiplap cladding, simple windows and doors and tile hung roofs. Additional detailing is proposed in the form of a projecting box bay windows, traditional style entrance canopies and gable brackets with exposed joinery details/finials, all of which are considered to enhance the overall appearance of the proposed dwellings. Subject to the later approval of appropriate external materials, I consider the design and appearance of the dwellings are acceptable and accord with the general requirements of TMBCS Policies CP1 and CP24.

Highway matters

- 6.18 Some local concern has been expressed regarding a lack of parking provision being proposed to serve the new development, noting that there is an existing lack of parking associated with the current Shrubshall Meadow properties. Concerns have also been expressed that the seven new homes proposed would add additional traffic to the local road network.
- 6.19 KH&T raises no objection to the proposed scheme, noting that the proposed car parking allocation (which proposes 12 spaces) exceeds the minimum required for this housing proposal in a rural context. The proposal is acceptable in these respects and the currently proposed parking levels, while above the necessary policy level, will help to ensure that any problems experienced as a result of the application of earlier parking standards on the earlier scheme should not re-occur in this instance.
- 6.20 The means and layout of access also meet the necessary standards for access and turning of emergency vehicles and refuse freighters.

Other issues

- 6.21 A number of concerns have been expressed regarding proposed drainage for the site, noting that the site would go from an undeveloped greenfield site to made ground. At this application stage, no specific details of proposed drainage have been provided. The EA has raised no objection, subject to a condition being imposed requiring details of a foul and surface water drainage scheme to be submitted for later approval. I consider the proposals to be acceptable in respect of drainage.
- 6.22 The application is accompanied by an Ecological Scoping Survey which initially detailed that slow-worms may be present in part of the site and, as such, a reptile survey should be undertaken to identify the presence/absence of slow worms. Following initial clearance of undergrowth from the site by the applicant, Kent Wildlife Trust (on behalf of the applicant) has confirmed that the site is unlikely to provide a suitable habitat for slow-worms and that a reptile survey is no longer required. The initial Scoping Survey Report detailed that, due to the absence of ponds in the general area, no further work is recommended with regards to amphibians and great crested newts. The Report also indicates that no further work in respect of dormice, badgers, water voles, bats or birds is required, although it recommends that the removal of any trees or scrub should be undertaken outside of the bird breeding season, that external lighting should be designed to minimise impacts on bats, that excavations should not be left for animals to fall into, and that ecological enhancements be incorporated within the proposed scheme design. Subject to the adherence to these recommendations, I consider that the proposed scheme is acceptable in ecology terms and accords with the general requirements set out in paragraph 118 of the NPPF.
- 6.23 Concerns have been expressed regarding whether the existing infrastructure of Plaxtol (telephone line, mobile phone signal and electricity supply) is capable of servicing an additional seven dwellings. The applicant has provided assurance that it has undertaken searches in terms of identifying local infrastructure service provision and notes that this has shown there is capacity for additional electrical connectivity. There are technical solutions but not all of these are directly related to an individual planning decision and I do not consider that concerns expressed regarding the capacity of existing infrastructure amounts to a reason for resisting planning permission in this case.
- 6.24 Comments have been received regarding the perceived lack of maintenance undertaken by the applicant (Moat Homes Limited) on their existing housing stock at Shrubshall Meadow. It has been stated that routine maintenance, such as the painting of weatherboarding, fascias and soffits, has not been undertaken since the original eight units were constructed some 7-8 years ago. The applicant has recently executed its cyclical maintenance programme (including repainting of windows, weatherboarding, fascias and soffits) on the existing Shrubshall Meadow properties, bringing this forward to respond to the wishes of the local community.

The applicant has confirmed that it undertakes monthly estate inspections to highlight repairs to keep its properties in good order.

- 6.25 Concerns have been expressed that local residents living within the current Shrubshall Meadow development have been unable to purchase their properties, despite being given initial advice that this maybe possible following a few years living there. Whether this was or was not the case, this matter is not directly relevant to the decision before the Council in this case. It is a central feature of a proposal such as this that the units concerned should not appear on the open market. TMBC requirements stipulate that such homes must stay as affordable in perpetuity and not be available to buy as open market properties. The Council is aware of a unit at the existing site that was sold in such a manner in error by Moat approximately five years ago. Moat has formally apologised to the Parish Council and Tonbridge & Malling Borough Council in relation to this. The new controls for the proposed new seven units are intended to ensure this cannot reoccur.
- 6.26 The applicant has, on one occasion in the last decade, needed to seek a nomination from outside the Parish during the natural turnover of lettings for the existing scheme. When properties become vacant, Moat advertise them on the Council's Housing Register, where the requirement is to secure a resident with a strong local connection to Plaxtol. In the unlikely event that this process is exhausted without a nomination from Plaxtol being secured, the cascade described in Para 6.9 is utilised. A robust nomination procedure, as discussed above, will be in place for the allocation of new residents for the proposed properties. Given the volatility in the market for the supply of funding for shared ownership units (as witnessed by negotiations on other sites) the relevant legal obligation should be appropriately drafted to allow flex between the shared ownership/affordable rent elements of the scheme.
- 6.27 Objections have been expressed that the proposed new housing does not follow the generally accepted linear development arrangement of buildings within the village of Plaxtol. Whilst I accept that the proposals effectively involve 'backland' development, given the clearly demonstrated rural need for additional affordable housing within the village, I consider that it would be difficult to achieve a scheme of seven new units on a linear form without needing to build even further out of the village confines (than the land concerned in this case). I therefore do not consider that there is any overriding objection to the location and form of development.

Conclusions

- 6.28 In conclusion, I am satisfied that, for the reasons discussed above, there is a defined local need for affordable housing within the Parish of Plaxtol of a size and type consistent with what is being proposed in this instance and that this should be provided for at the village and on this site
- 6.29 Having assessed the proposals against general development control criteria including, amongst other matters, design and amenity, landscape impact,

highways impact and concerns raised over existing infrastructure, drainage and wildlife concerns, I am satisfied that the proposals do not give rise to any overriding or unacceptable impacts and are therefore acceptable in all respects subject to the imposition of the detailed planning conditions set out below.

- 6.30 Subject to the satisfactory completion of a planning obligation covering the nominations process and that the seven units remain affordable in perpetuity, I consider that the scheme fully accords with all requirements of TMBCS Policy CP19 as set out in paragraph 6.3 above.
- 6.31 Taking all these factors into account, I consider that the proposals put forward represent sustainable development which is consistent with the general policy guidance contained in the NPPF and that the scheme accords with the provisions of the adopted Development Plan which includes provisions for exceptional rural affordable housing developments. I therefore recommend accordingly.

7. Recommendation:

- 7.1 **Subject to** the provision of a suitable planning obligation under S106 to ensure that the dwelling units remain as affordable housing units in perpetuity, to meet identified local need, in accordance with the Core Strategy and allied documents
- 7.2 **Grant Planning Permission** subject to the satisfactory completion of a Legal Agreement (Planning Obligation) to cover the nominations process and that the seven units remain affordable in perpetuity to meet the purpose for which they are permitted and in accordance with the following submitted details: Ecological Assessment SEPTEMBER 2013 dated 27.09.2013, Letter MOAT HOUSING LETTER dated 22.11.2013, Details dated 22.11.2013, Validation Checklist dated 27.09.2013, Design and Access Statement dated 16.10.2013, Ecological Assessment dated 02.10.2013, Survey HOUSING NEEDS dated 27.09.2013, Proposed Plans 010 dated 27.09.2013, Proposed Plans and Elevations 011 REV A dated 27.09.2013, Drawing AERIAL VIEW dated 27.09.2013, Drawing FRONT VIEWPOINT dated 27.09.2013, Drawing BALLOON PERSPECTIVE dated 27.09.2013, Site Survey 7932/13 dated 04.10.2013, Location Plan 001 dated 27.09.2013, Block Plan 05 REV A dated 18.10.2013, Proposed Plans 100 REV J dated 18.10.2013, Flood Risk Assessment OCTOBER 2013 dated 08.10.2013, Tree Report OCTOBER 2013 ISSUE 1 dated 18.10.2013, Letter dated 26.09.2013, Email dated 27.09.2013, Email dated 18.10.2013, Email dated 18.10.2013 and Notice dated 27.09.2013, subject to:

Conditions / Reasons

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.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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.

4. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees shown to be retained on 'Tree retention, removal and protection during construction' (drawing 2074/13/B/2), 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 around the Tree Protection Zones shown on 'Tree retention, removal and protection during construction' (drawing 2074/13/B/2), 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.

5. The existing trees and shrubs shown on 'Tree retention, removal and protection during construction' (drawing 2074/13/B/2), 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.

6. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans. The vehicular access service road shall be retained in accordance with the approved plans thereafter.

Reason: To ensure the safe and free flow of traffic.

7. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning 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.

8. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

9. No building shall be occupied until the gardens between the plots have been fenced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be retained thereafter.

Reason: To retain and enhance the character of the locality.

10. There shall be no external lighting except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

11. No building shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

12. No development shall take place until details of proposed finished floor levels of buildings and ground levels within the application site have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved level details.

Reason: In order to control the development and to ensure that the development does not harm the character and appearance of existing buildings or the visual amenity of the locality.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C, D and E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to regulate and control further development on this site.

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. In addition, the Council also operates a fortnightly recycling box/bin service. This would require an area approximately twice the size of a wheeled bin per property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
2. During the construction phase, the hours of working (including deliveries) shall be restricted to the following times; Monday to Friday 08:00 hours – 18:00 hours; Saturday 08:00 hours – 13:00 hours; and no work on Sundays, Bank or Public Holidays.
3. The applicant is advised that Public Right of Way MR327 footpath runs along the northern boundary of the site. The granting of planning permission confers no other permission or consent on the applicant. No works can be undertaken on a

Public Right of Way without the express consent of the Highway Authority (Kent County Council). This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across the Public Right of Way without consent.

4. The applicant's attention is drawn to the following advice of the Environment Agency: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control measures (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge made to ground. There must also be no direct discharge to groundwater, a controlled water.
5. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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: Julian Moat