

relation to existing homes within the Research Station “estate”, as opposed to a new build supply. The Council would be able to examine this unique approach to addressing the requirements of CP17. Clearly the applicant has envisaged this suggestion could be a consideration in the balance of the potential wider benefits in seeing this application brought forward.

5.10 EA: No objection subject to planning conditions relating to the risks associated with potential contamination at the site and details of the proposed surface water drainage scheme.

5.11 Private Reps: Neighbours: 2/0X/0S/1R + site and press notice: One letter of objection received based upon the negative impact of the new development on local house values, commenting that a small amount of executive 4 – 5 bed houses would be more acceptable.

6. Determining Issues:

6.1 The application seeks to redevelop the site to provide 35 dwellings. The dwellings comprise 1 x 6 bed, 4 x 5 bed, 2 x 4/5 bed, 10 x 4 bed, 14 x 3 bed and 4 x 2 bed. Each dwelling has been designed to have both front and rear gardens with a minimum of two curtilage vehicle parking spaces. The dwellings have been designed and sited to re-create a traditional Kentish hamlet. The proposed layout is informal with large open areas, orchards, ponds and an area for allotments.

6.2 Policy CP1 of the Tonbridge and Malling Borough Core Strategy 2007 seeks to ensure that the principles of sustainability are central to all decision making. Consequently CP1 requires all new development to result in a high quality sustainable environment which balances the need for development with the need to protect the natural and built environment. Although the site is set within the open countryside it is close to the existing facilities and services of the Ditton settlement. In addition the scheme utilises an existing brown field site and is designed to provide a mix of house types. The recent use of parts of the site have been traffic generating and indeed the historic use rights, and the underlying assumptions in terms of Policy E2, indicate clearly that in the broadest sustainability terms there will be a continued use of the site and with that continued traffic movements. In an absolute sense therefore there is no change in the sustainability credentials of the site – the detail of the scheme is however a further consideration and I will return to this aspect below.

6.3 The site lies within land designated as Other Employment Land. The application must therefore be determined with regard to Policy E2 of the TMDLADPD 2008. The Policy applies to land which although not specifically safeguarded for employment use must normally meet a number of requirements should an alternative use be proposed. This arises from a general need to ensure proper management of the release of employment land.

- 6.4 Policy E2 2.(1) requires proposals to demonstrate that no significant impact will be made upon the quality and quantity of employment land supply in the area. Parts of the application site have been vacant for 16 years and have not therefore provided any employment during this time. It must be noted that no diminution is proposed to the main East Malling Research site which continues to provide local employment. Indeed the underlying principle adopted by the applicant is that the disposal of this site will provide cross-subsidy funding for the main facilities at the East Malling site.
- 6.5 Policy E2 2.(2) requires applicants to demonstrate that the site has been actively marketed for employment purposes on realistic terms and Policy E2 2.(3) requires applicants to demonstrate that the continued use or redevelopment of the existing buildings for employment use is not viable. The majority of the existing buildings, being constructed in the 1930s for a specific research purpose, are no longer automatically suitable for any other employment use. The buildings are of limited intrinsic merit and this would not warrant their retention and they are now in disrepair. The site is located within agricultural land used for the purposes of research. It is not sited close to adequate transport links which would be appropriate for an industrial or distribution use. A Report on the Commercial Market Suitability of the site has been prepared by Strutt & Parker and forms part of the application. This report concludes that the 'buildings have come to the end of their useful physical and economic life. Demolition and redevelopment is the appropriate way forward to replace and regenerate the existing site'.
- 6.6 Whilst normally the need to fully comply with policy E2 would be key, in this case, given the interrelationship with the wider project at East Malling Trust, I would not expect the relevant factors to be so exhaustively pursued as would be justified in a more conventional setting.
- 6.7 With regard to the development itself, policy CP1 requires new development to minimise waste generation and water usage and recognises the need to generate on-site energy. The application states that all the dwellings will be built to meet Code Level 3 of the Code for Sustainable Homes and incorporate wood burning stoves, solar panels, air-source heat pumps and a Sustainable Urban Drainage System (SUDS).
- 6.8 Policy CP2 of the Tonbridge and Malling Borough Core Strategy 2007 seeks to ensure that new development which is likely to generate a significant number of trips is well located with access to local service centres. As noted the site lies close to the Ditton settlement. However, although the scheme proposes 35 dwellings, these are likely to generate less vehicle movement than would be associated with the previous or a continuing, revived, commercial or industrial use at the site. The application includes a Traffic Statement which concludes that 'the proposed change of use to residential will result in a significant drop in the level of trips, both on a daily basis and during the peak periods, which would have resulted from its redevelopment for commercial use. There will be a change in the direction

of flow during the peak periods and this will result in a small increase in some movements however, the number involved is in single figures and will have a negligible effect on the local network and in particular, the operation of the A20 junction'.

- 6.9 There are three existing access points to the site. The intention is to retain the existing main site entrance and the secondary access to the south utilising the existing lane. The access roadways to form a 'loop'. The application states that that a minimum of two vehicle parking spaces are to be provided for each dwelling with an additional 8 visitor spaces. The access roads have been designed to accommodate emergency vehicles and refuse trucks.
- 6.10 KHS has raised no objection to the proposal but recommends planning conditions to ensure the creation and retention of vehicle parking and turning areas and provides advice relating to the construction period and disposal of surface water.
- 6.11 A Public Right of Way MR102 runs through the southern boundary of the site however it is unlikely to be affected by the application. It is the intention of the applicant to provide an additional footpath to the west of Kiln Barn Road. The creation of a new footpath, albeit permissive (informal), would provide a safe pedestrian route and is to be welcomed. The KHS PROW Officer comments that the proposed new footpath would provide an excellent link. It is noted however that the route of the footpath does not fall within the site area. However it is located on land owned by the East Malling Trust and it is in the best interests of the applicant to ensure the route is created and maintained.
- 6.12 The site lies within an area designated as Strategic Gap. Policy CP5 of the Tonbridge and Malling Borough Core Strategy 2007 seeks to maintain a physical gap between the built up areas of Maidstone, Medway Towns and the Medway Gap. The proposal seeks to re-develop a previously developed site replacing the existing derelict or vacant buildings. The scheme, especially bearing in mind the new layout features, will therefore have no more adverse impact upon the function of the Strategic Gap than the existing use of land.
- 6.13 The site lies within the open countryside. Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 seeks to restrict development in the countryside. However the scheme involves the redevelopment of an existing site only and will therefore make no additional adverse impact upon the open countryside.
- 6.14 A tree survey has been submitted as part of the application. This report concludes that there are no trees of any significant value at the site. Nevertheless the trees that are considered to have moderate quality and value will be retained. These include a number of trees at the front (west) of the site and the stand of mature trees in the north. The submitted details are appropriate and quite satisfactory, noting that none of the trees on the site are of any particular merit although the better ones are to be retained.

- 6.15 Policy CP17 of the Tonbridge and Malling Borough Core Strategy 2007 relates to the provision of Affordable Housing. CP17 (2) states that in the rural area affordable housing will be sought on all sites of 5 dwellings or above or 0.16ha or above, at a level or 40% of the number of dwellings in any scheme. In this particular set of circumstances I consider that not only would it not be appropriate to make provision on site but that actually, beyond securing the ability to influence the way in which the Trust deals with its existing housing “estate”, it would be counterproductive to seek affordable housing contributions as this would merely limit the ability of the Trust to recycle funds into with wider support for the Trust.
- 6.16 The East Malling Trust is both a local employer and provider of social housing. The Trust holds 36 residential properties some of which are let at a market rent and some retained for student and seasonal work occupation. The remaining 22 properties are let to local people, being past and present employees of the Trust, on a subsidised rental basis. The application states that the current rent is on average well below a fair rent and considerably less than the new 80% Open Market rent obliged to be charged by a Registered Social Provider. If the Trust were no longer able to provide this housing then the tenants are likely to be in need of alternative affordable housing. Nevertheless it would be advantageous if the Borough Council were to be able to advise on any re-lets within the Trusts housing “estate” and to this end I am advising the use of a planning condition requiring the submission of an “affordable housing scheme” by which we could devise a regime to allow the Council to give suitable advice.
- 6.17 KCC has requested a financial contribution towards the provision and delivery of County Council Community Services. In order for development contributions to be sought these must be necessary, related to the development and reasonably related in scale and kind. The sum of £3147.81 is sought towards libraries and archives to provide additional library stock in the Tonbridge District and improve the Mobile Library services specifically covering the East Malling area. The sum of £1026.05 is sought to support community learning at the Tonbridge and Malling Adult Learning centre and specifically towards staff and classroom hours at local facilities including East Malling Village Hall. The sum of £4539.70 is sought towards Adult Social Services including a Community Hub in both the Tonbridge and Malling localities to provide a drop-in resource, internet café and other community activities and to include a Changing Place facility. This is a specialist changing place toilet facility for people with profound and multiple needs which enables them to integrate within the local community by using everyday facilities. The sum would also contribute to a co-located health and social care centre and Telecare schemes which facility independent living by providing technological items such as alarms and fall sensors. The requested sums are not, however, attached to specific detailed, designed and approved projects that are clearly supportive of the development and therefore I cannot support them, in themselves, nor indeed in terms of the impact on the Trust project.

- 6.18 An Ecological Statement has been submitted which confirms that no protected species have been found at the site. However the scheme has been designed to incorporate ponds and swales and to create two north – south wildlife corridors that separate the proposed parcels of development. This is intended to enhance the biodiversity of the site and its wider setting and is to be welcomed.
- 6.19 The scheme also identifies land available for use as allotments in the south east of the site. This land is intended for use not only by residents of the immediate dwellings but also by other local residents. Accordingly an area of car parking is proposed adjacent to the allotments. The application states that a partnership with East Malling Research will be established to provide assistance and guidance to the allotment holders.
- 6.20 Policy OS3 of the Tonbridge and Malling Managing Development and the Environment DPD requires open space provision within all residential developments of 5 units and above. The application provides ample amenity space including landscape belts, wildlife corridors and orchards. It would be usual however for such a development to also provide a toddler/junior playspace. No formal playspace is proposed within the application. The dwellings have been designed with adequate garden space and are set within open amenity areas that provide excellent opportunities for informal recreation. The scheme has been designed to re-create a rural hamlet setting in which a formally designed playspace would be both unnecessary and incongruous. Notwithstanding this, should the applicant be minded to provide such a facility there is adequate amenity land on which it could be sited and the use of wooden informal play equipment is recommended. The existence of ponds and swales are noted. Whilst these features are to be welcomed in terms of landscape value and habitat diversity, it may be in the applicant's interest to consider the wider safety issues relating to these areas. However the design and any potential fencing must be carefully designed to avoid any potential harm upon the underlying design concept.
- 6.21 The application includes a statement regarding the historical significance of the site. This is in response to comments made by the KCC Archaeological Officer who notes that the work of the East Malling Research Station is of worldwide significance and it is therefore important that the historic significance of the site and its building are assessed and recorded. The submitted statement provides information on the history of the site including textual extracts and photographs. I am satisfied that in the overall balance of factors on this case that there is no need for any further study work.
- 6.22 I am satisfied that, in the balance of all considerations including adopted policy, this scheme, whilst not that anticipated in the LDF, is a suitable alternative to that anticipated in policy E2. The emerging NPPF places less reliance on the automatic long term protection of employment land than hitherto. The application has been designed to imitate a traditional Kentish hamlet and will incorporate features designed to generate on site energy requirements. The proposed

residential use is likely to generate fewer vehicle movements than would be associated with an employment use and will therefore have no adverse impact upon highway safety. Although the site is located to the south of the existing settlement it is within walking distance and the introduction of an additional footpath will improve pedestrian links. The application is therefore acceptable and I recommend it be approved subject to planning conditions and informatives.

7. Recommendation:

- 7.1 Grant Planning Permission** in accordance with the following submitted details: Letter dated 08.07.2011, Notice dated 08.07.2011, Design and Access Statement dated 27.09.2011, Planning Statement dated 27.09.2011, Statement AFFORDABLE HOUSING POLICY dated 08.07.2011, Archaeological Assessment dated 08.07.2011, Road Safety Audit dated 08.07.2011, Ecological Assessment dated 08.07.2011, Flood Risk Assessment dated 08.07.2011, Landscaping REPORT dated 08.07.2011, Report PUBLIC EXHIBITION dated 08.07.2011, Waste Management Strategy dated 08.07.2011, Report SUSTAINABLE ENERGY FEASIBILITY dated 08.07.2011, Statement TRAFFIC STATEMENT dated 08.07.2011, Tree Report TREE SURVEY dated 08.07.2011, Report COMMERCIAL MARKET SUITABILITY dated 27.09.2011, Contaminated Land Assessment PRELIMINARY RISK ASSESSMENT dated 08.07.2011, Drawing COLOURED ILLUSTRATIONS dated 08.07.2011, Topographical Survey 1781/03 dated 08.07.2011, Location Plan 2047-03 dated 08.07.2011, Artist's Impression 2047-04 dated 08.07.2011, Artist's Impression 2047-05 dated 08.07.2011, Section 2047-06 dated 08.07.2011, Section 2047-07 dated 08.07.2011, Section 2047-08 dated 08.07.2011, Site Layout 2047-09 dated 08.07.2011, Proposed Plans and Elevations 2047-10 A dated 08.07.2011, Proposed Plans and Elevations 2047-11 A dated 08.07.2011, Proposed Plans and Elevations 2047-12 A dated 08.07.2011, Proposed Plans and Elevations 2047-13 A dated 08.07.2011, Proposed Plans and Elevations 2047-14 A dated 08.07.2011, Proposed Plans and Elevations 2047-15 A dated 08.07.2011, Proposed Plans and Elevations 2047-16 dated 08.07.2011, Proposed Plans and Elevations 2047-17 A dated 08.07.2011, Proposed Plans and Elevations 2047-18 A dated 08.07.2011, Proposed Plans and Elevations 2047-19 A dated 08.07.2011, Proposed Plans and Elevations 2047-20 A dated 08.07.2011, Proposed Plans and Elevations 2047-21 B dated 08.07.2011, Proposed Plans and Elevations 2047-22 dated 08.07.2011, Proposed Plans and Elevations 2047-23 A dated 08.07.2011, Proposed Plans and Elevations 2047-24 A dated 08.07.2011, Proposed Plans and Elevations 2047-25 A dated 08.07.2011, Proposed Plans and Elevations 2047-26 A dated 08.07.2011, Proposed Plans and Elevations 2047-27 dated 08.07.2011, Proposed Plans and Elevations 2047-28 A dated 08.07.2011, Proposed Plans and Elevations 2047-29 A dated 08.07.2011, Proposed Plans and Elevations 2047-30 A dated 08.07.2011, Proposed Plans and Elevations 2047-31 B dated 08.07.2011, Proposed Plans and Elevations 2047-32 B dated 08.07.2011, Letter dated 27.09.2011, Report ARCHAEOLOGY

CONSULTATION REPOSE dated 20.01.2012, Details AFFORDABLE HOUSING dated 01.02.2012 subject to:

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.

3. 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.

4. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning space has been 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 that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

5. The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, and the use of the site being commenced, and the access shall thereafter be maintained.

Reason: Development without provision of adequate access arrangements is likely to lead to hazardous on-street parking.

6. No dwelling shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked.

Reason: In the interests of highway safety.

7. 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.

8. Based on the findings of the ESG Report Preliminary Risk Assessment at the former Ditton Laboratories, Kiln Barn Road, Ditton Ref. 00314 dated November 2010, no development shall be commenced until:

- (a) further intrusive site investigation and risk assessment has been undertaken to determine the nature and extent of any contamination, and
- (b) the results of the 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.

9. Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycling water. The approved scheme shall be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Core Strategy policy CP1 of the Tonbridge and Malling Borough Council Local Development Framework.

10. Prior to the commencement of the development, details of any surface water drainage scheme including the ongoing maintenance of the Sustainable Urban Drainage System (SUDS) must be submitted to and approved by the Local Planning Authority. The details shall include the responsibilities of each party for the implementation of the SUDS, a timetable for its implementation and a management and maintenance plan for the lifetime of the development. This should also include the arrangements for adoption by any public authority or statutory undertaker. The approved scheme shall be implemented prior to the first occupation of any of the units hereby approved and maintained thereafter.

Reason: In the interests of public health.

11. No development shall commence until an affordable housing scheme has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring the provision of adequate affordable housing

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Informatives

- 1 If during development work evidence of protected wildlife species are discovered, the work shall cease immediately and a scheme of mitigation measures shall be agreed with the Local Planning Authority and any relevant body and subsequently implemented by the Developer. This shall be carried out in addition to any other licenses which may be required by relevant wildlife legislation.

- 2 The provision of an informal footpath to the west of Kiln Barn Road is welcomed. The applicant is encouraged to provide this pedestrian route prior to the occupation of the dwellings hereby permitted and maintain this footpath thereafter.
- 3 The provision of allotments is welcomed. The applicant is encouraged to provide any necessary assistance to ensure the formation and on-going maintenance of a suitable organisation to administer this area.
- 4 The applicant be reminded that no works can be undertaken on a Public Right of Way without the consent of the Highway Authority and that the Public Right of Way must not be stopped up, diverted, obstructed, or the surface disturbed without consent.
- 5 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. 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.
- 6 During construction provision shall be made on the site to accommodate contractors and construction vehicles loading, off loading or turning on the site. Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such proposals shall include washing facilities by which vehicles will have their wheels, chasses and bodywork effectively cleaned and washed free of mud and similar substances.
- 7 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

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