

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Interim Chief Executive
Adrian Stanfield LL.B (Hons)

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.gov.uk

13 February 2024

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in Council Chamber, Gibson Drive, Kings Hill on Wednesday, 21st February, 2024 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

ADRIAN STANFIELD

Interim Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for Absence
3. Declarations of Interest

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

4. Minutes 9 - 12

To confirm as a correct record the Minutes of the meeting of Area 2 Planning Committee held on 6 December 2023

5. Glossary and Supplementary Matters 13 - 20

Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)

Any supplementary matters will be circulated via report in advance of the meeting and published to the website.

Decisions to be taken by the Committee

6. TM/23/03116/HH - 246 Butchers Lane, Mereworth, Maidstone 21 - 30

Erection of a detached garge

7. TM/23/00681/OAEA - Land part of Wrotham Water Farm off London Road, Wrotham, Sevenoaks 31 - 98

Outline Application (all matters reserved except access): Construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works – Application supported by an Environmental Impact Assessment

8. TM/23/01960/FL - Garage Block Rear of 1 To 7 Morris Close, East Malling, West Malling 99 - 144

Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00860/FL)

9. TM/23/01961/FL - Garage Block Rear of Blatchford Close, East 145 - 188
Malling, West Malling

Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00861/FL)

10. TM/23/01962/FL - Garage Block Rear of Addison Close, East 189 - 232
Malling, West Malling

Demolition of existing garages and construction of 4 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00862/FL)

11. TM/23/01974/FL - Garage Block Rear of Tyler Close, East 233 - 278
Malling, West Malling

Demolition of existing garages and construction of 3 x 2 bed 4 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of TM/23/00863/FL)

Matters for Information

12. Planning Appeals, Public Inquiries and Hearings 279 - 280

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

13. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

14. Exclusion of Press and Public 281 - 282

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

15. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr W E Palmer (Chair)
Cllr C Brown (Vice-Chair)

Cllr B Banks
Cllr R P Betts
Cllr M D Boughton
Cllr P Boxall
Cllr M A Coffin
Cllr S Crisp
Cllr Mrs T Dean

Cllr D Harman
Cllr S A Hudson
Cllr J R S Lark
Cllr R V Roud
Cllr K B Tanner
Cllr Mrs M Tatton
Cllr M Taylor

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 6th December, 2023

Present: Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr M A Coffin, Cllr Mrs T Dean, Cllr D Harman, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

Apologies for absence were received from Councillors C Brown, P Boxall and S Crisp.

PART 1 - PUBLIC

AP2 23/19 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency Councillor T Dean advised of a potential conflict of interest in application TM/23/01006/FL (The Scared Crow, 79 Offham Road, West Malling) on the grounds that she lived 150 yards away from the site and decided that she would abstain from determining the matter. She remained in the meeting to hear the debate but did not participate in the discussion or vote on the application.

AP2 23/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 1 November 2023 be approved as a correct record and signed by the Chairman.

AP2 23/21 GLOSSARY AND SUPPLEMENTARY MATTERS

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

AP2 23/22 TM/23/00550/FL - 1 BOURNE VALE, PLAXTOL, SEVENOAKS

Demolition of existing single storey double garage and erection of new detached 2 storey dwelling with rooms in roof and associated external works.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Councillor Mike Brewin (on behalf of Plaxtol Parish Council), Mr Marius Carboni, Mr Adam Stocker, Ms Angela Stocker, Mr Jonathon Tanner and Ms Christie Verrechia (members of the public) and Mr Rob Colley (on behalf of the applicant)]

AP2 23/23 TM/23/01006/FL - THE SCARED CROW, 79 OFFHAM ROAD, WEST MALLING

Change of use of existing pub to form 2 x 3 bed dwellings including erection of a first floor South West rear extension, two storey South East rear extension and associated alterations.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environment Health, subject to:

(1) Amended Condition 3:

No above ground development, excluding demolition works, shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority. Notwithstanding the details shown on the proposed block plan, this shall include boundary enclosures. 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.

(2) Additional Informative 6:

Members strongly encourage the applicant to retain the painted mural/sign to the front of the building as reference to the history of the building.

[Speaker: Ms Jessica Hampson (on behalf of the applicant)]

AP2 23/24 TM/21/00881/OA - MOD LAND SOUTH OF DISCOVERY DRIVE, KINGS HILL, WEST MALLING

The Committee were advised that this item had been WITHDRAWN from the agenda.

AP2 23/25 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

There were no updates in respect of planning appeals, public enquiries and hearings held since the last meeting of the Planning Committee.

AP2 23/26 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.02 pm

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GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
AT	Advertisement consent (application suffix)

B

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

C

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)

D

DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services

E

EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
EP	Environmental Protection

F

FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment

G

GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)

H

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

I

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

K

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document

KFRS Kent Fire and Rescue Service
KGT Kent Garden Trust
KWT Kent Wildlife Trust

L

LB Listed Building Consent (application suffix)
LBX Listed Building Consent: Extension of Time
LDF Local Development Framework
LDLBP Lawful Development Proposed Listed Building (application suffix)
LEMP Landscape and Ecology Management Plan
LLFA Lead Local Flood Authority
LMIDB Lower Medway Internal Drainage Board
LPA Local Planning Authority
LWS Local Wildlife Site
LDE Lawful Development Certificate: Existing Use or Development (application suffix)
LDP Lawful Development Certificate: Proposed Use or Development (application suffix)
LP Local Plan
LRD Listed Building Consent Reserved Details (application suffix)

M

MBC Maidstone Borough Council
MC Medway Council (Medway Towns Unitary Authority)
MCA Mineral Consultation Area
MDE DPD Managing Development and the Environment Development Plan Document
MGB Metropolitan Green Belt
MHCL Ministry of Housing, Communities and Local Government
MIN Mineral Planning Application (application suffix, KCC determined)
MSI Member Site Inspection

MWLP Minerals & Waste Local Plan

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

PDRA Permitted development – change of use agricultural building to flexible use (application suffix)

PDV14J Permitted development - solar equipment on non-domestic premises (application suffix)

PDV18 Permitted development - miscellaneous development (application suffix)

PDVAF Permitted development – agricultural building to flexible use (application suffix)

PDVAR Permitted development - agricultural building to residential (application suffix)

PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
POS	Public Open Space
PPG	Planning Practice Guidance
PWC	Prior Written Consent
PROW	Public Right Of Way

R

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

S

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water

T

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan

TCS Tonbridge Civic Society
TEPN56/TEN Prior Notification: Telecoms (application suffix)
TMBC Tonbridge & Malling Borough Council
TMBCS Tonbridge & Malling Borough Core Strategy 2007
TMBLP Tonbridge & Malling Borough Local Plan 1998
TNCA Notification: Trees in Conservation Areas (application suffix)
TPOC Trees subject to TPO (application suffix)
TRD Tree Consent Reserved Details (application suffix)
TRICS Trip Rate Information Computer System
TWBC Tunbridge Wells Borough Council

U

UCO Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB Upper Medway Internal Drainage Board

W

WAS Waste Disposal Planning Application (KCC determined)
WTS Waste Transfer Station

(Version 2/2021)

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Mereworth (Mereworth)
East & West Peckham
Mereworth And Wbury

TM/23/03116/HH

Location: 246 Butchers Lane Mereworth Maidstone ME18 5QH

Proposal: Erection of detached garage

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Permission is sought to construct a detached pitched roof garage with log store, to be positioned adjacent to the eastern boundary of the site with Beech Road. The structure is shown as being 7m in length, 3.9m in width, 3.7m to the ridge and 2.2m to the eaves. The log store would be sited on the north western side of the garage covered by an asymmetrical roof and would measure approximately 4m x 0.95m. The building would be constructed of oak frame/timber cladding with plain clay roof tiles. A hardwood stable door and window are shown in the north western side providing access into the application site.
- 1.2 Access to the garage would be via the existing vehicle entrance from the south eastern branch of Butchers Lane. Tracking diagrams have been provided to demonstrate how a vehicle could enter and leave the site with manoeuvring space.

2. Reason for reporting to Committee:

3. The application that has been submitted by the agent, has been signed off by a ward member as a named Director of the Company and objections have been received on the application.

2. The Site:

- 2.1 Number 246 is a mid-terrace house situated on the north eastern side of Butchers Lane. The property and the adjacent cluster of houses occupy a triangular shaped area of land that is adjoined by branches of Butchers Lane to the south east and south west and Beech Road to the north. The application site and adjacent houses fall within the confines of the settlement.
- 2.2 The curtilage associated with number 246 includes a larger area that lies in the eastern corner of the triangular island of land and adjoins the rear boundaries of several adjacent houses. The application site has an existing vehicle access from the south eastern branch of Butchers Lane leading to a parking area.

3. Planning History (relevant):

18/02444/FL Erection of detached dwelling Refused - 25 January 2019 for the following reason:

“1. The development by virtue of its overall size and layout when considered within the context of the restricted size and shape of the plot could not be satisfactorily accommodated and would appear as an unduly cramped form of development, which would cause demonstrable visual harm to the street scene and the amenities of the wider locality. As such, the proposed development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and the requirements of paragraphs 127 and 130 of the National Planning Policy Framework 2018.”

The application was the subject of an appeal which was dismissed. The main issue was the effect on the character and appearance of the area. The overall scale and proportions of the dwelling in relation to the plot size were considered to represent overdevelopment that would be incongruous with the street scene. The Planning Inspector concluded that:

“The proposal would harm the character and appearance of the area. It would conflict with policy CP24 of the Tonbridge and Malling Borough Council Core Strategy September 2007 and SQ1 of the Managing Development and the Environment Development Plan Document April 2010. Taken together these policies seek to secure well designed development that respects the character and local distinctiveness of the area. It would also be inconsistent with the advice in the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development.”

4. Consultees:

4.1 Parish Council:

- Proposal is not in keeping with the area due to the bulk of the proposed outbuilding.
- Egress of vehicles from the site would be dangerous.
- Loss of drive space due to larger vehicles being unable to access the garage.

Reference has been made to the following non planning matters:

- Renovation works ongoing at number 246 since June 2023 have resulted in noise and disturbance for neighbours.
- Applicant is the same as that for the previously refused house.
- Other parking in the area is leased to residents.

Neighbours:

- Road junction has poor visibility so access is dangerous
- General parking issues in the area
- Butchers Lane can become a rat run from Kings Hill to Seven Mile Lane
- Site lies in an area of archaeological potential
- Reference to previously refused application for a house on the site
- Surface water problems when it rains and provision for drainage

Other matters raised:

- Unauthorised use of private rented parking spaces by non residents
- Provision for vehicle parking during construction period
- Reference to application form being signed by a Councillor and potential conflicts of interest between his business and planning interests
- Noise and disturbance caused by existing renovation/building works at number 246 and disturbance to neighbours for a long period of time

KCC Highways: "The proposal is for the erection of a detached garage, located within the rear garden of 246 Butchers Lane, Mereworth, which holds existing vehicular access. The swept path drawing, demonstrates that there is sufficient room for a vehicle to enter, turn and egress onto the highway in a forward gear."

5. Determining Issues:

- 5.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.
- 5.2 Procedure: In accordance with the Councils adopted procedure, the application has been reported to committee with particular reference to the submission being made by a company operated by a ward Councillor. This is to ensure any potential allegations of conflict of interest have been addressed.
- 5.3 Policy Context: The relevant policy considerations are as follows:
- 5.4 Tonbridge & Malling Borough Core Strategy (2007) policies (CP1 Sustainable Development) and CP24 (Achieving a High Quality Environment).
- 5.5 Policy CP1 outlines the context for determining applications and the need for new development to result in a high quality sustainable environment which will be balanced against the need to protect and enhance the natural and built environment. Policy CP24 states that all development must be well designed and of high quality in terms of detailing, scale, layout and appearance with the use of appropriate materials to respect the site and its surroundings.
- 5.6 Managing Development and the Environment DPD (2010) (SQ1 Landscape and Townscape Protection and Enhancement) and SQ8 (Road Safety). Policy SQ1 states that all new development should protect, conserve and where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest.

- 5.7 Policy SQ8 states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network and should comply with parking standards.
- 5.8 National Planning Policy Framework 2023 relevant paragraphs include 7, 8, 11, 115, 131, 135. Paragraph 135 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 5.9 The application relates to the introduction of a garage in association with a residential property within the settlement confines. The principle of such a domestic proposal is acceptable, subject to satisfactory design and no undue impact upon the amenities of neighbours. In broad terms the proposal is acceptable in principle having regard to policy CP1. The key planning considerations are therefore the design and siting of the proposed outbuilding and the impact on the visual amenities of the locality, the impact on residential amenity and highway matters.
- 5.10 Design/Visual impact
- 5.11 The proposed garage building is of size and scale that would be capable of accommodating a single car with space around for storage. The structure is of traditional design with pitched roof and would be finished in timber cladding and plain clay roof tiles. It is considered that the proposal involves a traditional design suitable for this rural location and would be finished externally in appropriate materials.
- 5.12 The visual impact of the proposal is considered having regard to the rural character of the area in this part of Mereworth where houses and garages are generally found on smaller sized plots, fronting the highways. Currently the application site is enclosed by 1.8m high panel fences or hedging, with the existing vehicle parking area being open to the Beech Road frontage. To the west of the proposed siting is an surface parking area associated with another nearby property which also has vehicle access onto Beech Road. There is an existing garage with pitched roof to a similar height to that proposed positioned to the rear of 240 Butchers Lane. Another smaller pitched roof outbuilding can be seen to the rear of number 244/246 Butchers Lane.
- 5.13 The garage would be sited parallel with the adjoining road frontage behind an existing hedge. The submitted drawing shows the hedge to be retained, although it is appreciated it could be removed at any time without the need for planning permission. As with other outbuildings in the vicinity the garage would be visible to an extent above existing boundary fences and hedges. The scale of the building is not however excessive, and the structure would be seen in context with other garages or outbuildings associated with the nearby houses. Whilst the garage will be visible when approaching from the local road network it would not result in undue harm to the visual amenities of the street scene or overall character of the area such as to justify withholding consent.

- 5.14 It is noted that the houses in the triangle of land have small rear gardens and that due to the close siting there is a degree of interlocking between properties. Number 246 by contrast benefits from a larger area of curtilage land that that is available for amenity and vehicle parking purposes. The proposed garage would be sited in the southern corner of the associated land, leaving adequate amenity space for the occupants of number 246. It is concluded that the garage would not result in overdevelopment of the plot.
- 5.15 It is considered that the proposal would be in accordance with the aims of Policies CP24 of the TMBCS and SQ1 of the MDE DPD and paragraph 135 of the NPPF.
- 5.16 Impact on residential amenity
- 5.17 The application has been considered having regard to the amenities of occupants of neighbouring houses, both those within the triangle of land and those fronting the adjoining roads.
- 5.18 The proposal will not result in undue overshadowing given the single storey nature of the building, location to the north east of the terrace of houses in Butchers Lane and the distance of separation from other houses.
- 5.19 The introduction of a domestic outbuilding in this location will alter the outlook from neighbouring properties to a degree but due to the separation distance from surrounding houses will not result in an overbearing impact or cause detrimental harm such as to withhold permission.
- 5.20 The proposal is considered acceptable with regard to any impact on existing residential amenities and having regard to the above policy context.
- 5.21 Highway matters
- 5.22 Under paragraph 115 the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.23 The application site has an existing vehicle access from a surface parking area onto the unclassified Beech Road. The access is shown as remaining and the existing surface parking space would become part of the manoeuvring space to provide access into and out of the garage. The KCC Highways team would not normally comment on a development of this size as it would fall outside of their criteria to warrant involvement. They have confirmed however that the tracking details provided show that there is sufficient room for a vehicle to enter, turn and egress onto the highway in a forward gear.
- 5.24 In terms of paragraph 115 of the NPPF the proposal is considered to be acceptable and there are no highway reasons to withhold planning permission.

- 5.25 **Other Matters:** The concerns of the neighbours are noted and have been given careful consideration and addressed above. In addition, the following comments are made.-
- 5.26 There are concerns from residents regarding construction traffic. A development of this scale would not warrant a construction management plan.
- 5.27 Any unacceptable noise issues associated with works at the site would need to be reported to the Environmental Health team for assessment under their legislation, to establish whether a statutory noise nuisance had occurred. An informative regarding noisy building working hours shall be added to the decision notice for information.
- 5.28 The site lies in an area of archaeological potential but due to the minor scale of development does not require input from the KCC Archaeology Officer.
- 5.29 The use of leased parking arrangements would be a private matter between the parties concerned.
- 5.30 Any drainage issues associated with the proposal would be covered under a Building Regulations application and legislation. Surface water drainage in the highway should be addressed to the relevant organisation.
- 5.31 **Conclusion:**
- 5.32 The proposal comprises a minor form of development on land associated with a domestic property. No indication has been given that it would be used for business purposes and the garage would be reached via an existing access.
- 5.33 The proposed garage building is of an appropriate scale and design for this rural location and would not have an adverse impact on the character of the area, the host dwelling or the amenity of the neighbouring properties. It would make use of an existing access and would not result in a change to local highway matters.
- 5.34 The proposal is found to be acceptable in terms of Core Strategy policies CP1, CP24 and SQ1 and SQ8 of the MDE DPD together with relevant paragraphs of the NPPF. In light of the above considerations, it is recommended that planning permission is granted.

6. Recommendation: Grant Planning Permission in accordance with 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. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location plan AL02 received 16.10.2023

Proposed plans and elevations SK01 received 16.10.2023

Planning statement received 16.10.2023

AL02 vehicle manoeuvring plan received 4.1.2024

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

4. The development hereby approved shall only be used for purposes incidental to the dwelling and at no time shall it be used for business or commercial purposes.

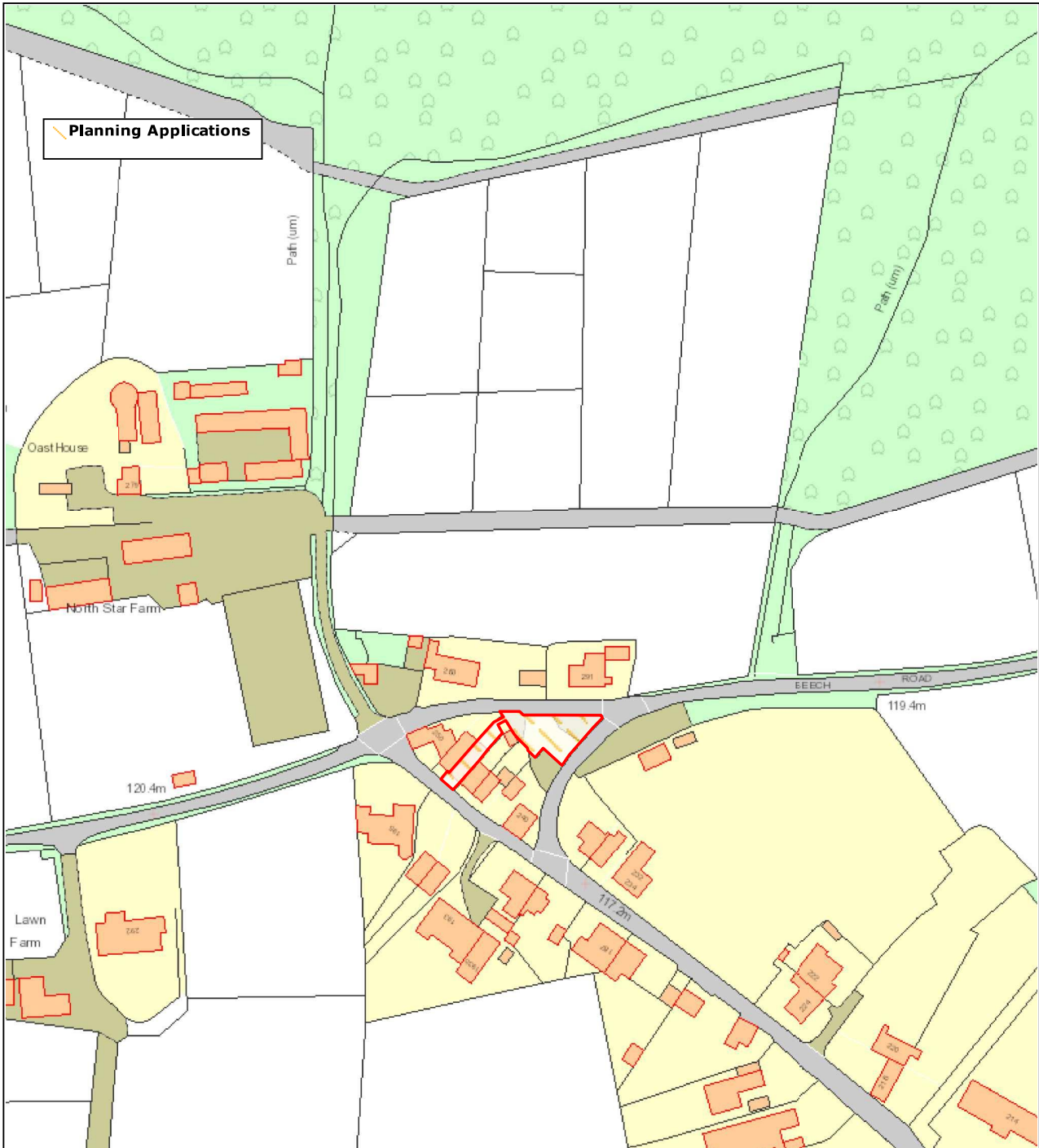
Reason: In the interests of the residential amenities of the occupants of adjacent properties.

Informative

During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 08:00 hours- 18:00 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Contact: Hilary Johnson

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Planning Applications 23/03116

Scale: 1:1250



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Date: 9/2/2024 10:51

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Wrotham

Wrotham, Ightham And
Stansted

21 February 2024

TM/23/00681/OAEA

Proposal: Outline Application (all matters reserved except access):
Construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works – Application supported by an Environmental Impact Assessment

Location: Land part of Wrotham Water Farm off London Road Wrotham Sevenoaks Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 This is a major planning application made in outline form, for the construction of a large truck stop facility for up to 200 heavy goods vehicles (HGVs), a fuelling station, an amenity building of up to 1,100sqm, and all associated highways alterations, including a new access point on the A20 roundabout and internal roads. Additionally, there would be new landscaping and other associated works.
- 1.2 The proposed development falls within Schedule 2 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and as such has been subject to Environmental Impact Assessment (EIA).
- 1.3 As such, an Environmental Statement (ES) has been submitted as part of the planning application. This is prepared to assess the environmental effects of the development in line with the statutory requirements contained within the Regulations. The purpose of the ES is to inform decision making by explaining the likely significant effects that the development may have on the environment during construction and once it is complete and how they can be avoided or reduced. The EIA has been informed by a series of technical studies which form part of the ES. These studies include surveys, calculations and other forms of modelling as necessary.
- 1.4 The Environmental Impact Assessment covers the following areas: Ecology, Landscape and Visual Impact Assessment, Water Resources and Flood Risk, Agricultural Soils, Cultural Heritage, Traffic and Transport, Air Quality, Noise and Vibration, and Lighting. Each topic assessment is designed to attach a level of significance to the identified effects (both positive and negative), i.e. either major, moderate, minor or negligible. Short and long-term (temporary and permanent), direct and indirect effects have been assessed. The EIA Regulations require that 'cumulative' effects are also considered in the ES. 'Residual effects' are defined as those that remain after mitigation measures have been implemented.

- 1.5 The submitted ES meets the requirements of the EIA regulations. On this basis the contents and conclusions contained within the ES are considered throughout the detailed assessment of the scheme which follows.
- 1.6 The application is made in outline, with all matters reserved except access. However, some fixed parameters on the size of the buildings are sought to provide certainty on the assessment of relevant impacts. For example, the amenity building would be to a maximum height of 6.2m, and the fuelling station is sought to a maximum of 7.3m. The general extent of the main aspects of the development are also provided, as noted the amenity building would be up to 1,100sqm. The final detail of the external design is reserved for future consideration, but these parameters, and the matters reserved for future consideration, could be conditioned if the application was recommended for approval.
- 1.7 The application is a resubmission of the previously refused application TM/21/02648/OAEA. The current application is supported by additional information to seek to overcome the previous reasons for refusal, which were as follows:-

1. The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework.

2. The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs Area of Outstanding Natural Beauty through the introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 176 and 130 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.

3. The proposal has not demonstrated that the development could be delivered without an unacceptable safety impact and severe residual cumulative impacts on the local and strategic highways network, in fundamental conflict with paragraphs 110 and 111 of the National Planning Policy Framework, and policies CP2 of the Tonbridge and Malling Core Strategy and SQ8 of the Managing Development and the Environment Development Plan Document.

4. The development would result in harm to protected species through the provision of inadequate compensatory habitat, in conflict with policy NE3 of the Managing Development and the Environment Development Plan Document and paragraphs 174 and 180 of the National Planning Policy Framework.

5. The proposal would harm the amenity of neighbouring properties from the overspill of headlights in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document and paragraph 185(c) of the National Planning Policy Framework.

1.8 The further information submitted in support of the current application expands on the need for the facility, additional highways information, additional ecological information and also measures to restrict overspill of headlights. The merits of the content of this information will be set out in the determining issues section of the report.

2. Reason for reporting to Committee:

2.1 Due to the strategic nature of the development.

3. The Site:

3.1 The site is comprised of an undeveloped parcel of agricultural land, approximately 6.5 hectares in size. It sits roughly to the north of junction 2A of the M26 Motorway, within the Wrotham Parish area of Tonbridge and Malling Borough.

3.2 To the immediate north and east of the site is a mix of linear developed areas, including those falling within the Major Development Site in the Green Belt, and some outside of it. This includes industrial B class units at Nepicar Park, and new ones under construction at the site of the former Oakdene Café. There are also some residential dwellings that front the road, alongside other uses like car repair garages, a petrol station and shop, offices, and further to the north The Moat Pub, a Grade II Listed building. Another Grade II Listed building also sits to the north, Moat Cottage.

3.3 Despite the presence of these built developments across the road and to the north, the site itself is markedly different in character. It is completely open and devoid of built development, with a gentle undulating character. The site frontage with London Road is generally open, with some mature hedging and tree screening around the south eastern corner of the site near the roundabout, and some more sporadic planting at intervals along the rest of the frontage. It forms part of a larger field which extends further to the west beyond the site boundaries.

3.4 The site lies wholly within the Metropolitan Green Belt. It also sits immediately adjacent to the Kent Downs National Landscape (formally known as Area of Outstanding Natural Beauty (AONB)) which covers the northern side of London Road. There are no other relevant designations covering the site, which lies outside of a flood zone, SSSI, Conservation Area or settlement boundary.

3.5 The site has some planning history, set out below this section. Of most relevance are TM/21/02648/OAEA, which was refused for the reasons given above; and

92/10028/OUT, for a broadly comparable form of development comprising a motorist's service area, filling station, restaurant, shop, toilets, AA office, car & lorry parking. This development was dismissed on appeal. The implications of this case are considered in further detail under the planning assessment section.

- 3.6 Overall, despite the presence of development along the northern side of the road, the development site itself retains a wholly rural and open character. It is clearly different to the built development nearby and provides for an open buffer to the wider countryside to the west. The character of the site itself can therefore be described as strongly rural; the character of the site vicinity is more mixed with the presence of residential / industrial buildings opposite. But despite their presence, the wider area is still clearly rural, and does not have the character of a built up area or settlement.

4. Planning History (relevant):

TM/55/10613/OLD Refuse 7 July 1955

O/A for one Dwelling and Garage with access. Nepicar
London Road Wrotham

TM/61/10857/OLD Refuse 21 June 1961

An outline application for residential development.

TM/92/10028/OUT Refuse 26 February 1992
Appeal dismissed 19 November 1992

Outline application for motorists service area comprising filling station, restaurant, shop, toilets, AA office, car & lorry parking. Land adjoining west side of A20 –
Nepicar London Road
Wrotham

TM/11/01305/FL Application Withdrawn 23 September 2011

Erection of an agricultural fodder store

TM/12/00856/FL Approved 24 May 2012

Erection of agricultural fodder store

TM/18/00884/AGN Prior Approval Not
Required 10 May 2018

Prior Agricultural Application: Partial demolition of a fire damaged building and the subsequent partial re-erection of an agricultural building with the addition of a steel box profile cladding to support the essential farming needs

TM/21/02012/EAS EIA opinion scoping 2 September 2021
P application

Request for a Scoping Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017: proposed new HGV motorway service area on the A20 (London Road) immediately adjacent to Junction 2A of the M26 at Wrotham

TM/21/02648/OAE Refuse 5 April 2022
A

Outline Application: Construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of new access to A20 via roundabout; landscaping, and other associated works

5. Consultees:

- 5.1 Trottiscliffe PC: At the Parish Council meeting for Trottiscliffe held on the 6 June 2023 Members resolved to object to the above proposal. Although we acknowledge that a truck stop is needed on the M20 corridor we feel that there are no exceptional circumstances for a lorry park to be built on this site in an Area of Outstanding Natural Beauty which is at the base of escarpment of the Kent Downs. We are concerned about the location of the proposed access roundabout and the effect these additional vehicle movements will have on an already congested road network. This rural area is already congested with traffic which results in vehicles travelling at speed on lanes not built for this purpose through the neighbouring villages. We remain concerned about air pollution and light pollution in our village. We feel that there are more suitable sites further down the M20 with better access and where unemployment is higher.
- 5.2 Wrotham, Platt, Borough Green, Addington and Stansted Parish Council: These Parishes have provided joint comments on the initial submission and further information. Due to the length of these comments they are provided in full as an appendix to this report.
- 5.3 KCC Highways:

Introduction

This Outline Application (all matters reserved except access) is to consider the construction of a secure 24 hour truck stop facility for up to 200 HGVs, at one time, incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works. This application follows a more recent planning application reference – 21/02648/OAEA, where numerous meetings have taken place between KCC Highways and the applicant.

Trip Generation

It is accepted that this facility will not introduce new trips to the highway network, however there is likely to be re-routed trips. Initially, in the first application, there were routing concerns particularly on the local road network. These routing concerns have been tested within the Kent Transport Model, a strategic model, which can assess individual developments on the wider highway network. The results showed that there is likely to be a transference of trips from A2 / M2 corridor to M20 corridor, but that the local roads will not be significantly impacted.

Localised HGV parking

Section 2 of the Transport Assessment, Part 1 highlights an existing issue of HGV parking within lay-bys of local roads. Tonbridge and Malling is placed 3rd out of the 12 Kent districts for the quantity of overnight lorry parking (outside of dedicated facilities). This proposal will help to provide alternative arrangements for lorry drivers to take breaks.

Access

Drawing numbers J9500 – 02 Rev B and 3136-F05 Rev G both show the intended access layout from A20 London Road, near M26 Jct 2A. HGVs can access the site from both M20 and M26, with traffic potentially using the A20 in-between National Highways network (M20 Jct 2 and M26 Jct 2A). The A20 is a strategic road for KCC Highways and will be built with HGV traffic in mind, and therefore raises no concern in regards to the routing.

It is recommended that the applicant progresses a detailed design for the access junction and tie-in to M26 Jct 2A. This design should go through the KCC Technical Approval Process as it would be expected that the applicant delivers the access junction through a Section 278 Agreement.

A Road Safety Audit has been supplied with this application and all identified problems by the Auditors have been covered within the Designer's Response, and therefore no longer cause issue with the design.

Swept Path

Drawing 3136-SP02 Rev B shows that an Articulated Vehicle can access the lorry park facility without overrun of the proposed geometry. The access layout is therefore acceptable to KCC Highways.

Summary

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

Routing of construction and delivery vehicles to / from site

Parking and turning areas for construction and delivery vehicles and site personnel

Timing of deliveries

Provision of wheel washing facilities

Temporary traffic management / signage

Provision of measures to prevent the discharge of surface water onto the highway.

The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Monitoring fee for this development would be £948, as the Travel Plan can only cover employed staff for the facility.

Section 278 Agreement between the applicant and KCC Highways to cover highway mitigation associated with roundabout access junction and any highway changes to lanes connecting into access junction and M26 Jct 2A.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 5.4 KCC Highways (reconsultation): No additional comments to make and not able to comment on content of 3rd party representation submitted on behalf of the Parish Councils.
- 5.5 National Highways: We are interested in the potential impacts that the development might have on the SRN, in this case, M26 J2a. We are interested as to whether there would be any adverse safety implications for the SRN as a result of this proposal.

We have undertaken a review of the documents accompanying the outline planning application, particularly the Transport Assessment (TA) dated January 2023 as prepared on behalf of the applicant by Eddisons.

Traffic impacts were considered through the provision of a VISSIM model for the London Road corridor, which also included M26 J2a. Whilst the junction remains busy during peak hours, especially on the M26 westbound off-slip, the difference in vehicles queues and delays are only marginally affected by the proposals. As queues remain within the extent of the SRN off-slips, no mitigation measures are required. We do accept that the proposals would not affect the safety, reliability and/or operation of the SRN (the tests set out in DfT Circular 01/2022 and MHCLG NPPF para 111). We have recommended three conditions covering Construction Management, Drainage and Lighting.

- 5.6 National Highways: No additional comments to make on additional information.
- 5.7 Kent Downs AONB Unit: (please note comments provided prior to the publication of the revised NPPF December 2023 and the designation of National Landscapes)

The application site lies in the setting of the Kent Downs AONB, by virtue of its proximity to the AONB adjacent to the AONB boundary which is located to the north east and the fact that the site is visible in views from the Kent Downs escarpment. The application should therefore be tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the AONB, in line with paragraph 176 of the NPPF.

The primary legislation relating to AONBs, which underpins national planning policy, is set out in the Countryside and Rights of Way Act 2000. Section 85 of this Act requires that in exercising any functions in relation to land in an AONB, relevant authorities, which includes local authorities, shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. This is known as the 'Duty of Regard'.

Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must "formulate the policies for the management of the AONB and for carrying out their functions in relation to it". The Kent Downs AONB Unit produces a Management Plan on behalf of the local authorities within the AONB. The Management Plan has been formally adopted by the local authorities in Kent in which the AONB occurs.

The national Planning Policy Guidance confirms that Management Plans can be a material consideration in planning decisions.

The new Kent Downs Management Plan, Third Revision 2021 to 2026 has recently been adopted, replacing the 2014 to 2019 Management Plan. The Management Plan sets out the policy for the conservation, enhancement and management of the AONB in a series of aims, actions and Principles. It can be downloaded at: <https://explore-kent-bucket.s3.eu-west-1.amazonaws.com/uploads/sites/7/2021/11/16141210/The-Kent-Downs-AONB-Management-Plan-2021-2026-Adopted.pdf>

The following principles from the Management Plan are considered to be of particular relevance to the current application:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

The National Planning Policy Framework (NPPF) paragraph 176 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. A recent Appeal decision has confirmed that where a proposal is outside of an AONB, the effect on views outside of the AONB, but gained from within the AONB would result in NPPF paragraph 176 being relevant.

Amendments to the NPPF in July 2021 included reference to setting now being incorporated ‘...while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.’

Advice on how to approach development within an AONB setting is expanded on in the NPPG at [Paragraph: 042 Reference ID: 8-042-20190721](#). This advises:

Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

The setting of the AONB from the escarpment of the Kent Downs has enormous value. It was a principle reason why the AONB was designated in this area. The importance of setting has been supported by the Planning Inspectorate in several recent dismissed appeal decisions. These include a proposed housing development at Harrietsham and commercial developments at Waterside Park, adjacent to Junction 8 of the M20 near Maidstone. In respect of the appeal at Harrietsham, the Inspector concluded that “*the unacceptable effects of the proposal on the landscape character of the area, including its SLA categorisation and its position at the edge of the AONB significantly and demonstrably outweigh the benefits that would arise from the proposal*”. (APP/U2235/W/15/3119223).

In respect of the Waterside Park appeals it was concluded that “considerable environmental harm would result from the loss of this area of countryside to development through the combined impact on the landscape setting of the AONB and the heritage assets. The developments would fail to protect the setting of the AONB and therefore also conflict with the aims of Section 85 of the Countryside and Rights of Way Act 2000”. (APP/U2235/A/14/2224036 & APP/U2235/A/14/2229271).

Further guidance on Setting is provided in the Kent Downs AONB Units adopted [Position Statement on Setting](#).

Proposal and AONB impacts

The application site is located at the base of escarpment of the Kent Downs, the eastern part of the ridge of chalk that makes up the North Downs that was the main target of the Kent Downs AONB designation, back in 1968. The site comprises undulating grazed pasture land, enclosed by hedgerows (albeit gappy in places) incorporating hedgerow trees. Views across the site southwards are strongly rural in character, with the motorway having been successfully integrated into the landscape in views from this direction due to vegetative planting. The character of the site and adjacent fields to the west is considered to be consistent with the landscape character of the adjacent AONB and to be of high landscape value.

Land on the opposite side of the A20 however has been significantly urbanised in recent years, not least with the introduction of the Nepicar Business Park. It should be noted however developments on the eastern side of the A20 have taken place on previously developed land. Historic mapping identifies that the site the subject of the application along with the adjacent fields to the west of it have always been undeveloped, and that the historic field boundary pattern remains largely unchanged, despite the introduction of the motorway south of the site.

The site's characteristics are considered to make a positive contribution to the landscape character of the area, with the open, undeveloped and undulating nature of the site together with its hedgerows and hedgerow trees resulting in it contributing positively to the rural character and appearance of land on the western side of the A20 as well as the immediate foreground to the AONB, with which it has a strong physical and functional link as well as being important in its own right, providing a strong rural buffer between the motorway and more urban development on the eastern side of the A20 and the undeveloped AONB to the north.

The application proposal incorporates a 200 space lorry park, HGV fuel station and truck stop amenity building. The scale of the development is significant and the proposal would fundamentally alter the character and appearance of the site and result in the direct loss of open countryside and its replacement with a large scale urban development. Any development of this scale on this sensitive site would be harmful and inappropriate, however the nature of the proposal would be a particularly damaging form of development, that is not, in our view, capable of being satisfactorily mitigated, with harm arising not only from the physical infrastructure on the site but from the impacts of large, often brightly coloured lorries along with the associated vehicle movements. We note that this is a view shared by an Inspector in respect of an appeal against the refusal of a similar application (92/10028/OUT). In this case the Inspector concluded '*There is no*

doubt in my mind that development here would be a substantial intrusion into this open countryside with an adverse and unacceptable impact'.

While the scheme remains broadly the same as the previously refused scheme (21/02648), the proposed mitigation planting along the site's northern boundary has been increased and two areas of planting are now indicated within the lorry parking area. This is considered an improvement from the previous scheme in helping to mitigate impacts on views from the higher elevations of the Kent Downs AONB, although it would take some considerable time for the trees to establish and be as effective as shown in the Year 15 visualisations. We would also point out that while the submission makes much of the fact the ZVT indicates a limited extent of visibility of the proposed development from the AONB. It fails to acknowledge however that this includes an area of open access land on the escarpment of the Kent Downs, a receptor of very high sensitivity, although the visibility from PRoW MR238 that passes through it is acknowledged and assessed in the LVIA.

Further harm would result from the proposed lighting of the entire lorry park – introducing lighting into an extensive area where there currently is none, with harm exacerbated by the 24/7 operation of the facility and need for lighting to be on all night. While an indicative lighting scheme has been submitted that seeks to minimise obtrusive light pollution, the lighting, which is required to remain on throughout the hours of darkness, would inevitably result in impacts and all light pollution, no matter how small, contributes to the general erosion of dark night skies visible from the AONB and the urbanisation of the rural landscape.

Conclusion

Taking the above into account, it is considered that the proposal would fail to conserve the landscape and scenic beauty of the Kent Downs AONB by impacting on its setting and would therefore conflict with paragraph 176 of the NPPF as well as guidance on development affecting the setting of AONBs in the NPPG. The proposal would also fail to comply with adopted Tonbridge and Malling's Core Strategy policy CP7. The proposal would also be in conflict with the Kent Downs AONB Management Plan, in particular Principle SD8.

5.8 CPRE: CPRE Kent **OBJECTS** to this development for the following reasons:

1) Unacceptable impact upon the Kent Downs AONB. We note the strong object from the Kent Downs AONB unit on the basis that they consider the at the proposal would fail to conserve the landscape and scenic beauty of the Kent Down AONB by impacting upon its setting. We note that they conclude the proposal would conflict with paragraph 176 of the NPPF and policy CP7 of the Councils adopted Core Strategy Policy. It is our view that the location of the proposed development is particularly sensitive in terms of the setting of the AONB. It is an open agricultural field which has so far escaped the creep of nearby commercial development, thereby offering important views into the AONB. We therefore

support and agree with the conclusions of the AONB unit. Further, we understand that the local parish council are to undertake its own review of the LVIA and would welcome the opportunity to comment upon this further in due course.

2) Impact upon the Metropolitan Green Belt. The purpose of Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristic of Green Belts are their openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt, and should only be approved where very special circumstances exist to overcome the presumption against inappropriate development. Clearly the proposed development will amount to a permanent loss of openness within the green belt and is therefore by definition inappropriate. We do not agree with the applicant that there are special circumstances for the proposal owing to the need to provide Lorry Parking spaces along the M20 corridor. Specifically, we would point to 1,700 currently unused lorry parking spaces which have already been created, but not used, at the Ashford Inland Border Facility which is less than 30 minute drive further along the M20.¹ We would consider this a more appropriate alternative. This is in addition to already established lorry stops closer to the proposed development, such as at Maidstone Services and Clacket Lane.

3) Air Quality. The proposal will result in significant additional lorry movements. We therefore note the concerns raised by the Councils Environmental Health officer with respect to the use of air quality data from 2020 during the pandemic period. We too therefore also consider further analysis should be undertaken based upon the available pre-pandemic traffic surveys available and would wish to comment upon this point further in due course.

4) Light Pollution. Our experience of lorry parks elsewhere in Kent, including that at the Ashford Inland Border Facility, is that despite assurances made with respect to mitigation, these inevitably led to significant light pollution given the specific nature of the use. Paragraph of NPPF 185(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes and nature conservation, and to limit the impact of light pollution from artificial light on local amenity. CPRE has long been a leading voice in the campaign against light pollution. We have a special interest in this issue: darkness at night is one of the key characteristics of rural areas and represents a major difference between what is rural and what is urban. Given the sites location within the setting of the AONB and the nature of the use limits the effectiveness of any proposed mitigation, significant weight against the proposal should be given with respect to light pollution.

5.9 Environment Agency: No objections subject to conditions.

5.10 KCC LLFA: It is understood from the report that the surface water for the site will be managed through splitting the site into 3 catchments, the northern, central and southern catchment. The surface water will then be attenuated in permeable

paving and basins prior to a restricted discharge into an unnamed watercourse at the total combined QBAR rate of 16.5 l/s.

1. Table 3.2 in the report shows the SuDS Mitigation Indices for the Northern Catchment. We would also seek for it to be demonstrated that adequate pollution control measures are in place for the central and southern catchments in adherence to the CIRIA SuDS Manual 2015.
2. There appears to be discrepancies between the hydraulic calculations provided and the Indicative Attenuation Layout (Drawing number: 105346 PEF ZZ XX CD SK 00800, revision P04 dated 09/12/22) with the impermeable areas and the discharge restrictions. We would seek for this to be clarified.
3. Further to this, no hydraulic analysis has been provided for the 2 year or 30 year rainfall event scenarios. We expect for these to be provided.
4. It is noted that FEH 1999 was used within the microdrainage calculations. KCC require the use of the more detailed and up-to date FEH13 dataset within drainage design submissions. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019).
5. As part of the hydraulic analysis we would also seek for the latest Environment Agency climate change analysis to be used (10th May 2022). As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes. The LLFA would now seek the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. The latest information on the allowances and map can be found at the following link:
<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>
6. We also have concerns in relation to the surface water flow paths relating to possible flood issues on site in relation to property.

We would therefore recommend a holding objection for this application until the above information is provided.

- 5.11 KCC LLFA: Comments awaited on additional information and will be included in the supplementary report if received.
- 5.12 KCC Heritage: The site of proposed development lies within an area of potential for multi-period archaeological remains, some of which may be of significance. There are no designated heritage assets within the site boundary itself but there are designated historic buildings close to the site including Moat Cottage, a medieval house; and Moat Restaurant, a Medieval farm complex set within a possible Medieval manorial moated complex which may be of early Medieval origins.

The Kent HER suggests prehistoric and Roman activity in the area and there are indications of Early Medieval activity. Wrotham is considered to have been an Early Medieval Palace and settlement with Jutish and other Early Medieval cemeteries nearby. There are several PAS Roman and later metal artefacts recorded in the nearby fields. The topographical location especially with the water channel would have made this area attractive for settlement. There is nothing recorded on the site itself but this probably reflects limited nature of formal archaeological investigation rather than lack of archaeology.

There are clearly Post Medieval farm complexes in the vicinity which may have had Medieval origins and the proposed development site would have been part of the farmed land. The stream is likely to have been a formal part of the water feeding the Moat Farm moat. This stream may also have served the *Neppiker Brewery* to the north. This brewery developed in the mid-19th century with a possible maltings within the Moat Farm complex. The identification of buildings on the Tithe Map suggests a little community here.

Although there are no known archaeological remains on the proposed site, there is potential for significant remains to survive, especially in view of the prehistoric and Early Medieval remains known in the area. It would be preferable for any decisions regarding this proposed scheme to be fully informed by suitable heritage assessments, which in this case should include targeted fieldwork (historic landscape walkover survey and geophysical survey with consideration of trial trenching if appropriate).

I note the application is supported by an assessment of heritage, including archaeology. But this assessment is minimal and does not sufficiently assess potential. It focuses most on known heritage assets, especially surrounding listed buildings. Given the significance of Wrotham as an Anglo Saxon high status residence with settlement and several AS burials known around, the implications of finding Early Medieval remains on this site is not sufficient explored.

In earlier comments, I recommended the need for pre-determination fieldwork in the form of geophysical surveying and perhaps targeted trenching. I maintain this recommendation for this outline application.

In summary, the proposed development may have an impact on significant archaeology. I welcome the assessment of archaeology but it reflects slightly limited understanding of the archaeological potential of the site.

I recommend a geophysical survey with the options for some targeted trial trenching prior to determination of this application is essential to ensure decisions are suitably informed for this major application.

5.13 Private Reps + site and press notice: 406 objections received raising the following comments:

- Inappropriate development in the green belt
- No exceptional circumstances
- Does not accord with requirements in government circular 01/2022
- Impact on adjacent AONB
- Increase noise and pollution
- Increase in traffic
- Increase in light pollution
- No proof that services will be used
- Reapplying shows a disregard for the previous concerns raised.
- Should enlarge existing facilities rather than build new
- Should be built on brownfield land
- No thought being given to existing residents
- Better to build houses on the site
- Existing lorry parks are not fully utilised
- Loss of wildlife
- Impact on property values
- Inappropriate access – should only be accessed from the motorway
- Impossible to get out of houses
- Impact on human health
- No local benefits
- Road floods at present and is known to ice over
- Not a suitable location
- Profit before common sense
- 24 hour operation will mean no respite from traffic and noise

- A20 is badly congested and will be the only link to the site from the motorway network.
- Would destroy village life
- Should be at an alternative site
- Already rejected twice
- Supposed to be the garden of England not a lorry park
- Become a haven for immigrants
- Will ruin the Moat public house
- Dedicated facility at Ashford underused
- Will lead to littering and other anti-social behaviour
- Road surface cannot cope with existing traffic let alone more HGVs
- Why need a fuel station when there has been one opposite for many years?
- None of the people supporting the development live anywhere near it
- Freight should be moved to the continent on electric trains through the channel tunnel to reduce the need for HGVs
- Company totally ignores the local residents
- What is the point in green belt if we do not protect it
- Support comments do not look real and appear automated.

426 responses in support of the application (the majority of which have arisen from an online survey):-

- Need for lorry parking
- Country would grind to a halt without lorry drivers
- Need cheaper parking areas
- Parking on the continent is free – should be in UK
- Safe parking needed
- Lack of overnight parking

- Motorway services are not designed to cope with HGVs
- Lack of parking in the south east in general
- Not able to on roadside or in industrial areas
- Plenty of green space in Kent. The loss of this part will not make a difference.

6. Determining Issues:

6.1 The principle considerations with this application are whether the previous reasons for refusal have been overcome. The application raises a number of different policy considerations and determinative issues that can be summarised as follows:

- Planning policy support for lorry parking and national and regional transport guidance.
- The principle of the development at this location, including the impact on the Green Belt, whether the development is appropriate, the effect on openness, and any conflict with the purposes of including land within it.
- The effect of the development on the character and appearance of the area/its visual impact, including on the setting of the Kent Downs National Landscape.
- The effect of the development on residential amenity, by reason of noise, disturbance and light pollution.
- The effect of the development on the safety and operation of the road network, including local roads and the strategic highway network, from trip generation and vehicle movements, and whether this would unacceptably affect highway safety, or whether it would lead to severe cumulative traffic build up.
- The impact of the development on nearby heritage assets and below ground archaeological remains.
- If the development would harm protected species, ecology or biodiversity, and if so whether adequate mitigation is proposed and if it can be delivered.
- Whether drainage, archaeology and contaminated land have been adequately considered.
- If sufficient very special circumstances have been evidenced, such that the harm to the Green Belt, and any other harm, are clearly outweighed by the benefits of the scheme.

6.2 These matters are considered in further detail and the following headings.

National Planning Policy and Department for Transport Guidance on Lorry Parking

6.3 Paragraph 113 of the NPPF 2023 states that:

Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

6.4 Department for Transport Circular 01/2022: 'Strategic road network and the delivery of sustainable development' formalises the government's position on the provision of new policy guidance regarding the provision of freight facilities, including truckstops, on the Strategic Road Network (SRN).

6.5 This Circular is the policy of the Secretary of State in relation to the SRN which should be read in conjunction with the National Planning Policy Framework (NPPF), planning policy for traveller sites, national planning policy for waste, planning practice guidance, national design guide, National Model Design Code, Manual for Streets (MfS), local transport note (LTN) 1/20 and all other material considerations when strategic policy-making authorities are setting policies and making decisions on planning and development proposals under the Town and Country Planning Act 1990.

6.6 The Circular states the following when considering the spacing of freight facilities:

79. Drivers of many heavy goods and public service vehicles are subject to a regime of statutory breaks and other working time restrictions, such that roadside facilities are critical enablers of compliance with such requirements.

80. It is recognised that on certain parts of the SRN and at certain times a shortage of parking facilities for HGVs can make it difficult for drivers to find safe space to stop and adhere to requirements for mandatory breaks and rests. To alleviate the shortage, the expansion of existing facilities on the SRN is likely to be needed alongside the creation of new parking sites. As a result, existing truckstops (including closed facilities) on or near to the SRN must be retained for their continued and future use unless it can be clearly demonstrated that a need no longer exists.

81. In areas where there is an identified need, the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the SRN. In these circumstances, local planning authorities should have regard to the following spacing requirements:

(i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles; and

(ii). the maximum distance between APTR facilities providing HGV parking (being service areas or truckstops) should be the equivalent of 20 minutes driving time for HGVs.

82. Where the general spacing distances above are met but a need for HGV parking still arises, the company will support the case to address unmet demand, subject to an assessment of the safety of the proposed access or egress arrangements.

- 6.7 It should be noted though that it is not the governments policy that lorry parking should be provided at the expense of any other relevant planning matter. It is therefore necessary to consider the principle of providing the development at this location and any other resulting harms.

Location of development

- 6.8 The site is located outside of any settlement boundary where policy CP14 of the TMBCS seeks to restrict new development. The introduction of a new standalone employment use would not meet with any of the exceptions listed under this policy. However, it is accepted that policy CP14 is now considerably out of date due to the age of the Core Strategy, which is not currently delivering the required land for housing and employment need. Furthermore, it is unlikely that sufficient space exists within the settlement boundaries for such a proposal, and therefore any limited technical conflict with policy CP14 would not be considered to withhold consent on this basis and needs no further consideration.
- 6.9 However, the site is also within the Green Belt, and this is a matter which must be considered separately.

Green Belt – Policy Context

- 6.10 The site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF). The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence.
- 6.11 Paragraph 152 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”
- 6.12 Paragraph 153 states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to

the Green Belt and that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

6.13 Paragraph 154 of the NPPF advises that the construction of new buildings should be regarded as inappropriate in the Green Belt.

6.14 However, one exception listed under paragraph 155 of the NPPF includes local transport infrastructure which can demonstrate a requirement for a Green Belt location, provided they preserve the Green Belt’s openness and do not conflict with the purposes of including land within it.

Green Belt – Openness assessment

6.15 Given that the development is intended to serve as a county wide form of transport infrastructure, it is not considered that it can reasonably be described as “local”. Furthermore, it has not been demonstrated that a Green Belt location is required, as will be explained in later sections of this report.

6.16 Nonetheless, even if that were not the case, the scale and nature of the development is considerable, involving extensive laying of hardstanding, up to 200 HGVs parking spaces, new structures including the amenity building, fuelling station, internal roads, car parking, security fencing, plant and associated paraphernalia. It is very clear that regardless of whether the development would be considered a form of local transport infrastructure, or even one requiring a Green Belt location, it would fundamentally fail the requisite tests under paragraph 155 for the following reasons.

6.17 Firstly, the proposal would completely fail to preserve openness. The effect of introducing the development set out above to the site would result in a clear, permanent and harmful loss of openness, from both the built form, the hardstanding and parked vehicles, and the associated infrastructure. Regardless of the final design of the proposal, this effect would inevitably occur based on the outline parameters being sought. The loss of openness would be obvious from surrounding vantage points, including along London Road, from travelling along the M26 past the site, from the residential and commercial properties around the site and where longer-range views are possible. The loss of openness would be both spatial and visual, and harmfully so. The loss of openness would be affected across the whole site but most acute when the HGV parking areas are full, and where the amenity and fuelling buildings would be erected.

Green Belt – Purposes

6.18 It is further necessary to consider whether the development would conflict with the purposes of including land within the Green Belt, which are set out under paragraph 143 of the NPPF as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.19 It is considered that only paragraph (c) is relevant to this case. When considering whether the proposal would conflict with this key purpose, it is also clear that it would, and fundamentally so.

6.20 As noted previously, the site's current appearance is open, rural, and devoid of any built form. There is encroachment into the countryside setting from the adjacent built development along London Road, but this is not present on the proposed site.

6.21 However, the effect of the development, regardless of final design, would irreversibly encroach into the existing open countryside. It would amalgamate built form with that already present across the road, leading to a much greater concentration of development in an otherwise open side of the road. Grazing land would be replaced with hardstanding, buildings, and parked lorries. The Green Belt's key role in safeguarding the countryside from the encroachment of built form into open areas would be wholly and irreversibly undermined across the site. As such, there can be no doubt that the development would conflict with this important purpose.

Green Belt – whether inappropriate development

6.22 Drawing the above conclusions together, the development would clearly fail to comply with the only possible exception policy within the NPPF that merits consideration. As a result, the development would constitute inappropriate development in the Green Belt, which is harmful by definition. Paragraph 153 directs that substantial weight should be afforded to this harm. This is not a ceiling or upper limit for measuring harm, and it follows that more serious harm to the Green Belt should be afforded more weight.

6.23 In addition to definitional harm, there would be a very substantial permanent and harmful loss of openness, based on the outline parameters sought.

6.24 Finally, the development would fundamentally conflict with a key purpose of including land within the Green Belt, by extending built development out from the more limited linear development on London Road, into an open and undeveloped site. The countryside would be encroached upon, to a significant and harmful

degree. As a result, there would be a strong “in principle” objection to the location of the proposed development on Green Belt grounds.

- 6.25 For these reasons, there is clear policy conflict with paragraphs 142, 143, 152 – 155 of the NPPF, and policy CP3 of the TMBCS. Whether sufficient very special circumstances exist to clearly outweigh this harm are considered in later sections of this report.

Character and Appearance / National Landscape (AONB) setting – Policy context

- 6.26 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.27 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 135 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.28 Since the submission of the application, Areas of Outstanding Natural Beauty have been renamed “National Landscapes”. Section 245 of the Levelling-up and Regeneration Act 2023 sets up a new statutory duty that all “relevant authorities” (including local planning authorities), “must seek to further the purposes” of the designated landscape, strengthening the previous duty to “have regard” to the purposes. For National Landscapes, this purpose is conserving and enhancing natural beauty. The NPPF has yet to be updated with the areas still referred to as AONBs.
- 6.29 Paragraph 182 of the NPPF states:

‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’..

6.30 Policy CP7 of the TMBCS is consistent with the aims of paragraph 182 by confirming that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty. It adds that development effecting these areas must have regard to landscape character.

6.31 A further relevant material consideration is the Kent Downs AONB management plan, and the policies listed within it. Most relevant are those highlighted by the AONB unit, including:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan

SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

6.32 As set out in the site description, the land has a gentle undulating character, comprised of open grazing grassland hedgerows and tree cover. The motorway is generally screened by mature planting along its banks. There is also some screening on the boundary with the motorway and London Road, but the site is clearly visible from the road frontage and the surrounding fields. It is wholly rural in character and serves as a visual counterbalance to the built development across the other side of London Road. The current appearance of the site, with its open grassland and hedgerows, is consistent with the character of the AONB and therefore contributes positively to it. This view is shared by the AONB unit, with the site being in the foreground of the AONB and therefore being fundamentally part of its setting as set out in para 182 of the NPPF.

6.33 Regardless of the final design and finish, the introduction of the lorry park within the outline parameters sought would result in a complete and total erosion of this rural character. It would be wholly lost, and replaced with built development, lorry parking, hardstanding and buildings, which would appear as unnatural and

incongruous features within the current open character of the site. The development, regardless of final design, would substantially increase the amount of built development within the setting of the AONB, and amalgamate the extent of built form across both sides of the road, whereas previously this part was open and free from buildings.

- 6.34 The applicant's LVIA within the ES assesses the landscape effects of the development, including on the field itself, and considers that the majority of adverse effects would be short term during the construction phase, which it considers can be mitigated through the use of a Construction Environmental Management Plan (CEMP), and that all long-term effects would not be significant due to the enhanced planting proposed along the northern edge of the site in order to reduce the visibility of the site.
- 6.35 Whilst having careful regard to the view of the applicant on the landscape effects of the development, as submitted in the relevant sections of the ES, Officers do not agree with many of the conclusions.
- 6.36 As noted by the Kent Downs AONB unit, the field plays an important role as a buffer of open rural land from the nearby motorway and the existing development to the north of London Road. The proposed development, as well as resulting in the total loss of this contribution, would also serve to fracture the remaining open countryside on this part of the road, enclosing it with harmful built development, and consolidating it with the development on the north side of the road, resulting in a much larger concentration of detracting features within the immediate setting of the AONB.
- 6.37 The landscaping proposed, in conjunction with some limited existing screening, is simply insufficient to provide meaningful mitigation for a development of this scale and nature. It would also take a substantial amount of time to establish and mature, resulting in long term harm that would be fully visible from surrounding vantage points and from adjacent fields. Regardless of whether these views may or may not be publicly accessible does not lessen the landscape harm that would result; and development can be substantially harmful to landscape character regardless of whether it is prominent from public vantage points. These conclusions are also consistent with the findings of the Inspector in the 1992 appeal, and despite its age, there is nothing to suggest the character and setting of the site has changed so significantly that these conclusions are no longer relevant.
- 6.38 One key concern of the AONB unit, shared by Officers is the inevitable use of lighting given the proposed 24-hour use of the facility. Artificial lighting is a particularly harmful unnatural feature which can seriously erode the natural setting of the AONB, being particularly prominent overnight when the natural landscape state would be dark. It would draw considerable attention to the built development,

hardstanding and parked vehicles present on the site, which would also be when the site is expected to be at greatest capacity.

6.39 The ES suggests that new planting can mitigate this but given the inevitable widespread use and sheer size of the facility, it is not considered that this could be meaningfully mitigated against. The clear and perceivable effect of light pollution would be permanent and seriously harmful to the setting of the AONB, completely spoiling the existing undeveloped nature of the site and its contribution to the rural character of the area. As a 24 hour facility, there would never be any respite for the AONB; the light pollution would persist in perpetuity for the lifetime of the development. It is noted that the applicant has sought to limit light pollution and suggests that light would not overspill beyond the boundaries, but it would still be visible from beyond these boundaries even if not directly illuminating them. Winter months would see this effect particularly magnified, due to less daylight and less tree coverage.

6.40 It is also noted that these conclusions were shared by the Inspector in the previous appeal decision from 1992 (92/10028/OUT). In this case the Inspector concluded

'There is no doubt in my mind that development here would be a substantial intrusion into this open countryside with an adverse and unacceptable impact'.

6.41 Therefore, whilst carefully considering the submissions within the ES as to landscape impact, the nature and scale of the proposal is such that complete landscape mitigation is simply not considered to be possible. There would be total and harmful loss of open rural character within the immediate boundaries of the site, the development would consolidate built form with existing harmful development across the road, and the setting of the AONB would be significantly negatively impacted through the introduction of an inherently harmful form of development so close to its boundaries, in its immediate setting.

6.42 For these reasons, the proposal would directly conflict with policies CP24 and CP7 of the TMBCS, SQ1 of the MDEDPD and paragraphs 182 and 135 of the NPPF. Additionally, there would be clear conflict with the principles and policies of the Kent Downs AONB Management plan, including policies SD1, SD2 and SD8, and MMP2.

The effect on the amenity of neighbouring properties, by reason of noise, lightning etc.

6.43 The development is too far away from the nearest residential properties to result in an adverse impact on their amenity by reason of any overbearing, overshadowing or loss of privacy impacts.

6.44 However, the scale of the development and resulting traffic movements may still result in harmful amenity impacts by reason of noise, disturbance and lighting.

- 6.45 The Council's Environmental Health Officers have reviewed the submitted documentation and concur with the applicant's findings in respect of noise and vibrations, and on-site lighting, which is not considered to have a harmful effect on adjacent residential amenity.
- 6.46 The previous application had a reason for refusal relating to the impact overspill of headlights having a detrimental impact on the amenity of neighbouring properties. Chapter 12 of the Environmental Impact Assessment submitted with the application has also taken into consideration the likely impact due to vehicle headlights sweeping across properties on the opposite side of London Road. It concludes that a solid fence of 1.5m height will be sufficient to mitigate this, but has proposed a 2m high fence to provide a degree of comfort together with landscape planting. The Council's Environmental Health Officers concur with the conclusion that this would overcome the previous reason for refusal and it is therefore considered that previous reason 5 has been overcome.
- 6.47 On this basis it is considered that the development would not have a harmful impact on the residential amenity of the properties opposite the site.

Highways – Policy Context

- 6.48 Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.49 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.50 Policy CP2 of the TMBCS advises that new development that is likely to generate a significant number of trips should:
- a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;

b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;

c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;

d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;

e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,

f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

6.51 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

6.52 The broad aims of policies CP2 and SQ8, ensure that developments do not adversely affect the safety and operation of the public highway, are considered to be consistent with the requirements of paragraphs 114 and 115 of the NPPF.

Highways Impact

6.53 The previous application received holding objections from both Kent County Council, the county highways authority, and National Highways the body responsible for the safety and operation of the strategic highways network. The current application is supported by more detailed traffic assessments in an attempt to overcome the previous reason for refusal.

6.54 The submitted traffic assessment has been subject to more detailed modelling. The overall conclusion raised is that the development is predicted to result in 51 two-way vehicular trips during the weekday AM peak and 53 two-way trips during the weekday PM peak. The assessment though highlights that the HGVs using the facility will already be using the road network, and while they may divert to the site, do not represent new vehicle movements on the wider strategic road network.

6.55 The proposed site access arrangements will ensure that two lanes are provided on the A20 London Road (N) exit between the M26 Junction 2A and the proposed site access roundabout. Two lanes will also be provided on the A20 London Road (N)

exit of the site access roundabout for a distance of circa 100m. The provision of two northbound lanes along the A20 London Road (N) will add road capacity within which existing traffic exiting the M26 Junction 2A can travel and it is therefore anticipated that this will substantially assist in reducing the levels of queuing that occur on the M26 Junction 2A circulatory carriageway and on the M26 East and A20 London Road (S) approaches.

- 6.56 The TA concludes that the proposals are acceptable in highway terms. In respect of highway capacity to accommodate the development, the proposed site access is from a new junction from the A20, London Road. This has been designed to meet the relevant highways design standards and will have sufficient capacity to accommodate the proposed development traffic. Junction 2A of the M26 is forecast to operate with some observed queues on the M26 Eastbound off-slip and on the A20 northbound arm of the junction in the Am peak period. The results also demonstrate the impact of the proposed development is minimal and the proposals are likely to provide an overall reduction in queuing at the junction. Both KCC and National Highways have agreed that the analysis contained with the TA does not identify any material locations when the addition of traffic related to the development would detrimentally affect the level of service that the M26, M20 and A20 would otherwise provide.
- 6.57 It is acknowledged that the Parish Councils do not agree with these findings, raising concerns regarding traffic on the M26, Whitehill Roundabout (A20 London Rd/A227 Borough Green Rd/M20 On-slip; and A20 London Road (NW&SE)/A227 Gravesend Road. Whilst these concerns are noted the Council, as Local Planning Authority, has to give substantial weight to the views of statutory consultees. In this instance both National Highways and KCC Highways and Transportation are satisfied that their previous concerns have been overcome and on this basis it would not be possible to support a reason for refusal on traffic grounds.

Heritage and Archaeology – policy context

- 6.58 Paragraph 205 of the NPPF explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.59 Paragraph 207 explains that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.60 Paragraph 208 of the NPPF adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.61 Paragraph 209 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.62 In this case, the only designated heritage assets that are in proximity of the site and therefore affected by the proposed development relate to the Grade II Listed Moat Public House and Moat Cottage along with the potential for below ground archaeological assets.

6.63 The list descriptions of these properties are set out as follows:

TQ 65 NW WROTHAM C.P. LONDON ROAD 5/18 (west side)

Moat Restaurant II

Farmhouse, now Restaurant. C16 framed structure with C18 elevations. Painted brick ground-floor, tile-hung 1st floor. Hipped plain tiled roof with one flat-headed dormer and C17 stacks at left end and off-centre to right. 2 storeys and attic; 4 window 1st floor, 3 window ground-floor, C20 diamond lattice casements. Half-glazed panelled door with C20 flat projecting hood off-centre to right. T-shaped in plan with weatherboarded wing to rear.

TQ 65 NW WROTHAM C.P. LONDON ROAD 5/19 (east side)

Moat Cottage II

Cottage. Circa 1550. Exposed vertical timber-framing with plaster infilling. Continuous 1st floor jetty supported on exposed joist ends. Half-hipped roof with end stack to left. Brick ground-floor to right return side. 2 storeys; 3 window front, lattice casements except to right which has bay with oriel on cove above, both probably original. Central gabled and timbered porch with plaster infill and half-glazed and boarded door.

6.64 To the south of the site is also the Grade II* Nepicar House, and two separately Listed Grade II Outbuildings, and a Grade II Listed Lodge. However, the M26 completely severs these heritage assets from the development site, such that it is not considered to form part of their setting due to the clear delineation caused by the motorway.

6.65 Nonetheless, the other two Listed buildings are in close proximity to the site and the effects of the development on their settings requires further consideration. The Oast building north of the site and moat farmstead are also considered to be non-designated heritage assets which should also be assessed.

- 6.66 The settings of these two listed buildings, whilst eroded to a degree by existing modern development along the London Road and nearby, are still contributed to by the development side to differing degrees, due to its open rural character, which would have persisted when these two buildings were originally constructed, surrounded by open fields and countryside. The development site contributes more significantly towards the setting of Moat Cottage due to the greater intervisibility, with the Moat Restaurant being further away and partially screened by other buildings and vegetation. Nonetheless, as it was originally a farmhouse, the open agricultural character of the site at present still helps to provide a buffer from the more modern development on the north side of the road. The application site therefore contributes positively to the setting of these two Listed buildings.
- 6.67 This section of the EA has not varied in regard to the effect on these designated and non-designated heritage assets. The previously held position that there would be less than substantial harm on the designated heritage assets is still the case. The policy tests under paragraph 208 of the NPPF with regard to public benefits are therefore triggered. Whether such benefits exist to outweigh the harm to these heritage assets is returned to under the final planning balance.
- 6.68 The ES identifies potential harm to unidentified buried archaeological assets. Conditions are recommended for geophysical surveys and further work if potential buried assets are identified. If the application were recommended for approval this is considered acceptable.

Ecology & biodiversity – policy context

- 6.69 Policy NE3 of the MDEDPD explains that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and / or compensation measures are provided which would result in overall enhancement. This is consistent with the aims of the NPPF at paragraph 180, which confirms that planning decisions should seek to minimise impacts on and provide net gains for biodiversity.
- 6.70 Paragraph 186 also adds that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Ecology & biodiversity impacts, mitigation

- 6.71 The relevant sections of the ES set out the various surveys carried out to consider the presence of protected species, and the impact on nationally designated sites of ecological importance (for example, SSSI's). The assessment concludes no adverse impact on the nearest SSSI's, which are some distance away, and this is accepted.

- 6.72 As to the ecological value of the site, which is ranked as unimproved grassland, although this will be completely lost, the applicant proposes to replant a larger area to provide net gain. This is to be in the land adjacent to the site, which is outlined in blue as part of the site location plan. The site location plan which forms the legally binding parameters of the development area for the purposes of this planning application, does confirm that the other land is under the control of the developer. The land can therefore be considered as part of the developer's ecology and biodiversity mitigation strategy.
- 6.73 The application site has been the subject of on-going, multiple season ecological survey work. Survey work has been undertaken in respect of Dormouse, Bats, Reptiles, Aquatic Invertebrates, Terrestrial Invertebrates, and Great Crested Newts following the previous reason for refusal. This survey work has indicated that the site has limited populations of protected species but the following enhancements are proposed.
- 6.74 On-site mitigation is proposed within the design of the scheme including providing a wide natural buffer to the on-site stream and retaining large amounts of the existing mature vegetation around the edge of the proposed development site. In terms of mitigating the impact on dormice specifically, the application proposes to ameliorate the fragmentation of habitat by creating a linear link to the south-west which will create a link north to south. This measure will remove the fragmentation effect as well as providing more habitat for dormice than currently exists. Much of the habitat that would be lost as a consequence of the development is of poor quality. The proposed new planting is species rich scrub and shrubs which is to be secured for the long term with management to be completed on a rotational basis.
- 6.75 To further the enhancement of biodiversity an offsite mitigation area has been committed as primary mitigation. Other primary mitigation measures will include completing the development works at a suitable time of year to avoid disturbing animals at a time when they are most vulnerable and completing habitat removal under ecological supervision. Any protected species found during the development works will be re-located to the area of compensatory habitat. An off-site ecological mitigation plan is included in Appendix 5 to the ES. This shows the improvement and habitat creation proposed within the blue land indicated on the site plan. The submitted Biodiversity Net Gain Report concludes that these measures will achieve a biodiversity net gain of 21.42 habitat units, which will represent an increase of 90.22% ; 2.24 hedgerow units, which represents an increase of 44.31%; and 1.06 river units, which represents an increase of 50.72%.
- 6.76 The measures designed to relocate protected species prior to the construction works commencing follow accepted industry methodology and standards and are considered to be acceptable to avoid the direct killing and injury of protected species.

- 6.77 The long term effects on protected species, including their habitats in and around the site must also be considered. The supporting information indicates that adequate replacement habitat can be provided both on-site and within the adjacent land within the applicants control.
- 6.78 Given the additional submitted information it is considered that there would be no harm to protected species and biodiversity. It is therefore considered that the development would comply with policy NE3 of the MDEDPD, and paragraphs 180 and 186 of the NPPF.

Drainage & contaminated land

- 6.79 The Environment Agency are satisfied with the applicant's proposals which would not result in unacceptable harm to the environment through land contamination and surface water disposal, if conditions were to be applied. This approach is further endorsed by the Council's contaminated land officer. As a result, these matters are considered to be acceptable.
- 6.80 The comments of KCC as LLFA are noted and further comments are awaited on the additional submitted information. These issues are matters that are likely to be able to be mitigated by condition and therefore would not form a reason for refusal.

Conclusions & Planning Balance, whether VSC's exist

- 6.81 As established in the preceding sections, there are multiple instances of direct policy conflict with the adopted development plan, and the national planning policy framework. These conflicts result from aspects of the proposal which are considered to be directly harmful. To summarise at this stage, these can be set out as follows:
- The development is inappropriate in the Green Belt, results in significant harm to openness, both spatial and visual, and conflicts with the purposes of including land within it.
 - There is harm to the setting of the AONB, and harm to the rural character of the area.
- 6.82 The level of Green Belt policy conflict on its own is considered to be a serious consideration that weighs heavily against the scheme. The conflict with Green Belt policy can only be overcome within the terms of paragraph 153 of the NPPF as follows: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, **and any other harm resulting from the proposal, is clearly outweighed by other considerations.**"* [emphasis added]

6.83 The applicant therefore needs to demonstrate such material considerations as to clearly outweigh both the harm to the Green Belt and any other harm, which as noted above, encompasses multiple harms from a range of different policy conflicts. This is considered in further detail as follows.

VSCs – the applicant’s case

6.84 The applicant does not dispute that very special circumstances are required to justify the development. In this respect, they advance the following two broad matters in support of the case, firstly that there is a significant unmet need for overnight lorry parking in Kent, and secondly that there is a lack of available alternative sites such that this location is the only possible option of meeting this unmet need. There is policy support for the proposal under paragraph 113 of the NPPF but given the level of resulting harm something more than just policy compliance with one paragraph of the NPPF is clearly required.

6.85 The Applicant’s case for very special circumstances is assisted by Dft Circular 01/2022. The Circular advises that where there is an identified need for freight facilities such as truckstops, regard must be had to the 14-mile maximum distance between motorway facilities which provide HGV parking. If a need is identified in the National Lorry Parking Survey (AECOM 2022), the Circular makes it incumbent on the relevant local planning authority to ensure that planning application decisions address this need. As is set out at paragraph 81 of the Circular:

“In areas where there is an identified need, the company will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the Strategic Road Network. In these circumstances, local planning authorities should have regard to the following spacing requirements:

(i). the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles; and

(ii). the maximum distance between All Purpose Trunk Road facilities providing HGV parking (being service areas or truckstops) should be the equivalent of 20 minutes driving time for HGVs.”

6.86 The distance between Maidstone Services (M20) and Thurrock Services (M25) is 31 miles. This gap is within the South East and an area of identified need within the 2022 National Survey of Lorry Parking. The South East has a utilisation rate of 94% which is deemed to be critical. As ‘need’ is established, Paragraph 81 of the Circular is engaged. As such, the maximum distance between services should not exceed 14 miles. The distance between Maidstone and Thurrock exceeds 14 miles, and establishes a need in this gap for additional parking provision for HGVs. In addition, a second gap exists between Maidstone Services (M20) and Clacket

Lane (M25) which is 27 miles. This also exceeds the 14 mile maximum distance set out in Paragraph 81 of the Circular.

6.87 The Kent Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031 identifies that lorry parking is a significant issue in the county and one of the strategic priorities within this Plan is the provision of overnight lorry parking. The Plan states the following:

“There is a significant amount of unofficial and often inappropriate overnight lorry parking that causes distress for the communities affected and potential safety issues on Kent’s roads.”

6.88 The Kent Local Transport Plan 4 outlines that a way of overcoming this issue is to ‘identify a network of smaller overnight lorry parks and work with Kent Police to enforce against offenders.’ The Kent Local Transport Plan goes on to state that:

“We are developing a strategy for a network of small lorry parks at suitable locations across Kent and a partnership approach with the Districts and the Police to address enforcement.”

6.89 The applicant’s case within the planning statement sets this out in more detail which is not necessary to repeat in verbatim here. However, having carefully and thoroughly reviewed the submissions advanced by the applicant, this case is not accepted, for the following reasons.

6.90 VSC’s – Unmet need

6.91 To determine whether the applicant has demonstrated sufficient VSC’s, it is necessary to scrutinise the evidence and data behind their submissions that there is an unmet need for lorry parking, and whether there is a complete lack of suitable alternative sites, such that developing this site, irrespective of identified harms, is nonetheless justified.

6.92 Starting with the unmet need for lorry parking overnight in Kent, the applicant points to surveys carried out in 2019 and also the emerging TfSE Lorry Parking Study 2023 which reports on finding of lorry parking surveys carried out on the strategic road network in March 2022 and the non-strategic road network in February and March 2023. The results of this study indicate that there is excess lorry parking demand in the M20/A20 corridor with the majority of this pressure being in the Maidstone, Ashford and Dover areas. This study also forecasts that this demand would at least double by 2040.

6.93 The Kent County Council illegal lorry parking surveys undertaken in June 2019 referred to by the applicants indicate that Tonbridge and Malling was not subject to the highest levels of overnight illegal parking. The surveys demonstrate that overnight parking was most prevalent in Swale (average 296 instances), followed by Canterbury (average 88) and then TMBC, with an average of 69.

- 6.94 The data indicates that demand seems to be overwhelmingly highest within Swale borough, then Canterbury, to the north east of TMBC. The key routes along the A2 and M2 pass through Swale, which would seemingly be used by freight coming to and from Dover from other parts of the country. Evidence does therefore point to there being an unmet need for overnight lorry parking in Kent, but the evidence would conclude that the need is most urgent in other authorities, which are a considerable distance from TMBC.
- 6.95 Lorry drivers are required by law to take regular breaks, which are also monitored by a tachograph within the vehicle which can be used by law enforcement agencies or employers to confirm that the driver is taking the right number of breaks. As a result of this, the drivers often cannot choose where to stop if they are mandated to have a break at a certain time and have been unable to stop previously. The reasonable conclusion to draw from the data from KCC is that the majority of drivers passing through Kent need to stop within Swale or Canterbury.
- 6.96 Therefore, the question has to be asked whether a lorry park in this location would actually address where the need is most acute. If drivers are being forced to make illegal stop overs in Swale and Canterbury out of need, the location of the proposed lorry park here would do nothing to assist with this, being far too distant to be in reach of where the unmet need is concentrated.
- 6.97 The applicant is trying to demonstrate that this location, within TMBC, should be the location of choice to meet a significant element of county wide unmet need primarily due the distances between services set out in the Circular, rather than on the basis of greatest unmet need within the County. There is no specific information provided in support of the application to justify the quantum of the provision being proposed and no discussion as to the form the services need to take.
- 6.98 Overall, it is accepted that in principle there is an unmet need for lorry parking across the county. The applicant is though justifying the position primarily on the basis of distances set out in Circular 01/22 only at the expense of any other planning matter as the submitted evidence does not demonstrate that the need is anywhere near the most urgent within TMBC, which is the location put forward by the applicant to meet this demand.

VSC's – harms from unmet lorry parking

- 6.99 The next important consideration is to consider the effects of this unmet need, particularly within TMBC, because of the resulting harms identified. A broad unmet need does not always result in sufficient justification as to outweigh all other policy considerations; for example, unmet housing need, which in isolation is unlikely to outweigh Green Belt policy, and especially where other harms are identified.
- 6.100 The applicant sets out that illegal lorry parking can cause inconvenience and nuisance to local residents, anti-social behaviour, fly tipping and crime, and put

drivers at risk of crime. As a general principle, this is accepted, and the chances of such behaviours occurring are obviously much reduced in properly managed and regulated truck stop facilities.

6.101 However, it is very difficult for the Council to quantify the extent of this problem because the applicant has not provided sufficient clear evidence as to demonstrate when and where this occurring, least of all within Tonbridge and Malling. As an anecdotal form of evidence, it is accepted that this may be an outcome of illegal parking in some circumstances. But there is simply no evidence before the Council that this is a serious problem within the locality, such that any meaningful level of weight should be attributed.

VSC's – Alternative sites

6.102 Turning next to the suitability of alternative sites, it is first necessary to consider relevant case law in this area and set out why the assessment of alternative suitable sites is so important when attempting to justify a proposal like this.

6.103 The relevance of alternatives sites when considering a planning application for another area was explored in the Court of Appeal decision Secretary of State for the *Environment v Edwards* [1995]. The courts set out the following criteria as to whether the relative merits of alternative sites are material considerations in the determination of another planning application:

- (i) *the presence of a clear public convenience or advantage in the application under consideration;*
- (ii) *the existence of inevitable and adverse effects or disadvantages to the public in the application;*
- (iii) *the existence of an alternative site for the same project which would not have those effects or would have them to the same extent;*
- (iv) *a situation in which they could only be one permission granted for such development or at least only a very limited number of permissions.*

6.104 It is also notable that this case was for a motorway service station, a broadly comparable form of development to the lorry park being proposed now, which also includes an amenity building and fuelling station.

6.105 Applying the above criteria, there is, broadly speaking, a public convenience to the proposed application, in the form of the dedicated lorry parking facilities. It would be most convenient and beneficial to the drivers themselves, but they are still members of the public. It would also hold some advantages for the wider public in limiting the anecdotal anti-social problems cause by unauthorised lorry parking, although as noted previously, this is difficult to measure or define with confidence.

- 6.106 On the other hand, applying criteria (ii), there is also clearly inevitable and adverse effects and disadvantages to the public of locating the development here, due to the identified harms to the Green Belt and setting of the AONB, for which significant public concern has been raised. Criteria (iii) and (iv) are also met, since there may be alternative sites that could deliver the same form of development, including within this part of Kent or further East towards Swale / Canterbury. At the same time, there is unlikely to be a need for large numbers of lorry parks, particularly within the vicinity of this part of Kent, since one facility would be expected to address all if not a large amount of need for a broad area.
- 6.107 Accordingly, it is considered that the principles set out by the Court of Appeal in Edwards is met, and the existence (or not) of alternative sites is a material consideration relevant to the determination of this case.
- 6.108 The assessment of alternative sites is also especially important because of the resulting harms here, including “in principle” harms in relation to Green Belt, its openness and purpose, as well as the setting of the AONB and nearby heritage assets. If an alternative location were to be identified that was able to deliver this type of development with less resulting harms, it would become a weighty material consideration against the approval of the scheme here, because any perceived benefits from the development could simply be provided in a less harmful manner elsewhere. Alternatively, if it was conclusively proved that there are no other options than this site, that could be a consideration of considerable weight in favour of the scheme, since there really is no other option than this location.
- 6.109 To this end the applicants have prepared an “alternative site assessment” to consider whether alternative sites could be found to meet unmet lorry parking need.
- 6.110 The alternative site assessment submitted is ultimately based around a search area of 2 miles from motorway junctions as the crow flies, with a distance of no greater than 14 miles from either Thurrock or Maidstone Services and the site area of 6.5Ha. As previously stated there is no supporting information given as to the need for a site of 6.5Ha in either the planning statement or the alternative site assessment other than a brief mention that a certain number of facilities are needed to enable it to be signed from the Strategic Road Network. Indeed, para 81 (i) of Circular 01/2022 states that the HGV parking can be service areas, rest areas or truck stops. The basis of the location proposed therefore appears to be based on size and distance from other services rather than on actual need for a facility of that size and whether constraints would preclude the site being brought forward.
- 6.111 The Circular and TfSE parking study make reference to a range of parking facilities being available for HGVs. The alternative site assessment makes no mention of whether it is possible to extend the existing 28 HGV parking spaces at Maidstone Services, a location outside the Green Belt, where full facilities are

already available and whether the 'need' for parking could be met by a significantly smaller truck stop at one of the other potential sites considered where there would be a need for a smaller land area.

- 6.112 The search criteria, in looking at a distance as the crow flies from motorway junctions does not actually take into consideration the road layout at these junctions. The location would not be directly served from the M20 eastbound as vehicles would have to leave the motorway and head along the A20, through an area of mixed use including residential development.
- 6.113 It is accepted that much of Kent holds similar Green Belt and also AONB restrictions, but there is simply insufficient evidence that all reasonable alternative sites have been ruled out, which is considered important to evidence given the identified harms at this location. Until such time that all alternative sites based on actual need in that location can be definitively ruled out, this is a material consideration that seriously damages the applicant's case.
- 6.114 Therefore, it is not considered that sufficient very special circumstances have been demonstrated. There is insufficient compelling evidence on the immediate need for the development in this location, the level of harm resulting from unmet need, and whether alternative, less harmful locations exist that could meet it.

Conclusions and Planning Balance

- 6.115 Drawing together all the numerous strands of this case, including areas of policy conflict and harm, and areas where the development would comply with policy and provide wider benefits, the following conclusions are reached.
- 6.116 The development would constitute inappropriate development in the Green Belt. This is harmful by definition. In addition to this definitional harm, the proposal would also result in a widespread and significant spatial and visual loss of openness. Furthermore, it would fundamentally conflict with a key purpose of including land within the Green Belt. The NPPF requires harm to the Green Belt be afforded substantial weight as a minimum. The totality of harm to the Green Belt in this case leads to very substantial weight be afforded against the scheme.
- 6.117 The development would cause significant harm to the rural character and appearance of the area and would harmfully erode the setting of the Kent Downs AONB. Paragraph 182 of the NPPF places great weight on conserving and enhancing landscape and scenic beauty of the AONB, as a minimum. The level of harm to the AONB setting, and the rural character of the site are considered to be substantial, and therefore substantial weight is afforded against the scheme for the harm it would cause.
- 6.118 The development would result in mid-range less than substantial harm to the setting of two Grade II Listed buildings. This triggers the public benefits test required by paragraph 208 of the NPPF.

- 6.119 Turning then to the benefits of the scheme and areas of policy compliance, the development would assist with meeting broad unmet need for lorry parking in Kent, in accordance with paragraph 113 of the NPPF. Furthermore, the benefits of increased lorry parking to support the strategic freight network are explicitly set out in Circular 01/2022 and the TfSE Parking Survey. As a result, the benefits of providing additional lorry parking in principle are considered to attract significant weight in favour of the scheme.
- 6.120 However, the overall weight to be attributed to this is tempered by the failure of the applicant to provide a compelling case on the urgency of meeting this need with this quantum of development at this location. No specific evidence of harm has been provided within Tonbridge and Malling or elsewhere as a direct result of this unmet need. Additionally, there is a reasonable prospect of alternative sites existing where all the benefits of providing lorry parking would still be delivered, in a location not subject to anywhere near the same level of identified harm to sensitive designations.
- 6.121 The Council recognises the difficult conditions for lorry drivers and the importance, in principle, of providing adequate facilities to support the freight industry and by extension the economy. But as noted, it is not the policy of the government to provide such facilities at the expense of all other considerations.
- 6.122 Balancing out the weight of harm caused by the scheme with the identified benefits, it is considered that if there were no other objections, the public benefits of the development in the provision of new lorry parking would outweigh the less than substantial harm to the setting of nearby heritage assets, in the circumstances of this case.
- 6.123 However, the totality of other harms, Green Belt and AONB, are substantial in quantum to the extent that they are overwhelmingly decisive in the final planning balance. These harms are not outweighed by the identified benefits of this scheme, particularly given the inherent problems with the scale of the proposed development at this sensitive location. It follows that very special circumstances do not exist to clearly outweigh the harm to the Green Belt and the other harms, and the development as a whole is in conflict with the adopted development plan and national policy. No material considerations exist of sufficient weight to make a decision otherwise in accordance with the development plan, and therefore the application is recommended for refusal.

7. Recommendation:

7.1 Refuse planning permission for the following reasons:

- 1 The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been

demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 142, 143, 152, 153, 154 and 155 of the National Planning Policy Framework.

- 2 The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs Area of Outstanding Natural Beauty through the introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 182 and 135 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.

Contact: Robin Gilbert

Appendix: Comments submitted on behalf of Wrotham, Platt, Borough Green, Addington and Stansted Parish Council

First Comments

1. Introduction

- 1.1 HIGHGATE Planning & Development Consultants have been instructed by an alliance comprised of Wrotham, Platt, Borough Green, Addington and Stansted Parish Councils, to review planning application 23/00681/OAEA for the construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100 sqm; creation of a new access to A20 via roundabout; landscaping and other associated works at Land Part Of Wrotham Water Farm, Off London Road, Wrotham, Sevenoaks, Kent. We have reviewed all the planning documentation associated with this application and write to strongly object to the proposal on behalf of our clients.
- 1.2 This objection should be read in conjunction with the following supporting documents:
 - Appendix 1 - Counsel Objection Letter prepared by Dr Ashley Bowes, Barrister, LLB, PhD
 - Appendix 2 - LVIA rebuttal prepared by Michelle Bolger Landscape Consultancy
 - Appendix 3 - Transport Assessment prepared by Les Henry Associates (these documents are available to view on the TMBC website)
- 1.3 This statement sets out a review of the planning documents and addresses the key relevant issues for the determination of the application. It concludes that the proposal is in fundamental conflict with the development plan and national policy, and that no material considerations exist to justify a departure from them. The alleged benefits identified by the applicants, when weighted against the substantial and demonstrable harm that would occur, are clearly and significantly outweighed by those harms, such that planning permission should be refused.
- 1.4 Chapter 1 of this statement sets out the introduction. Chapter 2 sets out the context and planning history of the site. Chapter 3 provides a brief overview of the development. Chapter 4 analyses the planning case put forward by the applicants, and demonstrates conclusively that it is fundamentally flawed. Chapter 5 turns to the overall planning balance and sets out our conclusions, having regard to all the evidence.

2. Background & Policy Context

- 2.1 The site lies on the western side of London Road within the Tonbridge and Malling administrative boundary, in the Parish of Wrotham. It is comprised of gently undulating fields that are undeniably rural in character, marked by hedgerows and small pockets of tree cover. It forms a continuous block of open

land that extends westward, bounded by the M26 motorway to the south. It is currently in agricultural use and totals around 6.5 hectares.

- 2.2 Within the immediate setting of the site there are significant concentrations of development, generally located on the opposite side of London Road. This includes the Nepicar Park commercial estate, and the recently constructed Oakdene Trade Park, both containing a range of B8 storage and distribution uses. These are designated as a Major Developed Site in the Green Belt.
- 2.3 In addition to this, there are some pockets of residential dwellings, including immediately opposite the site, as well as a petrol station and other commercial units along Gasoline Alley. To the north is a Grade II listed Pub, the Moat, and Grade II listed Moat Cottage.
- 2.4 The site lies wholly within the Metropolitan Green Belt, which washes over this area and includes the adjacent commercial sites on the eastern side of London Road. Additionally, to the east is the boundary of the Kent Downs Area of Outstanding Natural Beauty (AONB). There are no other relevant designations covering the site, which lies outside of a flood zone, SSSI, Conservation Area or settlement boundary.
- 2.5 Despite the presence of significant concentrations of development to the east and north, the site itself has a clearly different open and rural character, and stands in contrast to these built-up parts, as a buffer to the surrounding open countryside, limiting further incursion of development westward.
- 2.6 The site has notable planning history as far back as the early 90's. Under application reference 92/10028/OUT, a broadly comparable form of development comprising a motorist's service area, filling station, restaurant, shop, toilets, AA office, car & lorry parking was applied for. This development was dismissed on appeal and remains an important material consideration, which is discussed in subsequent sections of this statement.
- 2.7 More recently, a directly comparable application was made under reference TM/21/02648/OAEA, for more or less the same proposal. This application was refused by Tonbridge and Malling Borough Council (TMBC) for the following reasons:
 1. The proposal would constitute inappropriate development, harmful by definition, with a widespread and significant adverse loss of spatial and visual openness. It would further conflict with the purposes of including land within the Green Belt, by encroaching into the countryside, and no very special circumstances have been demonstrated to clearly outweigh this harm, in conflict with policy CP3 of the Tonbridge and Malling Core Strategy and paragraphs 137, 138, 147, 148, 149 and 150 of the National Planning Policy Framework.
 2. The development would harmfully erode the rural character and appearance of the area, and cause significant harm to the landscape setting of the Kent Downs Area of Outstanding Natural Beauty through the

introduction of substantial areas of built form, hardstanding and artificial lighting, in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document, paragraphs 176 and 130 of the National Planning Policy Framework, and policies SD1, SD2, SD8, and MMP2 of the Kent Downs AONB Management plan.

3. The proposal has not demonstrated that the development could be delivered without an unacceptable safety impact and severe residual cumulative impacts on the local and strategic highways network, in fundamental conflict with paragraphs 110 and 111 of the National Planning Policy Framework, and policies CP2 of the Tonbridge and Malling Core Strategy and SQ8 of the Managing Development and the Environment Development Plan Document.
4. The development would result in harm to protected species through the provision of inadequate compensatory habitat, in conflict with policy NE3 of the Managing Development and the Environment Development Plan Document and paragraphs 174 and 180 of the National Planning Policy Framework.
5. The proposal would harm the amenity of neighbouring properties from the overspill of headlights in conflict with policy CP7 and CP24 of the Tonbridge and Malling Core Strategy, policy SQ1 of the Managing Development and the Environment Development Plan Document and paragraph 185(c) of the National Planning Policy Framework.

2.8 It is presumed that this latest application seeks to address the reasons for refusal made in the previous scheme. This statement will demonstrate that they remain valid, and that no material changes have been made to the development that would justify a departure from the Council's previous conclusions.

3. The proposed development

- 3.1 We note that Moto Hospitality Ltd (the applicants) seek permission for a 24-hour truck stop facility for up to 200 HGVs, incorporating fuel station; amenity building of up to 1100 sqm and creation of a new access to the A20 via roundabout. The application is submitted in outline form, with all matters reserved except access. Indicative site layouts are provided, showing an extensive area of parking and large amenity / fuelling building, along with circulation space and internal roads.
- 3.2 Although the application is submitted in outline form, we consider it high likely that the development will be delivered with a layout very similar if not identical to the indicative plans provided. Since the access point is fixed in the parameters of this application, it seems inevitable that the 200 spaces will be located in the widest part of the site, the amenity building / fuelling area where the site is narrower, and balancing ponds at the lowest parts of the site for obvious reasons.

- 3.3 This means that a reasonable degree of confidence can be had in the likely end appearance of the scheme, even in the context of its outline nature, and having regard to the parameters sought in the description of the development.
- 3.4 A number of observations can therefore be drawn from the indicative layout in light of this. Firstly, it is noted that the lorry parking area is very close to the site boundary in several areas, with particular pinch points in the northern and eastern limits of the parking area. Even assuming some leeway to be resolved under the reserved matters stage, it does not appear possible to provide any meaningful level of landscaping or planting in these areas. The development would therefore be highly visible, at a minimum, from the adjacent fields to the north and west.
- 3.5 Secondly, the changes to the layout from the last scheme now include new verges in front of the adjacent residential dwellings (see below), on which the “headlight screens” would be installed. This appears to be in response to a previous reason for refusal by the Council, raising significant concerns over the impact of lorry headlights on the amenity of these properties, through light spillage during all hours of the night.
- 3.6 Whilst acknowledging that these are indicative arrangements, the Council’s Environmental Health Officer has already confirmed their necessity to make the development acceptable. Since the position of the residential properties is fixed, it does not appear possible to provide the screens in any other position or to anything less than the 2m height proposed.
- 3.7 Accordingly, reasonable conclusions can again be drawn that this element of the design is highly likely to remain consistent through the reserved matters phase. The layout shows a series of 2m high fences in a staggered arrangement on a highly prominent section of the road. They would undoubtedly represent a very poor design feature, screening off the frontages of the houses behind, in a visually conspicuous and incongruous manner.
- 3.8 In light of these observations, it is then necessary to consider the relevant planning policy considerations of the development as a whole.

4. Planning Assessment

- 4.1 This chapter sets out the most relevant planning issues for consideration of the development, in order to demonstrate clear policy conflict. Given that TMBC previously found some matters to be acceptable for the withdrawn scheme of a similar nature, this statement does not seek to re-open those issues which are unlikely to be considered differently in this case. This includes drainage, heritage impacts, archaeology and contaminated land.
- 4.2 The relevant considerations which we consider have not been sufficiently addressed by the applicant are therefore set out as follows:

- The principle of the development at this location, including the impact on the Green Belt, whether the development is appropriate, the effect on openness, and any conflict with the purposes of including land within it.
- The effect of the development on the character and appearance of the area / its visual impact, including on the setting of the Kent Downs AONB.
- The effect of the development on the amenity of neighbouring residential properties, by reason of noise, disturbance or light pollution, as well as the visual effects of the proposed headlight mitigation highlighted under chapter 3.
- The effect of the development on the safety and operation of the road network, including local roads and the strategic highway network, from trip generation and vehicle movements, and whether this would unacceptably affect highway safety, or whether it would lead to severe cumulative traffic build up.
- If the development would harm protected species, ecology or biodiversity, and if so whether adequate mitigation is proposed and if it can be delivered.
- If sufficient very special circumstances have been evidenced, such that the harm to the Green Belt, and any other harm, are clearly outweighed by the benefits of the scheme. This includes consideration of planning policy support for new lorry parks.

4.3 These matters are addressed in turn as follows.

Principle of the development / Green Belt

- 4.4 We concur with TMBC's previous conclusions that the development is unarguably inappropriate within the Green Belt, and note that this is common ground with the applicant who do not suggest otherwise. It is not considered necessary to repeat in full the relevant sections of the NPPF, save to say that paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.5 Paragraph 148 continues that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 4.6 There is also additional harm arising to the Green Belt beyond the inappropriateness of the development and resulting substantial loss of openness. This is because the proposal is also in conflict with at least one of the purposes of including land within the Green Belt, as described under paragraph 138 of the NPPF: to assist in safeguarding the countryside from

encroachment. Although this part of Wrotham may not be a “large built up area” it is contended that the need to check unrestricted sprawl is also a relevant consideration for assessing the effect of the development on Green Belt purposes.

4.7 Accordingly, it is considered that the proposal is in clear conflict with Green Belt policy. Even within the scope of the development sought at this outline stage, there would be significant harm to the Green Belt through

(1) the inappropriateness of the development,

(2) the substantial loss of openness from the new buildings, roads, extensive areas of hardstanding, the parking of up to 200 HGVs, and associated infrastructure including fences, retaining walls as required, and lighting.

Finally, harm to the Green Belt would also arise as a result of (3) conflict with the purposes of including land within it, through the sprawling encroachment of the development into the open countryside.

4.8 We consider that the harms arising from this conflict are significant and demonstrable. The principle of the development in this location is contrary to local and national policy on Green Belts, and must attract very substantial weight against the proposal.

The effect of the development on the character and appearance of the area / Kent Downs AONB

4.9 This objection is accompanied by Landscape Briefing Note 1 prepared by Michelle Bolger Landscape Consultancy (Appendix 1). This considers in detail the visual and landscape impacts of the development, including its effects on the AONB and its setting, as well as commenting on the visual impacts of the Green Belt and its openness.

4.10 The assessment notes that the site falls within the Kemsing Vale Landscape Character Area (LCA) and within the setting of the chalk scarp, which is integral to the experience of the AONB and a particularly important element of the local landscape that merits protection, as recognised by the Kent Downs Area of Outstanding Natural Beauty Setting Position Statement 2020.

4.11 The assessment recognises the existing detracting visual features within the setting of the site, including the adjacent industrial estate and other development, as well as the nearby M26 motorway, but notes this is relatively well screened.

4.12 The overall significance of the local landscape is judged to be medium, with some features consistent with a valued landscape. It undeniably forms a positive contribution to the setting of the AONB as a result of its open and rural character, providing a buffer and counterbalance to the detracting existing features within the locality.

- 4.13 It further notes the following harms arising from the proposed development in respect of landscape character:
- A representative part of the Kemsing Vale LCA would be lost.
 - The setting to the adjoining AONB would no longer be rural in character but urban. In this regard the development would exacerbate the degradation of the AONB setting which is one of the 'main landscape character issues' identified in the AONB Management Plan¹¹.
 - Attractive views south across the site from the southern edge of the AONB (along the A20) towards the rising wooded greensand slopes would be obscured by the development, including HGVs parked within the secure compound, and potentially mitigation planting.
 - There would be a cumulative impact in combination with existing developments on spectacular views out from the escarpment within the AONB. This impact is addressed in more detail below.
- 4.14 Furthermore, Green Belt visual harm is identified from loss of openness from hardstanding, parked lorries, associated movements and activity, and by the new buildings.
- 4.15 Finally, the following errors are identified within the applicant's submitted Landscape Visual Impact Assessment (LVIA), which fails to:
- Consider the relevant issues and aims identified in the AONB Management Plan or the actions for the Kemsing Vale LCA as part of its assessment of susceptibility.
 - Refer to the AONB Setting Statement or assess the development in relation to the specific matters highlighted in the Statement, such as the importance of views out from the scarp and the potential for cumulative impacts.
 - Assess the effect on the AONB resulting from the cumulative impact of development in views out from the escarpment.
 - Address the impact of the proposals on the openness of the Green Belt; nor
 - Whether the proposals would adhere to the purposes of including land within the Green Belt.
 - Follow best practice with regard to Assessing landscape value outside of national designations as set out in TGN 02/21 Assessing landscape value outside national designations, prepared by the Landscape Institute (February 2021).
 - Follow best practice with regard to the presentation of photographs and the provision of visualisations, as set out in TGN 06/19 Visual Representation of Development Proposals prepared by the Landscape Institute (September 2019).

- 4.16 We are extremely concerned about these obvious deficiencies within the LVIA, which does not form a suitable basis for considering the significant harms arising from the proposed development. It is considered entirely robust to reject the scheme on this ground alone, but at the very least, the applicant should be made to revisit the LIVA and provide an accurate assessment.
- 4.17 Even so, using the applicant's flawed LVIA as a starting point, by its own admission the residual effect on the local landscape and AONB (as separate receptors) would be moderate adverse and significant during the 'construction', 'operational' and 'decommissioning' phases (although it does not seem likely that the site would ever be decommissioned). It would be at least 15 years before the proposed landscaping could start to mitigate harmful effects, which is a very significant period of time in planning terms.
- 4.18 In the expert opinion of our landscape consultant, the proposed landscaping would be wholly ineffective, failing to mitigate the following clear landscape harms:
- The loss of a representative part of the Kemsing Vale LCA.
 - The change in character of the setting to the adjoining AONB from rural to urban.
 - The loss of attractive views south across the site from the southern edge of the AONB towards the rising wooded slopes of the Greensand Ridge, and in fact may itself contribute to the loss of these views if implemented as screen planting.
 - The cumulative impact in combination with existing developments on spectacular views south from the escarpment within the AONB.
- 4.19 Having proper regard to the submitted evidence, and the more accurate and robust conclusions of our landscape expert, the resulting harm to the rural character of the area, and setting of the AONB, would be permanent and substantial, and by virtue of the quantum and scale of development proposed, incapable of being mitigated against by increased landscaping. This is particularly the case given the cramped site boundaries indicated in the parameters plan, with minimal spacing at several locations where effective landscaping is unlikely to take hold.
- 4.20 The resulting conclusions in respect of landscape visual impact and the setting of the AONB, as supported by our expert advisor in this field, is that the proposed development would have a substantially harmful effect. It would not achieve the recommended actions for the Kemsing Vale LCA22 nor the landscape character aims set out in the AONB Management Plan.
- 4.21 It would exacerbate the degradation of the AONB setting which is one of the 'main landscape character issues' identified in the AONB Management Plan. The overall effect upon the local landscape, which includes the AONB and its setting, would be moderate adverse, and significant.

- 4.22 The development would result in moderate adverse, and significant effects on the visual amenity of people using the A20 and people using public rights of way within the AONB.
- 4.23 It is also noted that these were the conclusions of the Kent Downs AONB unit, both in respect of the previous scheme and this resubmission. Their comprehensive response raises a strong objection, and should be afforded great and considerable weight, as a statutory consultee. In particular, they highlight the failure of the applicant to acknowledge the sensitivity of key receptors on the Kent Downs escarpment, where public open access would routinely occur and the site would be very prominent.
- 4.24 They further note the significant harm that would arise from the 24-hour use of the site, which would need lighting all night, causing further visual intrusion to the setting of the AONB and erosion of dark skies within the locality. We support the objections of the AONB unit and agree with their robust findings.
- 4.25 It is also important to note these conclusions have already been tested on appeal, in 1992 under reference (92/10028/OUT). The inspector agreed that the similar development proposed then “would be a substantial intrusion into this open countryside with an adverse and unacceptable impact”. Whilst this decision may be of some vintage, we do not consider that there has been any material change in policy or the local landscape which would lessen the resulting harm to the open and rural character of the area, and AONB setting. If anything, the introduction of detracting commercial development opposite the site in more recent years only serves to increase the importance of protecting this area.
- 4.26 Accordingly, for all of the reasons set out above, there would be direct conflict with policies CP24 and CP7 of the TMBCS, SQ1 of the MDEDPD and paragraphs 176 and 130 of the NPPF. Additionally, there would be clear conflict with the principles and policies of the Kent Downs AONB Management plan, including policies SD1, SD2 and SD8, and MMP2.

Neighbouring Amenity

- 4.27 The key issue in respect of neighbouring amenity as identified by the Council in the last refused application related to light pollution from headlights sweeping past the windows of adjacent residential properties. Whilst the applicant now proposes a solution in terms of the 2m high fencing along the frontage of these properties, as noted above, it would appear as a highly incongruous feature within the street scene.
- 4.28 The development is therefore caught between two conflicting but equally important considerations and there appears to be no solution. The proposed mitigation to neighbours to prevent harmful loss of amenity results in harmful impact on character. Should these features not be progressed at the reserved matters stage, in order to reduce the visual effect of these discordant fences,

the proposed would then conflict with policies CP24 of the TMBCS and SQ1 of the MDEPDD, as well as paragraph 185(c) of the NPPF, which requires development to limit the impact of light pollution on local amenity.

- 4.29 There appears to be no obvious solution to this problem which we consider is further strong evidence that this location is simply unsuitable. This adds further weight to the already robust case to reject the application outright, or at least, the applicant should undertake further work to redesign the access in order to safeguard residential amenity without the resulting impact to the street scene.

Highways & Transportation

- 4.30 Transport Consultants Les Henry Associates Limited (LHA) have been appointed to review the applicant's submitted Transport Statement. Their report, which is appended in full to this letter of objection as Appendix 3, raises significant doubts over the veracity of the highways impacts of the development.

- 4.31 Firstly, LHA note a number of errors within the baseline evidence used to inform the traffic modelling. This includes:

- The dates for baseline traffic, opening year and 10 years post opening should be revised to reflect the delays to delivering the development as a result of the initial planning refusal
- Paragraph 8.2.1 of the TA refers to "proposed residential land use". It is unclear if this is a typo or a flawed date set being referred to
- inconsistency in the choice of traffic data used in the Traffic Impact as "WebTRIS data from 2019 is the most robust but surveys undertaken in 2021 are also utilised in the impact assessment
- In order to calculate the 2025 'with development' flows, the total development flows have been added to the 2025 base flows. However, the construction period, year of opening and subsequent future year assessment dates and therefore additional traffic flows used for the analyses are questionable

- 4.32 Furthermore, LHA go on to review the cumulative build up of traffic on key junctions in the area if the development is constructed. This is expressed as RFC (Ratio of Flow to Capacity) where 0.85 is generally the point where an arm of the junction reaches theoretical capacity and vehicle queues start to build exponentially. A figure of 1.00 indicates the section of road / junction is saturated with traffic and will in practice be blocked.

- 4.33 They find that the use of July 2021 surveyed traffic and vehicle queue data is not a robust basis to inform the modelling, and that up to date modelling data should be used. Furthermore, the results of the analyses predict substantial additional vehicle queuing on the M26 East arm of the junction which would extend some 600m from the give way line at the roundabout entry and a vehicle queue on London Road south approaching 250m in length for the 2031

“with development” scenario. This is of great concern to the Parish Councils, and strongly suggests a bleak long-term picture for traffic queues in the vicinity of the site.

- 4.34 Additionally, they raise significant concerns in respect of lack of TA modelling for the Oakdene Park development opposite the site. The increase in vehicles queuing shown in the results of the analysis is in fact 53pcu (nearly 320m) for the M26 East arm 2025 “with development” scenario when comparing the 2021 base year AM peak, and an additional 80pcu (480m) when comparing the 2031 with development scenario.
- 4.35 The queue lengths that are predicted are so long they would extend beyond the start of the westbound off-slip of M26 junction 2A and onto the nearside running lane. The modelling within the TA and the understanding of the results is therefore incorrect and unsound. This strongly points towards clear conflict with paragraph 111 of the NPPF.
- 4.36 The conclusions of LHA are that the additional vehicular traffic generated by the proposals would have a significant impact on the local highway network between M20 Junction 2 eastbound off slip/A20 London Road and M26 junction 2A.
- 4.37 The applicant has completely failed to consider traffic impacts for five junctions and only conducted a wholly inaccurate analysis the M26 J2A where even so, significant vehicle queuing is predicted in all scenarios.
- 4.38 The PCU value for HGV’s used for the traffic modelling is also incorrect and should be increased from 2.0pcu to at least 2.3pcu, but preferably 2.5pcu for robustness.
- 4.39 Finally, the Transport Assessment relies upon a number of different traffic surveys from several different years and locations, and cannot therefore be truly representative of existing, predicted additional traffic flows and post development traffic scenarios. The opening year for the development has been incorrectly stated as being 2025, which is highly unlikely given the delays to a consent thus far and the level of highways improvement works needed. Subsequent future year for traffic impact assessment have been incorrectly identified as 2031.
- 4.40 The significant impact from the proposed development in terms of capacity and congestion and highway safety across the wider local and strategic highway network has not been accurately identified, and it is therefore unclear whether the impacts of the proposals can be effectively mitigated to an acceptable degree.
- 4.41 The highways acceptability of the scheme is clearly fundamental to the principle of the development, and goes to the heart of the acceptability of the scheme. The report prepared by LHA identifies numerous evidential errors and flaws in the approach undertaken in the applicant’s TA, such that it cannot

be relied upon as a robust basis to consider the likely highways impacts of the development.

- 4.42 It is therefore imperative that the Council adopt a precautionary approach to the scheme. A failure to do so could have dire consequences for the safety and operation of the highway and strategic road network in the area. We consider that permission should be refused; or at the very least, extensive further work carried out to address the serious defines within the TA.
- 4.43 Concluding on this matter, the development would remain in direct conflict with paragraph 111 of the NPPF, Policy CP2 of TMBC Core Strategy and Policy SQ8 of the MDE DPD.

Protected species, ecology and biodiversity

- 4.44 The submitted ES notes a loss of some 1,031m² of Dormouse habitat, of which 686m² is identified as good quality habitat. The majority of this is on the frontage of the site along London Road, which would be destroyed by the installation of the new access points. Habitat retained on this frontage would be highly compromised and fractured by the increased activity on the site, including light pollution, additional noise, HGV movements, litter and general activity. The report does not adequately consider these impacts on the inherent vulnerability of this species to habitat fracturing.
- 4.45 Furthermore, whilst the ES proposes additional areas of new planting, the impact of activity from the site on this species has been ignored. The ES specifically notes that “No studies have been undertaken on the impact of lighting on dormice” (Paragraph 5.5.23 – ES Chapter 5 – Ecology). Accordingly, it is not possible to determine whether the compensatory habitat, including linked habitat around the periphery of the site, is suitable to compensate for the substantial loss of existing good quality Dormouse habitat that is currently not subject to 24-hour lighting. No confidence can be had in the applicant’s Biodiversity net gain figures as a result.
- 4.46 It is of great concern that this matter has still not been properly addressed, despite it being a reason for refusal with the last application. We consider that there is simply no workable solution to the impacts of the development on this important protected species. The applicant’s own ES concedes that without mitigation the operational effects would be a “long term, major adverse effect” at site level and significant at the local level. Since the proposed compensatory habitat remains unsuitable, there would inevitably be serious adverse impacts on the Dormouse population.
- 4.47 In conclusion, the applicant has again failed to demonstrate that protected species would not be harmed. The application remains in conflict with policy NE3 of the MDEDPD, and paragraphs 174 and 180 of the NPPF.

5. Conclusions & Planning Balance / Very Special Circumstances

- 5.1 We have identified significant policy conflict in respect of Green Belt, the AONB and its setting including the character of the area, highways impacts, and harm to protected species. National policy is clear that harm to Green Belt cannot be justified unless very special circumstances (VSCs) exist to clearly outweigh both the harm to the Green Belt and any other harm.
- 5.2 These cumulative harms are very substantial and we do not consider that the applicant has demonstrated anywhere close to sufficient VSCs to outweigh the totality of this harm.
- 5.3 The applicant's case on this matter is essentially that there are no other suitable sites which could deliver the development. They point to the adoption of Department for Transport Circular 01/2022: 'Strategic road network and the delivery of sustainable development' (the 01/2022 Circular), which explains at paragraph 81 that "the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles". We note that the circular expresses that HGV parking / truck stops "should" be no more than 14 miles apart, but does not mandate this as an absolute policy requirement sufficient to set aside all other considerations. Additionally, the NPPF, as the primary source of planning policy at a national level, has not been updated to demand such an outcome.
- 5.4 This is relevant because it is clear that whilst a 14-mile maximum distance between rest stops is clearly desirable, there is nothing in national or local policy which strictly requires this at the expense of all other policy considerations. To put this another way, if the only location for a new truck stop to prevent a gap longer than 14 miles was on the site of a Grade I Listed building, or scheduled monument, or Site of Special Scientific Interest, it would not be the case that all of these highly important designations must simply give way to a new lorry park, regardless of the resulting harm. This matter is fundamental to our objection, and the review of the applicant's VSC case must be seen in this context.
- 5.5 The applicant's "assessment of alternative sites" (AoAS) focusses purely on the distance between Thurrock Services and Maidstone Services, which is stated to be a 31 mile / 36 minute drive. We note that whilst this exceeds guidance in the DtF circular, it only represents roughly 15 minutes additional driving time above the optimum 14 mile gap. This is clearly not a severe or exhaustive distance such that the health and safety of HGV drivers is in immediate risk, and there is no evidence supplied to suggest this is the case.
- 5.6 Additionally, the assessment fails to quantify the number of spaces required for HGV stop overs between this gap: every HGV does not need to stop at every 14-mile interval. If there are HGVs in need of a rest stop between this gap, the onus is on the applicant to quantify this in order to demonstrate the scale of the need, but no such quantification exists. The statement at paragraph 3.8 of the AoAS is jumping to an extraordinary conclusion

unsupported by evidence, and we would like to understand how many further HGV stops would be needed across the countries motorway network (and in Kent) if this was to be applied as rigidly as suggested by the applicant.

- 5.7 Furthermore, the applicant provides no evidence on what other truck stop facilities exist in the area. Whilst it is acknowledged that there is no local facility of the same scale as being proposed, there is also no evidence to suggest this is the only solution to address the gap between Thurrock and Maidstone services. Smaller local truck stops already exist in the vicinity, and without any quantification of need or the demand for particular services, there is no justification to conclude the only solution is a development of the scale envisaged. The circular simply refers to some form of rest stop, be it service areas, rest areas or just a roadside truckstop. Nothing relied upon by the applicant mandates a facility of this scale being provided in this location.
- 5.8 The assessment of alternative sites remains a flawed and cursory exercise designed only to support the applicant's existing site at Wrotham. Each broad area of search between Thurrock and Maidstone Services is extremely high level, does not bother to examine individual areas of land, does not explore all three alternative opportunities for HGV parking (including smaller scale facilities) and dismisses wide areas without any real analysis. For example, the area of search around M20 – Junction 7 shows numerous parcels of land. Whilst it is accepted many of these will not be suitable, no specific sites within this area are reviewed, and the area is instead dismissed with only the following explanation: "All land within the 2-mile radius surrounding Junction 7 of the M20 is situated within the Kent Downs AONB. To the south, the land immediately adjacent to the junction is occupied by existing development at Eclipse Park and Newnham Court Shopping Village. Land to the east and southeast of the Shopping Village is accessed via B roads. To the west and south-west, the A249 routes through established residential areas in the suburbs of Maidstone. For these reasons, it is concluded that there are no suitable sites for truckstop development at Junction 7 which can help meet the need for HGV parking facilities between Maidstone Services and Thurrock Services."
- 5.9 This is nowhere near robust enough to draw any meaningful conclusions from, and the remaining assessment of other junctions continues this theme. For example, A282 – Junction 1b is ruled out because it is "much more densely populated by existing development than the land at Junction 2, which limits the number of sites that could be utilised for truckstop development." No specific analysis of land parcels within this area is provided, so it remains impossible to know if potential sites were excluded for robust reasons. It is particularly concerning that the applicant clearly has a vested interest in bringing their own site forward, and so would not be expected to identify other land that would compete with it or weaken the case for the development of their preferred site. The entirety of the AoAS is a circular exercise designed only to support the proposed development. Rather than starting from the basis of identifying the best location for a new truck stop, it strongly appears that the applicant has their

chosen site under option for many decades, and simply tailored the evidence to support it being the only choice.

- 5.10 In subsequent sections of the AoAS which drill down into individual land parcels within the applicant's preferred area of search, which curiously aligns with the area in which the proposed site is located, parcels are again discounted for trivial reasons without proper analysis. For example, Land North-West of Junction 2 of the M25 is ruled out for the following reasons:

"Precise gradients are not available at the time of writing however the A282 does look to be on an incline and careful checks would be required to confirm if this is in excess of the 8% maximum (para 10.1.2 CD169)."

"Due to the difficulties associated with providing an efficient access, with efficient routing to the SRN, this site is discounted from further consideration for truckstop development"

- 5.11 The applicant is already proposing major changes to the road network to facilitate the development of the application site. It has not been robustly demonstrated why similar changes at this site could not overcome the constraints identified, or whether a smaller scale development could be delivered instead. Other sites are further ruled out for exceeding the desired 14-mile distance from Thurrock Services, without regard to the policy constraints, scale or type of need, or resulting harm from the applicant's preferred site. We strongly contend that the AoAS is not a robust sequential exercise but a single issue assessment designed solely to support the developer's existing site in Wrotham.
- 5.12 Once again, the developer has wholly failed to demonstrate that this location is the only possible option for delivering a truck stop. This is fundamental to the entirety of their VSC case, and since this is not robustly demonstrated, the resulting harms do not come close to being clearly outweighed.
- 5.13 Other matters raised by the applicant as a cumulative evidence of very special circumstances include repeated references to overnight illegal lorry parking in Kent (Figure 10: Table from KCC's Overnight Lorry Parking Survey 2019 in the applicant's planning statement). We note this survey is significantly out of date and indicates that the most pressing areas of need are Canterbury and Swale, far away from Tonbridge & Malling. This evidence is not considered to assist with the VSC case, and the references to a critical saturation in overnight HGV parking in Kent is so broadly dispersed geographically that this does not provide any meaningful justification for meeting this need here.
- 5.14 Equally references to environmental harm and incidences of anti-social behaviour from unauthorised parking are not quantified or specific enough to add any meaningful weight in favour of the scheme. This is simply anecdotal evidence. No specific examples relative to this area, or even Tonbridge and Malling Borough, have been provided.

- 5.15 In consideration of the substantial quantum of cumulative harms identified, we firmly contend that the applicant has failed to demonstrate anywhere close to approaching VSCs sufficient to outweigh this level of harm. The policy conflict arising from the development is so compelling that the inevitable conclusion is that this is simply not an appropriate place for a facility of this scale. The applicant's case rests almost entirely on the desirable 14 mile gap between HGV services, and fails to recognise that this is but one policy consideration to be weighed against the resulting harms, and that the circular does not mandate that a facility of this scale must be provided in every gap.
- 5.16 This is particularly important here because Thurrock and Maidstone Services are both large facilities of comparable scale to that being proposed. The circular does not require facilities of this scale at every 14-mile motorway interval, only that there is space for HGVs to stop. The scale of the required facilities must be informed by clear evidence on their need, which the applicant has failed to do. Therefore, the harms arising to Green Belt, AONB, ecology, and highways operation are so extensive that the broad need for HGV parking in Kent is significantly and demonstrably outweighed.
- 5.17 Finally, due to the inherent flaws with the applicant's AoAS, there is no justification for this level of policy harm in this location, when other, less harmful sites have not been properly ruled out, including those of a smaller scale providing more intermediate services between the larger stops at Thurrock and Maidstone. A refusal of planning permission for this scheme would be robust and readily defensible and enable the applicant to properly focus on less harmful alternatives elsewhere.
- 5.18 For the reasons set out within this statement, it is therefore requested that planning permission is REFUSED.

Second comments submitted on behalf of Wrotham, Platt, Borough Green, Addington and Stansted Parish Council

1. Further to our previous objection letters concerning this matter, we have once more been instructed by The Parish Councils of Wrotham, Platt, Borough Green, Addington and Stansted to review the additional documents and reports submitted by the applicant in relation to planning application 23/00681/OAEA for the construction of a secure 24 hour truck stop facility for up to 200 HGVs incorporating fuel station; amenity building of up to 1100sqm.
2. The additional reports provided comprise of the following, submitted to the Council on the 18th of December 2023:
 - Alternative Sites Assessment – Supplementary Report
 - Audit Response
 - Forecasting Report
 - Local Model Validation Report
 - Technical Note – Jacobs Engineering

- 3 The focus of this letter is on the Alternative Sites Assessment and our understanding of the Council's position to date. Separately, attached as Appendix 1, Les Henry Associates have reviewed the additional transport & highways related documents, and provide their own separate commentary. This letter of objection should be read in conjunction with their report.
- 4 Additionally, all matters raised in our original objection letter dated 28/06/2023 remain valid and should continue to be considered by the Council in the determination of this application.
- 5 Since the submission of the original objection, Areas of Outstanding Natural Beauty have since be renamed "National Landscapes", and from the 26th of December 2023, a new statutory duty has come into force. This duty says that all "relevant authorities" (including local planning authorities), "must seek to further the purposes" of the designated landscape; for National Landscapes, this purpose is conserving and enhancing natural beauty.
- 6 This duty features in Section 245 of the Levelling-up and Regeneration Act 2023, which gained Royal Assent on 26th of October 2023 and overrides and strengthens the previous duty to merely "have regard" to the purposes. The implications of this will be considered in further detail later.
- 7 On the 23rd of August 2023 the applicant provided a "rebuttal" letter in response to our original objection, which clear concerned them and demonstrates the strength of the arguments it made against the proposal. Having reviewed the rebuttal letter, it does not appear to have meaningfully addressed the numerous deficiencies we highlighted.
- 8 However. we do note that the applicant appears to concede on page 5 that "[if there is] a gap in excess of 14-miles, then, as per the Circular, this is sufficient to demonstrate a requirement for a HGV parking facility", but not that the circular requires a HGV parking facility to be anywhere near the scale proposed. This is discussed in further detail below.

Alternative Sites Assessment

- 9 The supplementary Alternative Site Assessment (ASA) is prepared by SmithJenkins on behalf of the applicant, and explains that Council officers consider that alternative sites should not be discounted purely on the basis of Council policy CP5 (strategic gap), since it is considered to be out of date. It is stated that Policy CP5 would not, in principle, be sufficient grounds to exclude a site from consideration of its suitability to accommodate HGV parking.
- 10 Having robustly examined this document in detail, in respect of its contribution to the applicant's case, we consider that it is grossly deficient, for the following numerous reasons.
- 11 The assessment is underpinned by the same fatally flawed assumption that infects the entirety of the applicant's case, and has been previously highlighted in

our initial objection letter dated 28th June. This is the contention that because the Transport Circular 01/2022: “Strategic road network and the delivery of sustainable development” (the 01/2022 Circular) recommends no more than a 14 mile gap between HGV rest facilities, that their application should be allowed regardless of planning harm or failure to consider alternatives, including HGV parking of a lesser scale.

- 12 As we have previously pointed out, this is but one consideration to be balanced with all other material planning matters, and is not binding policy or legal statute. Furthermore, the circular in no way whatsoever mandates that the scale of the HGV parking facilities every 14 miles must be of the size proposed by the applicant.
- 13 The ASA maintains these fatal errors because it is critical to the case the applicant is trying to make to justify the development of this site. It is a plainly a deliberate error that the applicants are almost certainly aware of, but maintain this stance nonetheless in an attempt to misdirect the Council into supporting their application.
- 14 To be clear, the circular simply states that “the maximum distance between motorway facilities providing HGV parking (being service areas, rest areas or truckstops) should be no more than 14 miles”. To comply with the circular, facilities provided could be as simple as a small area for truckstops, particularly given that large service areas are provided in roughly 14-mile intervals in either direction of the site at Clacketts Lane, Maidstone Services and Medway Services, and slightly further away at Thurrock Services to the north.
- 15 There remains absolutely no justification to provide a fifth facility of this scale in relatively close proximity to these existing large service stations, that already provide a full range of HGV rest stop facilities, including overnight / 24-hour parking, amenity buildings / shops and fuelling. If these existing service areas were more basic and only provided small stopping areas, then the applicant’s case might have more credibility, but that is not the case.
- 16 As we have consistently maintained since our first objection, the applicants have fundamentally failed to quantify the actual need and type of demand for motorway facilities providing HGV parking of this scale in this location. They have proposed this development not because of any genuine evidence based need for yet another large- scale HGV service station, but simply because this is the most commercially lucrative type.
- 17 Whilst the applicants have suggested The Kent Overnight Lorry Parking Survey (2019) demonstrates a need, we cannot accept that argument. As already noted in our initial submissions, this survey is substantially out of date, covers the whole county of which several other authority areas display far higher need, and no evidence is provided for subsequent years, which are only anecdotally mentioned in the planning statement, with no information on when the surveys were conducted, or what the levels of overnight parking were.

- 18 It also suggests that these are examples of “inappropriate” overnight parking, but does not quantify the location, duration of stay, and fails to define “inappropriate”. Later commentary in the report then omits any further reference to it being a count of “inappropriate” parking. It is not clear if these were lorries simply having a short break, or how long they remained there, or longer-term trends given the very brief window the survey was conducted for in 2019.
- 19 Ultimately this data, which is by no means robust enough to draw firm conclusions from, still fails to justify a facility of this nature. There is no evidence that the existing overnight facilities at Clacketts Lane, Maidstone Services, Medway Services, or Thurrock Services were at capacity at this time. If they were not, then this is simply a matter of increased awareness of suitable overnight stopping facilities, and more pro-active enforcement. The evidence provided to date fails to ask these important questions.
- 20 Compounding this failure is any analysis of existing truck stop facilities in the area that already provide a reasonable place to stop, and therefore already satisfy the 14-mile desirable distance espoused in the circular.
- 21 In fact, we are aware of several existing locations in the area that provide a place for HGVs to stop as a rest area, before being able to travel on to the larger service stations mentioned above, if necessary. This includes large stopping areas on both sides of the A228 / Castle Way between Leybourne and Snodland, which are also frequented by hot food trucks providing services to passing HGV and other traffic. This area is no more than 18 miles from Clacketts Lane services, 10 miles from Maidstone Services and 15 miles from Medway services.
- 22 The suggestion advanced by the applicant, that the Green Belt and National Landscape must be shattered by the proposed development to provide yet another large-scale HGV service facility just to save a maximum of 4 miles of additional travel above the desirable distance set out in the circular’s guidance, is a case entirely without merit.
- 23 Additional truck stop areas are also found adjacent to the Lower Bell, 201 Chatham Rd, Blue Bell Hill, Aylesford ME20 7EF, with several large HGV suitable parking bays often frequented by lorries. This area is approximately 20 miles from Thurrock Services, an additional journey time of 5 minutes above the desirable 14-mile limit described in the circular. It again provides an area for respite if required, with larger services located at Medway Moto just 10 minutes further drive, or Maidstone Services 9 miles away.
- 24 These are but two examples of existing truck stop facilities in the area (a third small stop area exists just to the south of the site on the A20, Wrotham Heath, Sevenoaks TN15 7RX, also frequented by hot food trucks). There are undoubtedly additional similar facilities of varying scale across the Kent County, and whilst they may not deliver the full scale of service facilities

proposed in the development, it is very clear that the circular does not require them to.

- 25 In this context, the additional ASA is totally flawed since it is predicated on this fundamental error that the 14-mile gap must be filled by a facility equivalent to the scale proposed. This immediately enables the applicant to discount virtually every other site that could well provide a perfectly adequate rest area or truck stop, just not a fully- fledged service station (although even the conclusions on that are dubious). It is small wonder that the applicant's additional ASA has only considered one remaining parcel of land, which is nonetheless swiftly and conveniently discounted anyway.
- 26 Instead of this essentially pointless circular exercise, the applicant must be compelled to first examine and quantify the actual scale of need for truck stop facilities in this area, having regard to the proximity of 4 major service stations already present on the surrounding motorway network, and in the context of numerous smaller, informal rest stop areas which nonetheless provide an area of respite in accordance with the varied need for such facilities set out in the circular.
- 27 This must also include an assessment of the number of vehicles actually needing to stop in this area, who have otherwise not been able to stop at any of the four major services stations mentioned before, and explain what the need for their stop is and what facilities are required. This is because not every HGV driver will need full overnight services, amenity buildings or fuel every 14 miles, even if they are required to take a break in this area. Drivers can make an informed decision about the type of stop they wish to make and plan their route accordingly. There remains a total absence of justification for the scale of facility proposed.
- 28 We therefore maintain that providing additional information simply due to Council policy CSP5 being out of date misses the mark entirely. We note that paragraph 1.5 of the ASA focuses on the 31-mile gap between Thurrock and Maidstone Services, again failing to quantify what number of HGVs need to stop in this gap and what level of facility they require. It also fails to explain what percentage of HGV's instead route along the A2 / M2 corridor towards Dover, where they can instead make use of Medway Moto Services, just 24 miles from Thurrock, and hardly a materially harmful additional distance above the guidance in the circular.
- 29 As already noted, paragraph 1.6 maintains that the "gap" between Clacketts Lane and Maidstone Services can only be bridged by a facility of this scale, without evidence, and fails to account for existing truck stop and rest areas already present in the area, including those highlighted previously. The ASA continues to be completely flawed for these reasons.
- 30 Paragraph 1.8 of the ASA describes a highly selective set of criteria by which other unmentioned sites have already been discounted. This includes those within a Flood Zone, "land that is currently subject to a live planning

application for non-truckstop related development” (which by no means suggests an approval or that it would be unavailable for alternative truck stop development), “Land allocated for a conflicting type of development/purpose in the relevant Development Plan” (without considering whether the case for a truckstop here would amount to a material consideration sufficient to outweigh the presence of an existing allocation), and “Other significant environmental designation/constraint (e.g. Sites of Special Scientific Interest (‘SSSIs’), woodland)”.

- 31 Additionally, for reasons that are not made clear, the ASA does not exclude land within the setting of National Landscapes, which is strongly considered to be a constraint of principle importance equivalent to SSSI’s or heritage assets, which are left out of the assessment. Neither is Green Belt land excluded, with the assessment failing to undertake a sequential approach by first considering non-Green Belt alternatives.
- 32 In truth, the reasoning for this is obvious: because such an approach would not support the development of the applicant’s preferred site, which we understand has been held under option for several decades. This simply confirms that rather than properly considering all reasonable alternative sites first, they have instead started with their desired site then sought to manipulate the evidence in favour of it.
- 33 The sole remaining site considered in this additional ASA report is Land South-West of M20 Junction 5, and it is noted that the applicant’s own assessment confirms it is suitable for the proposed development in respect of highways and road connectivity. It is also likely that a lesser form of truck stop development that would still accord with the circular could also be accommodated here.
- 34 The ASA goes on to consider distances between this site, nearby service stations and the preferred site, before concluding at paragraph 2.20 and 2.21 as follows:

“Regarding the gap between Maidstone Services and Thurrock Services, both sites satisfy the 14-mile distance requirement from Maidstone Services. However, both fail to satisfy the 14-mile spacing requirement to Thurrock Services ie. the distance in each case exceeds the maximum 14-mile distance set out in Paragraph 81 of the Circular and therefore a gap in excess of 14 miles remains. However, in determining which site equalises the distance between the two service areas, Land West of A20 falls approximately 18-miles away from Thurrock Services while Land South-West of M20 Junction 5 lies approximately 25-miles away.

Turning to the route between Maidstone Services and Clacket Lake Services, Land West of A20 eliminates the gap entirely. In contrast, Land South-West of M20 Junction 5, while able to satisfy the gap from Maidstone Services, leaves a gap of in excess of 20-miles to Clacket Lane Services.”

- 35 This is an absolutely nonsense single issue assessment, predicated purely on the desirable distance between service stations mentioned in the circular, as though all other planning considerations and policy designations were irrelevant. We note for example that this site is not within the Green Belt or the setting of the Kent Downs National Landscape, which immediately makes it vastly more sequentially preferable with far less resulting harm than the current scheme. Yet the ASA makes no mention of this at all, attributing these considerations no weight, and maintains that the applicant's existing site should still be preferred.
- 36 There is no credibility at all to this approach, and even considering the current distances advanced by the applicant, none of these are significantly in excess of the distance preferred in the circular. Were this site to be developed for a truck stop instead, the additional mileage amounts to +11 miles from Thurrock Services and + 6 miles from Clacketts Lane. In real term driving distances, for a lorry going just 55mph (still relatively slow), this would be roughly 12 and 6 minutes respectively. There is no evidence that this negligible extra distance would result in demonstrable harm to the health and wellbeing of HGV drivers in the area, or that this scale of development is justified in the Green Belt and setting of the national landscape as a result.
- 37 Added to which, it has already been noted that this fails to consider smaller intermittent truck stops in the area, and deliberately omits the broader range of acceptable truck stop facilities described in the circular. Accordingly it is not possible to confirm that the stated gaps between existing HGV parking places are accurate, since there may be smaller rest stops between these, rendering this gap non-existent. This is again symptomatic of the applicant's careful and deliberate approach of excluding evidence that does not support their case.
- 38 Furthermore, we have previously drawn your attention to appeal decision APP/F1610/W/22/3306694 - Land at Ermin Way Farm, Gloucester Road, Stratton, Cirencester, Gloucestershire GL7 2LJ, for an almost directly comparable form of development in a similar context that was rightly dismissed by the Inspector.
- 39 Despite the applicant's attempts to assert differently in their rebuttal letter, the inspector in this appeal fully vindicates the arguments being made in both our original objection letter and in this statement, particularly regarding the following:
- "Whilst some of these [existing truck stops in the area] do not provide a full range of facilities, they are capable of providing a respite area for drivers, who can then carry onto one of the larger stops located within the vicinity of the distribution centres and regional hubs." (Paragraph 28)
- "The Circular looks at the ideal spacing distances for the operation of the network in relation to the provision of road side facilities which are served by signage. Whilst a lack of spacing along the route would be a failure to comply strictly with the Circular, it is one document which I am required to have regard

to. The Circular is intended to be read alongside the Framework and to be applied having regard to all other material considerations, as set out in paragraph 8 of the Circular.” (Paragraph 33)

“It is not possible to conclude that no alternative site would be suitable outside the AONB, or indeed that the requisite break period could not be satisfied through an alternative method, such as a two-site approach.” (Paragraph 41)

- 40 The inspector was wholly unpersuaded by the argument that he had no choice but to allow the development, regardless of harms arising, just because the circular prefers a 14-mile gap between HGV parking areas.
- 41 In summary, the additional ASA report adds nothing to the applicant’s case, and indeed, serves only to highlight the consistently flawed approach with their reasoning present since the original submission. It purports to be a comprehensive assessment of all other reasonable options but in truth does no such thing, with a highly selective search criteria that excludes some policy designations but not others, then misinterprets the circular on scale of facility required and desirable separation distances between truck stops.
- 42 It further places no weight on developing non-Green Belt land or land outside the setting of a National Landscape in favour of a site subject to both of these designations. On that basis and having regard to all of the matters raised in this letter, the very special circumstances case remains fundamentally flawed, coming nowhere close to justifying the totality of Green Belt, landscape and other identified harm.

Traffic & Highways

- 43 Les Henry Associates have reviewed the additional transport relating documents and set out their full conclusions in Appendix 1. In summary, they find that the traffic counts were undertaken during lockdown, and so cannot be representative of the true traffic flows using that part of the highway network.
- 44 Additionally, the results predict substantial additional vehicle queuing on the M26 East arm of the junction, which would extend some 600m from the give way line at the roundabout entry and a vehicle queue on London Road south approaching 220m in length for the 2031 with Development scenario. This strongly points towards severe unacceptable highways harm from cumulative impact.
- 45 Insufficient data has also been provided to confirm the highways impact on the Whitehill Roundabout (A20 London Rd/A227 Borough Green Rd/M20 On-slip; and A20 London Road (NW&SE)/A227 Gravesend Road. Les Henry Associates confirm that due to the existing levels of congestion at these junctions, the development would have a considerable impact in terms of operation and would adversely affect highway safety.

- 46 It is therefore considered that the additional transport information does nothing to properly address the significant concerns over the effect of the development on highways safety and operation

National Landscape

- 47 As noted, the Government has strengthened the protection afforded to AONB's by renaming them national landscapes, and imposed a new statutory duty on public bodies, including the Council, which must actively "seek to further the purposes" of these special areas. This provides a new positive and proactive duty, beyond the previous statutory function to merely "have regard" to them.
- 48 It is considered that this is a clear demonstration of the heightened importance of national landscapes, above even the strong protections already in place when they were AONB's. The statutory duty of the Council to further the purposes of national landscapes is irreconcilable with the consequences of the development, which as already set out in our initial objection, would be irreversibly harmed by the proposal. The applicant has failed to address these concerns or provide any effective counter to the robust and powerful arguments raised by the Kent Downs AONB Unit (as it was) and our earlier submissions supported by an LVIA rebuttal from Michelle Bolger Landscape Consultancy.
- 49 All our original objections on this matter remain valid and are only strengthened by the new statutory duty now in force. The totality of harms arising from the development to the setting of the Kent Downs National Landscape can only lead to refusal of planning permission.

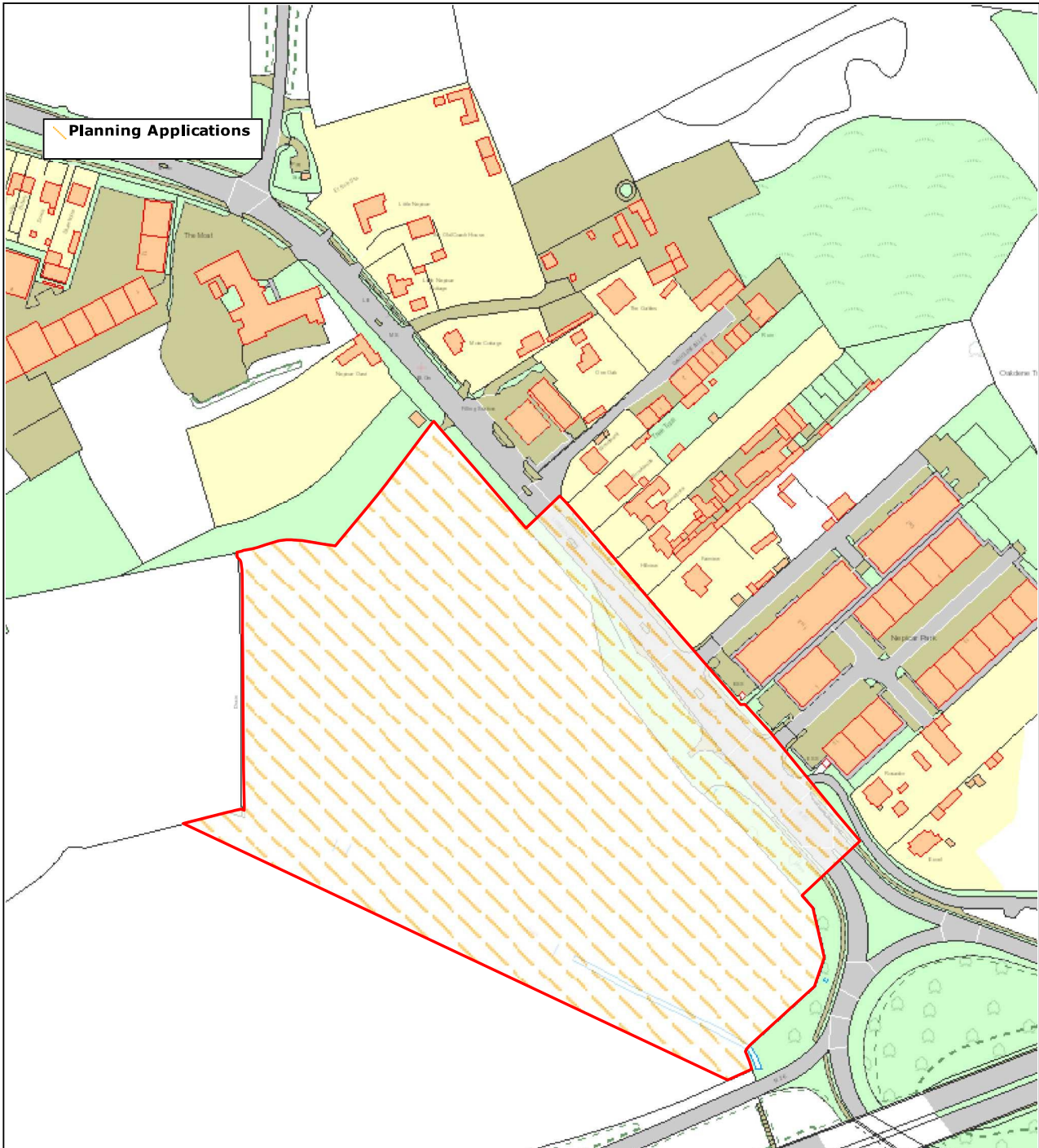
Other Matters

- 50 We have seen no evidence that the other matters raised in our original objection letter have been properly addressed by the applicant. Our concerns remain on the visual effect of the "headlight screens" which are of poor design, the impact of 24-hour lighting on the national landscape and the incompatibility of the landscaped areas around the site periphery for suitable replacement ecology habitat. Concerns remain in respect of the highways issues, which are addressed by Les Henry Associates in Appendix 1.

Conclusion

- 51 In conclusion, despite the additional material provided by the applicant, the case for the development remains deeply flawed and fundamentally in conflict with the Local Plan and national policy. All the arguments being advanced have already been tested and dismissed on appeal by the Inspector for the appeal APP/F1610/W/22/3306694 - Land At Ermin Way Farm. It is inevitable that this proposal will end with the same outcome.
- 52 We urge the Council to have due regard to the substantial body of policy, evidence and public opinion weighing against the development. For the

reasons set out within this statement, we strongly maintain that planning permission must be REFUSED



Planning Applications 23/00681/OAEA

Scale: 1:2500



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East Malling and Larkfield
East Malling, West Malling
and Offham

21 February 2024

TM/23/01960/FL

Location: Garage Block Rear of 1 To 7 Morris Close East Malling West Malling Kent

Proposal: Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00860/FL)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing two rows of garages and the construction of a terrace of three 3-bedroom two-storey dwellinghouses, alongside associated car parking to serve the dwellinghouses and re-configured car parking within the close to serve the existing residents and new dwellinghouses.
- 1.2 The proposed terrace shall front onto Morris Close, with one property having two driveway spaces provided on a tandem basis, with the other properties having their parking within the close, but on an unallocated basis. Parking for existing residents shall remain within Morris Close, with a total of 16 spaces being provided in the close, as well as spaces for ad-hoc parking on the access road.
- 1.3 The proposed dwellings shall have a gable roof, with the gables to the north and south elevations. The materials are proposed to comprise of buff brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes.
- 1.4 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the new gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. Refuse bins are to be stored to the front of each property.
- 1.5 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH 'Everyone Deserves a Roof Over Their Head' to provide wholly affordable housing for rent. The buildings proposed will be modern methods of construction (MMC) with the homes being largely manufactured off-site. The homes are designed to be zero carbon in operation.
- 1.6 The dwellings are designed for the higher adaptable Part M4(2) standard and to provide step free access. The homes exceed national space standards and follow

inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Michelle Tatton to enable the committee to consider the impact of the proposals in relation to parking provision, highways and the density of development.

2. The Site:

2.1 The application site is located within the urban confines of East Malling, within the Winterfield Lane public sector housing estate.

2.2 The Winterfield Lane Estate represents a later phase of post-war public-sector housing based on the Radburn principles. The area is designed around a central footpath flanked by communal open space which runs north/south with footpaths leading off at right angles. Two storey low height with shallow pitch roof terraced properties line and face onto this central space with other short terraces of houses leading off from this. The central landscaped section of the development is not accessible to vehicles, and therefore exhibits a quieter character. An extensive network of footpaths crosses the site. Glimpses of the North Downs can be seen to the west from the footpaths. Vehicular access is via a ring road around the periphery of the development, with short cul-de-sacs leading off either side to communal car parking and garage blocks. To the south of the area, along the boundary with Chapman Way, there are three storey town houses.

2.3 The application site is to the south of Dickens Drive, the A20 and a tree belt which separates the two roads. It is west, north and east of three terraces of houses, which are predominately owned by Clarion housing association. 1-8 Blatchford Close (south of the site) front onto Morris Close, whilst 1-7 Morris Close (east of the site) and 12-20 Dickens Drive (west of the site) have their rear elevations overlooking the development site. The adjoining houses along Morris Close and Blatchford Close are finished in red brickwork and grey concrete roof tiles, with white UPVC windows, whilst the properties on Dickens Drive are finished in buff brickwork. Boundary treatments currently comprise of low-level metal railings or timber fences to the front gardens, with rear gardens comprising of close-boarded fence panels and the brickwork walls of garden outbuildings.

2.4 The site is relatively flat and contains the cul-de-sac of Morris Close, two rows of garage blocks (finished in buff brickwork with flat roofs) with hardstanding in front, areas of amenity space by way of lawn and hardstanding, internal access pathways and parking within the turning circle at the end of the close. There are no existing boundary treatments.

2.5 Parking within the close is predominantly along the access road, within the turning circle and on the hardstanding within the garages. The current guidelines for garage

sizes are 3.6m (width) x 5.5m (depth), whilst the existing garages are much smaller (their external measurement is approximately 4.8 metres by 2.7 metres). Eight garages are however currently let-out.

- 2.6 There is an extant permission for the redevelopment of this site by way of the demolition of one set of garages and the provision of further parking and soft landscaping (TM/12/03503/FL). This site is one of six sites that were granted permission under this permission, however only two were completed at Hardie Close and Owen Close (the other two garage sites at Shaftesbury Close and Walpole Close were granted permission under a separate consent). This application for is an alternative scheme of redevelopment of that consented.

3. Planning History (relevant):

TM/12/03503/FL	Approved	11 January 2013
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Development of 6 garage sites into car parking (secure) courtyards. Demolition of 6 garage plots to be replaced by car parking areas. Implementation of a variety of tree planting

TM/23/00860/FL	Application Withdrawn	1 September 2023
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Demolition of existing garages and construction of three 3 bedroom dwellings including car parking, cycle parking, refuse and landscaping

4. Consultees:

- 4.1 Consultation responses are summarised below. The full text is available on the Councils website.

- 4.2 PC: Recently met with Clarion, which was appreciated. Pleased that the height difference with the existing dwellings have been addressed.

Noted and appreciated that parking bays have been increased in size and have allotted 2 spaces per household. Still have concerns over parking due to the existing estate being constricted for parking.

It is argued there are opportunities for displaced existing residents to park on existing roads. Clarion states correctly though that they have no control over these roads - they are KCC controlled and any new yellow lines are a Borough Council issue.

Based upon an early Sunday morning survey (busiest time for parked vehicles), and looking at the plans provided the following conclusions are drawn:-

- a. Morris Close: 18 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net gain of just 2 spaces

b. Blatchford Close: 14 marked spaces to be provided (6 allocated for new builds). 14 vehicles counted, a net loss of 6 spaces.

c. Addison Close: 16 marked spaces to be provided (8 allocated for new builds). 18 vehicles counted, a net loss of 10 spaces

d. Tyler Close: 11 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net loss of 5 spaces.

A total net loss of 19 spaces.

Appreciated that no count was given for possible parking on the access road to the parking courts, Clarion admitted they could be used. These could be formalised by the marking with bays of sufficient size - 6 metres in length to allow for manoeuvring. There is a possibility of an extra 3 bays in each case giving an extra 12 spaces, with a shortfall of 7 bays.

There is an area at the north-eastern end of Morris Close which, if converted to hard standing could possibly supply three more bays and the area to the side of No.20 Dickens Drive could similarly be utilised. It is felt the worst impact will be on Tyler Close.

There should be gaps left on any on street parking to allow for pedestrian access to footpaths and for passing places (around the bend at the northern end of Dickens Drive and the footpath out to the A20).

- 4.3 TMBC Waste Services: Advice and guidance provided on amount and design of waste storage. Areas should be sited no more than 25 metres from the collection vehicle, with storage areas able to accommodate a 240 litre bin, a 55 litre recycling box and a 22 litre food waste bin for each dwelling, with space for plastic and glass.
- 4.4 TMBC Environmental Health (noise): The Applicant had submitted an amended Noise Impact Assessment, which details measurements taken at the site of the existing noise climate and of the appropriate standards/tools. The Assessment has taken account of earlier concerns and am content with the conclusions. Suggest informatives to cover demolition/construction working hours and bonfires.
- 4.5 TMBC Environmental Health (contaminated land): The Preliminary Geo-Environmental Risk Assessment adequately presents the findings of the desk study and site walkover, recommending intrusive investigation. The Geo-Environmental Assessment does not identify widespread contamination, however this is not complete due to existing garages. Access to garages is required to fully inspect for asbestos, and the made ground needs to be inspected below the garages to inform a remediation strategy. Therefore two contamination conditions are recommended.

The first recommended condition was queried with Environmental Health, who have advised that although the report does mention it was not possible to assess soils

beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the remediation strategy proposals, the amended condition is acceptable, subject to an informative relating to contamination verification works.

- 4.6 TMBC Housing: The Planning Statement and Design & Access statement seem to be unchanged compared to the withdrawn schemes. Comments provided under the earlier applications still stand. The planning statement states the homes developed will be provided as affordable housing for rent, meeting M4(2) accessibility for rented affordable housing, which is supported.

The design and access statement includes reference to the third bedroom being used as an office, marked as a study. Seek clarity from the applicant if they intend to allocate these homes to households on the Council's Housing Register and therefore the household housing need will fit to the property size and suitable occupancy of a 3bed home, i.e. not allowing for a spare room for use as an office.

Use of a Unilateral Undertaking considered suitable to secure the affordable rented accommodation.

- 4.7 KCC LLFA: The application is a revision to a previously withdrawn application. The Drainage Strategy remains unchanged, however believe the principles for managing surface water remain the same and can be accommodated. The proposed drainage system will continue with a connection to the foul drainage sewer. Advise that non-return valves should be utilised, and existing blocked pipes should be cleansed. Note that the detailed drainage design is to be compiled, as such recommend conditions for detailed drainage design and verification report.
- 4.8 KCC Ecological Advice Service: Sufficient ecological information has been provided. Bat survey provides sufficient information, despite not being in accordance with best practice guidelines. Recommended conditions for biodiversity and lighting and ecological enhancement. Conditions were subsequently queried with KCC Ecology, who justified the reasoning for such conditions based upon the ecological survey and requirements of planning policy.
- 4.9 KCC Highways: One response provided for all four applications due to the close proximity of each development and to assess the cumulative impact as a whole.

Vehicular access:

The developments shall be served by existing junction arrangements.

Sustainable Travel:

The site is close to existing pedestrian pathways and bus services. 1.5km from East Malling Station.

Traffic Impact:

13 dwellings expected to generate seven trips during am peak, and five trips in pm peak. This is not a severe impact based upon the NPPF.

Car Parking:

Transport Statement assesses the parking across the sites. There are 64 garages across the sites, with only 26 rented out. Each site will comprise of car parking for the new residents, visitor bays and parking for existing residents.

- Morris Close: 6 resident bays, 1 visitor bay and 11 overspill spaces.
- Blatchford Close: 6 resident bays, 1 visitor bay and 7 overspill spaces.
- Addison Close: 8 resident bays, 1 visitor bay and 7 overspill spaces.
- Tyler Close: 6 resident bays, 1 visitor bay and 4 overspill spaces.

The provision meets Interim Guidance Note 3 (IGN3) standards for the proposed number of parking spaces for the new dwellings and visitor spaces.

The Parking Beat Survey shows that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, there is no evidence to indicate that there is a lack of provision within the proximity of the development.

To ascertain if there is sufficient residual capacity the applicant has then compared the number of empty spaces (83). Acknowledge the developments could cause inconvenience to existing residents, where parking is available in locations away from being directly outside of their homes, and there may be an increase to illegal parking. The number of spaces required (36) is less than what is available on street within the wider surroundings (83). As such, KCC Highways consider that the applicant has demonstrated that any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity. The developments would displace parking, but there is capacity in the vicinity.

Cycle Parking:

Cycle secure storage is proposed within the curtilage of each dwelling, according with (SPG4) Supplementary Planning Guidance Note 4 "One space per bedroom.

Turning and Servicing:

Refuse collection will be from the kerbside, the same as for the existing estate.

Personal Injury Collision Record:

Applicant has undertaken Personal Injury Collision (PIC) analysis for the latest 5-year period. There are no historic traffic collisions or data trends.

Summary and Recommendation

KCC Highway confirms, that provided the following requirements are secured, then no objection will be raised:

- Construction Management Plan
- Provision and permanent retention of the vehicle parking spaces
- Provision of measures to prevent the discharge of surface water onto the highway
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision and permanent retention of the vehicle turning facilities
- Provision and permanent retention of Electric Vehicle chargers

Series of standard informatives provided.

A follow-up response was provided by KCC Highways on 29.11.2023, confirming that amending parking spaces to remove allocated provision would be acceptable in principle to KCC Highways.

- 4.10 KCC Archaeological Advice Service: The site lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road. Remains associated with prehistoric or later activity may survive. In view of the archaeological potential, recommend a condition for phased programme of archaeological work is placed on any consent. This condition was queried with KCC Archaeology, who justify that this condition is necessary and the most appropriate, given the level of archaeological potential and how the garages sites will likely have not been subject to previous deep excavations.
- 4.11 Southern Water: Map attached showing approximate location of public sewers. Development lies over an existing foul sewer, which is not acceptable to Southern Water. The exact location shall need to be identified by the developer. May be possible to divert this sewer, but requires 3 metres clearance to protect it during construction works and to allow for future maintenance, alongside protection during construction works. Request a planning condition for submission of details to divert the public sewer prior to commencement of development. The proposed surface water drainage features cannot be within 5 metres of the sewers. A public sewer may cross the site. If found during works, ownership shall need to be identified before proceeding with works. Southern Water require a formal application for a connection to the public sewer to be made by the developer. The proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate is acceptable. SuDS can be adopted if they meet guidance, however if not adopted, sufficient maintenance must be ensured. Recommend SuDS scheme, implementation details and maintenance details are submitted to the LPA for

approval. Recommend informative in relation to submission of foul and surface water drainage details.

4.12 Private Reps: 27 letters despatched & 2 site notices (consultation undertaken twice due to website downtime as a result of new IT system). Responses received: 0X(raising no objection)/40R(raising objection)/0S(in support). Objections summarised as follows:

- Existing area struggles with parking – more cars than spaces, with double parking, illegal parking, difficulty for emergency and waste collection vehicles to gain access. Issues illustrated in photo diaries.
- Demolition of garages to provide parking to residents would be acceptable. Garage plots were originally proposed to be redeveloped for parking given the parking issues in the locality – planning applications were approved – only four were completed.
- Existing garages are not disused – Clarion is not renting them out.
- When estate was built, the garage areas were designed to accommodate cars on the existing estate as the houses do not have their own parking and there were fewer cars, there are now more cars and delivery vans on the road.
- More cars caused by HMOs.
- Challenge of both residents and guests trying to find parking spaces.
- Adding more properties will make the traffic/parking issues worse, with more illegal parking, difficulty with access (including emergency services), parking disputes/antisocial behaviour, safety issues and reduced quality of life. The proposal increases housing and reduces parking for existing residents on the roads, on the garage sites, within the closes and in the garages.
- Social housing estate includes large proportion of disabled, families, etc. who would struggle to park far away from their houses.
- Unfair parking provision – 2 new spaces per new property, existing properties have to park on road with limited provision.
- Concerns about loss of open space and hardstanding used for play by children.
- Where are disabled people supposed to park?
- Impact upon mental health/reduced quality of life
- Loss of a view
- Loss of sunlight

- Issues with flies, worsened by the proposal.
- Reduction in property value.
- Impact upon visual amenity.
- Overpopulation of a densely populated area, with inadequate services/infrastructure. Development makes this worse, lack of open space/green areas and overcrowded streets.
- Affordable rented properties should be provided in new developments, rather than in existing overpopulated estate.
- Existing residents should be considered and not disadvantaged as a result of the development proposals – does not meet with governments aims for levelling up and social mobility. Proposals do not reflect needs of the existing residents.
- Why are more houses being built when existing houses are not being maintained?
- 250 houses also being built in the locality.
- Suggest number of proposed houses is reduced, allowing for more landscaping and car parking.
- Suggest proposals are refused, re-sited or amended to be sustainable.
- Additional parking spaces provided within revised applications will not be sufficient.
- Contrary to TMBCS policies CP1 CP2, CP7 CP11 CP15 and CP17
- Fails to meet NPPF requirements for 'social objective'
- Previous residents comments/suggestions/ideas appear to have been ignored.

5. Determining Issues:

Principle of Development:

- 5.1 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five-year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the [National Planning Policy Framework 2023 \(NPPF\)](#). For decision taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 5.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the [Planning and Compulsory Purchase Act 2004](#)) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.
- 5.3 Policy CP11 of the [Tonbridge and Malling Borough Core Strategy 2007 \(TMBCS\)](#) is the most relevant to the determination of this application as it addresses the matter of the principle of development for residential development in the urban confines of East Malling. Policy CP11 outlines that development will be concentrated within the confines of urban Areas. The development involves the provision of residential dwellinghouses within the urban confines. Therefore, the principle of development is acceptable, complying with Policy CP11.
- 5.4 With regards to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in Footnote 7 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that the remainder of the assessment takes place.

Affordable Rented Housing:

- 5.5 There is a need for Affordable Housing within the Borough of Tonbridge and Malling, as demonstrated within the [Housing Needs Survey 2022](#), with table C7 showing a net need of 283 dwellings per annum.
- 5.6 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH to provide wholly affordable housing for rent. The dwellings are designed to meet higher adaptable M4(2) accessibility standard and to provide step free access. The homes exceed national space standards and follow inclusive Lifetime

Homes principles, so they can be adapted to meet people's changing needs. This will provide much-needed affordable rented provision within the Borough and the approach is considered acceptable to TMBC's Housing Officer. The dwellings will be secured as affordable rented via a unilateral undertaking legal agreement. It should be noted that this is a higher level of provision than that required by policy CP17 of the TMBCS, which does not require the provision of any affordable housing for such minor developments. Therefore, this provision of affordable rented dwellings holds significant weight in favour of the proposed development.

- 5.7 Comments from the Housing Officer regarding the third room being used as an office are noted, however are not applicable to this application – only being applicable to the application at Tyler Close, under ref. TM/23/01974/FL.

Design, Character and Appearance:

- 5.8 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

“1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted...”

- 5.9 Policy SQ1 of the [Managing Development and the Environment Development Plan Document 2010 \(MDE DPD\)](#) states:

“All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

- 5.10 These policies within the LDF are broadly in conformity with those contained within the NPPF.

5.11 In particular, paragraph 135 of the NPPF seeks to ensure that development:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

5.12 Furthermore, paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

5.13 Chapter 11 of the NPPF is specifically focused on ‘Making effective use of land’. Paragraph 123 states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

5.14 Paragraph 124 then goes on to explain that planning policies and decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

“d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);”

5.15 Paragraph 129 details that:

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

5.16 The [Medway Gap Character Area Appraisal](#) notes the following locally distinctive positive features:

- *“Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation*
- *Central footpath flanked by open space which creates an informal, spacious character*
- *Glimpses of the North Downs to the west*
- *Green edges to the north, south and west of the character area created by mature tree belts, which can on occasion be glimpsed between properties*
- *Traffic free pedestrian network*
- *Enclosed private character due to limited views into and out of the site”*

5.17 It also notes the following negative features worthy of enhancement:

- *“Streetscape of the ring road marred by high walls and fences and garage blocks*
- *Traffic noise in the north from traffic travelling along the A20”*

5.18 The proposal involves the demolition of the existing two garages blocks. These buildings are of no special architectural interest and are noted within the character area appraisal to be features worthy of enhancement. As such their demolition is considered acceptable and the development represents a visual enhancement to the area.

- 5.19 The proposal would result in the loss of the area of hardstanding adjacent to the existing parking court. This area has no defined use, however from public representations it can be ascertained that these areas are used for informal play by children. Given the estate has a central green corridor, and within the adjacent estate there is an area of green space, both of which offer better play space than the existing squares due to the proximity to many parked cars and regular vehicle movements, it is felt that the loss of this space would be acceptable. Additionally, this proposal at Morris Close would also result in the partial loss of an area of amenity grass beside Dickens Drive. This space again has not defined use and given its proximity to the internal distributor road, does not offer a suitable play space for children, and given its size, it adds very little to visual amenity, especially given the adjacent belt of trees which contributes far greater to visual amenity. Therefore, on balance the provision of three affordable units is a better use of such areas.
- 5.20 The proposed terrace measures approximately 8.26 metres high to the roof ridge, 6.2 metres to the top of the eaves, 10.23 metres deep and 19.11 metres wide. The dwellings shall be single-fronted, with shallow gable pitched roofs. The proposed roofs have been designed with a shallow pitch of 22 degrees in an attempt to appear visually similar to the existing properties with their shallow-pitch, low-height roofs. These are proposed changes since the previously withdrawn submissions, with the changes being the reduction in roof ridges by 1.47 metres, with eaves by 0.3 metres and roof pitches being reduced to 22 degrees. For comparison, the existing dwellings are also terraces, and measure approximately in-between 6.4 to 7.5 metres to the roof ridges and 4.81 to 6 metres to the top of the eaves (depending upon the surrounding land levels), with gable pitch roofs and single frontages. The existing terraces also measure approximately 7.6 metres deep, with the terraces varying in width. As noted within the Character Area Appraisal, the area contains a “*Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation*” which are considered to be locally distinctive positive features of the estate.
- 5.21 It is acknowledged that the proposed ridge and eaves heights would be higher than the existing dwellinghouses, however this can be partially attributed to how the dwellinghouses are built to meet the [‘Technical housing standards – nationally described space standards’](#) (NDSS) both because they will be used for social housing and to ensure they are future-proofed. The NDSS set-out that “*the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area*”, whilst the proposed floor to ceiling heights vary between 2.3-2.5 metres, with the majority of rooms being 2.5 metres. The proposed dwellings therefore exceed the NDSS in relation to floor to ceiling heights, but this is considered to enable them to be future-proofed. The space standards also set-out minimum requirements for gross internal floor areas and storage, resulting in the dwellinghouses being deeper than houses within the existing estate, which therefore naturally results in an increase in height and bulk compared to the existing dwellinghouses. It is acknowledged that the proposed terraces shall be slightly higher and more bulkier than the existing dwellings, however there are examples of three-storey townhouses to the south of

the estate and existing infill developments also comprise of elements of bulkier development. It also has to be noted that the applicant has amended the designs of the dwellings to lower their height since the previously withdrawn applications and given the separation with the existing dwellings it is considered that the height differences would not be overly noticeable. The proposed dwellings would also be in-keeping with the general urban grain and layout of the estate by way of the designed site layout and because the proposed dwellings are also terraces. Overall, on balance it is considered that although the proposed dwellinghouses would be slightly larger in bulk, mass and scale, this design is clearly justified given the NDSS, future proofing and by way of the layout and form which is in-keeping with the existing estate and dwellings.

- 5.22 The development site comprises of brownfield land and would re-utilise existing underutilised land to help meet the demonstrated need for affordable rented accommodation. This is in specific compliance with paragraph 124 of the NPPF, and holds significant weight in the planning balance in favour of the development.
- 5.23 The proposed three dwellings shall occupy the site at a density of 27 dwellings p/ha. This is less dense than the existing estate, however this is attributed to how the development site accommodates areas of car parking for both the new and existing residents, whilst the dwellings have been designed to exceed the nationally described space standards. The development site retains areas for parking, pedestrian pathways, gardens for each dwelling and is similar to the layout of the existing estate, whilst the development would remove the garages which can attract antisocial behaviour, it is therefore considered to ensure safe and healthy living conditions. The development therefore makes a good use of the available land, being appropriately dense whilst ensuring the proposals are in-keeping with the character of the locality and ensuring safe and healthy living conditions, complying with paragraphs 123, 124 and 129 of the NPPF.
- 5.24 The proposed dwellings shall comprise of buff brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes. The mixture of materials proposed are of a palette considered in-keeping with the existing built form within the vicinity. The specific materials for each element have not been provided, therefore these details shall need to be required via planning condition to ensure a suitable mix of materials come forwards.
- 5.25 The proposed terrace shall be of a slightly more modern design to the immediate surrounding terrace properties. However, on balance and given the site's location and proposed materials palette, the design is considered to be acceptable and would not appear visually intrusive or harmful to the site's surroundings.
- 5.26 Each property contains a garden shed/storage building; however no details have been provided of their appearance. As such, a condition is recommended requiring the submission of details of the storage building.

- 5.27 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. This is considered acceptable. It is acknowledged that much of the landscaping would be hard surfaced, however this is considered appropriate given the need within the locality for parking and the existing situation which is subject to much hard surfacing. To obtain specific details for landscaping, it is considered reasonable to attach a planning condition requiring the submission of detailed plans for landscaping.
- 5.28 Overall the density, scale, form, materials and landscaping of the proposed dwellinghouses are considered acceptable and would appear in-keeping with the street scene and character of the area, complying with policies CP24 and SQ1 and paragraphs 123, 124, 139, 135 and 139 of the NPPF.

Residential Amenity:

- 5.29 Policy CP1 of the TMBCS sets-out that that the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications, the quality of a range of matters, including residential amenity, will be preserved and, wherever possible, enhanced.
- 5.30 Policy CP24 of the TMBCS requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 5.31 Paragraph 135 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 5.32 The [Kent Design Guide](#) in relation to privacy advises that:
- “a flexible approach needs to be taken over privacy distances. Minimum distances are not prescribed, but developers must be able to put forward a good case for distances proposed depending on the circumstances.”*
- 5.33 The terrace would be approximately 16.5 metres from the existing terrace along Morris Close to the east, however this is only the principal elevation of the proposed terrace which would face towards the rear elevation of the existing terrace. It also has to be noted that the habitable room windows on the proposed dwellings would only be directly opposite non-habitable room windows (bathrooms), meaning that because adjacent habitable bedrooms could not be viewed directly, it is considered that there would be no unacceptable loss of privacy.
- 5.34 The terrace would be approximately 17.4 metres from the end of terrace property along Dickens Drive. There would be a window to window relationship between a

proposed bedroom window and the existing bedroom window of 20 Dickens Drive. The applicant argues that this is an acceptable relationship because the window of the existing property is already obscured by vegetation to the rear of the gardens and that the situation is similar to the existing properties. The vegetation in question is not considered of a sufficient height to prevent such views and neither can the vegetation be relied upon to prevent overlooking because it can be removed, and this application cannot control the retention of such features. It is also felt that the proposed relationship is not similar to the existing dwellings, as there are no back-to-back relationships with a similar distance within the direct locality. The applicant has also previously explained that the window in the proposed dwelling cannot be moved or altered to an oriel window (which only allows angled views) because the dwellings are a modern method of construction (MMC) product. The MMC relate to 'Closed-Panels' constructed in the factory and prefabricated bathroom and utility cupboard pods. The closed panels include windows and/or door openings, conduits and first-fix services. As such, they are part of a structural design which has specific requirements and some minor inherent limitations. A key part of the off-site credentials includes building elements which are included within the factory assembly process and this includes installation of the standardised windows within the depth of the closed panel. A projecting window is therefore not possible as an 'optional extra' and would generate transportation issues in an otherwise 'flat pack' logistics arrangement. The efficiency and structural design of the closed panels does not allow an opportunity to simply move the window position within the wall or to relocate it 90 degrees to the gable wall. Lastly, given the 'chassis' is effectively the structural box and the façade is the aesthetic envelope, a projecting window/aureole window would require a structural cantilever which the system has not been designed to accommodate and would introduce a thermal bridge within the opening which would compromise the NHBC and BOPAS credentials. As such, it is down to the decision maker to determine whether this relationship is acceptable. The Kent Design guide does not prescribe a minimum distance between windows, therefore each situation had to be assessed on its own merits. The existing window can be viewed from the existing public realm meaning that its level of privacy is already limited, and the windows would not fully align vertically due to the differences in floor levels. It also has to be considered that the proposed scheme is providing three affordable rented properties. Therefore, on balance, it is considered that the proposed window would not lead to a harmful loss of privacy on this occasion and that the benefits of the scheme clearly outweigh any perceived loss of privacy.

- 5.35 It is acknowledged that there would be a close relationship with the neighbour's gardens, however this is a common occurrence across the Winterfield Lane estate, where houses are aligned at 90 degrees to each other, resulting in mutual overlooking. It is acknowledged that the proposed relationship would not be at 90 degrees to the neighbour's gardens, but back-to-back, however both situations result in mutual overlooking irrespective of orientation, therefore the proposed situation would not provide grounds for refusal in relation to impact upon neighbouring privacy. As such, it is considered that there will be no unacceptable impact upon neighbouring levels of privacy by way of overlooking of gardens.

5.36 In relation to impact upon sunlight, daylight and outlook, given the orientation of the proposed terrace and its separation with the neighbouring properties (approximately 16.5 metres separation to the east, 25 metres separation to the south and 17 metres separation to the west), there will be no unacceptable impact upon neighbouring levels of sunlight, outlook and daylight as a result of the development.

5.37 Overall, given the above assessment, the proposal would not have an unacceptable impact upon neighbouring amenities, complying with policies CP1 and CP24 and paragraph 135 of the NPPF.

Highways Safety and Parking Provision:

5.38 Policy SQ8 of the MDE DPD states that:

“1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.”

5.39 Paragraph 114 of the NPPF states that in assessing development applications, it should be ensured that appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location, that safe and suitable access to the site can be achieved for all users, the design of transport elements reflect current national guidance and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

5.40 Paragraph 115 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

5.41 Paragraph 116 goes on to state that, within this context, applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.42 The parking standards for TMBC are currently set-out within the [KCC Parking Standards KHS Interim Guidance Note 3: Residential Parking \(IGN3\)](#), which sets-out the quantum requirement for residential developments. Additionally, there is the [Kent Vehicle Parking Standards Supplementary Planning Guidance 4 \(SPG4\)](#) which sets-out the design requirements for parking bays.

5.43 The evidence base for IGN3 is considered by the Council to be out of date and to provide insufficient levels of parking provision for modern developments. As such, IGN3 will be used for the base-line assessment, however the review will also be based upon an assessment of the individual detail of the development in question, site-specific circumstances and the prevailing locational characteristics in accordance with the [Position Statement in respect of Kent County Council Interim Guidance Note 3: Residential Parking Standards, August 2021](#).

5.44 In accordance with the IGN3, garages do not count towards parking provision. This is because of the enclosed nature of such spaces, the majority of people do not use garages for parking, instead using it for storage. Additionally, as noted within the Kent Vehicle Parking Standards SPG4, to ensure such spaces are used for parking and storage, garages should measure 5.5 metres long by 3.6 metres wide – the garages do not meet these space standards. The garages within the Winterfield Lane estate were built in the 1960s, however cars have increased significantly in size, as such the garages cannot accommodate many modern cars. Therefore, for the purposes of this officer’s assessment the existing garages shall not be counted towards parking provision and cannot be considered as usable parking bays or to contribute towards parking in the locality. Members are reminded that this is the

position taken for all new development proposals, as such for the purposes of consistency the existing garages cannot be considered as parking spaces. The hardstanding in-front of the garages however is used for parking, as such this area shall be considered as areas for parking within the officer's assessment. It is noted however that the applicants Transport Assessment has considered parking within the currently rented out garages, and this is considered acceptable as it enables the consideration of a 'worst case scenario' whereby all garages contain cars.

5.45 The existing situation includes ad-hoc parking within the close for approximately 12 cars, alongside parking on the hardstanding in-front of the garages for approximately 6 vehicles. Parking within the close will remain as part of the proposals, but will become formalised and a dedicated disabled bay will be created. The parking in-front of the garages would be lost as part of the proposals, however the existing area of hardstanding beside the end of Morris Close would be converted to parking. Ad-hoc parking along Morris Close will remain. The current submissions include more parking provision than the previously withdrawn applications (7 spaces extra for all four sites).

5.46 In summary, the proposal involves the provision of the following spaces within Morris Close:

- 2x allocated spaces to serve one of the new dwellings.
- 1x unallocated disabled bay.
- 15x unallocated parking bays (which would be to serve the other two proposed dwellings, their visitors and existing residents).
- Retention of existing ad-hoc parking along Morris Close (approximately enough space for 6-7 cars).

5.47 The proposed provision of two spaces for one of the three-bedroom properties meets and exceeds the requirements of IGN3. The other two dwellings would share parking with the existing residents by parking either within the parking area in the close or by parking on street. The parking survey demonstrates that there would be sufficient parking in the locality to allow for the new dwellings to park two cars each in the close and for one visitor car within the shared parking court, whilst also allowing existing residents to park. Given that each dwelling can park two cars either on plot or within the parking court in the close/on street, the provision is higher than that within the adopted parking standards (IGN3) and this is considered to be an acceptable level of provision of parking for development within the urban confines.

5.48 In relation to parking for existing residents, it is relevant to also assess whether the loss of the existing parking would have a material impact on parking pressure in the surrounding highways, and whether this would have an impact on highway safety. Material planning considerations generally only relate to highways safety and any

impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.

- 5.49 It is understood that local residents are able to park in the site without any restrictions or need for a permit. The existing parking situation is fully understood as a result of the illustration of the parking issues within the public representations and as witnessed during site visits during various times of day and late evening during the week. Residents' concerns are fully appreciated, with the existing road network appearing busy with cars, however the assessment for this proposal is whether there is sufficient capacity within the surrounding highway to allow for the parking associated with the proposed development without making the existing situation worse.
- 5.50 The submission therefore includes a Transport Statement which assesses the development proposals as a whole in order to capture the cumulative impact of the four development proposals. This has been reviewed by KCC Highways as Local Highways Authority, who have raised no concerns with this report. Within the Transport Statement, the Parking Beat Survey identifies that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, the Transport Statement does not evidence any lack of provision within the proximity of the development. The specific details from this survey are as follows:
- 5.51 To provide the baseline data, Parking Beat Surveys were conducted from Thursday 3rd through to Friday 4th November 2022. This parking survey was undertaken on the roads within close proximity to the Sites (Howard Road, Temple Way, Dickens Drive, Owen Close, Tyler Close, Addison Close, Blatchford Close, Morris Close, Hardie Close, Shaftesbury Close and Walpole Close). The parking beat surveys were undertaken every 15 minutes during the morning (AM), afternoon (PM) and off-peak (OP) periods (06:30 – 09:30, 15:00 – 18:00 and 23:00 – 02:00 respectively). They were undertaken at a time when there were no significant roadworks, were not on a Monday, Friday evening or weekend and were not during a holiday period. It is acknowledged that parking pressures ebb and flow during the course of the day/week. This survey however includes hours when it is assumed that there would be maximum pressure on parking spaces when residents are not in work (the OP period).
- 5.52 The survey assessed the theoretical parking capacity of the surveyed area based on an average vehicle length of five meters and a width of three metres as per the Lambeth Parking methodology. On this basis the applicant argues there are 308 current legal parking spaces available within the proximity of the Sites. Where sections of road were observed to be narrow, and therefore vehicles parking on both sides would block the flow of traffic, it has been assumed that vehicles are only able to park on one side of the road.
- 5.53 The results of the survey indicate that the maximum total parked vehicle occupancy was 220 parked vehicles, which occurred at 23:00 – 23:15. This equates to a

maximum parked vehicles occupancy of 71%, indicating that there is currently capacity to support additional on-street parking in the vicinity of the site. The results indicate that the maximum total parked vehicle occupancy on each road was:

- 15 for Howard Road in the AM peak (maximum capacity 22 vehicles);
- 26 for Temple Way in the OP period (maximum capacity 65 vehicles);
- 45 in Dickens Drive in the OP period (maximum capacity 63 vehicles);
- 21 in Owen Close in the OP period (maximum capacity 25 vehicles);
- 11 in Tyler Close in the AM peak (maximum capacity 12 vehicles);
- 19 in Addison Close in the AM peak (maximum capacity 17 vehicles);
- 13 in Blatchford Close in the OP period (maximum capacity 14 vehicles);
- 15 in Morris Close in the OP period (maximum capacity 15 vehicles);
- 19 in Hardie Close in the OP period (maximum capacity 25 vehicles);
- 18 in Shaftesbury Close in the OP period (maximum capacity 24 vehicles); and
- 24 in Walpole Close in the OP period (maximum capacity 26 vehicles).

5.54 The results indicate that there were 135 (AM peak), 147 (PM peak) and 88 (OP period) vacant spaces on the day of the survey across the three time periods, and each road, with the exception of Addison Close, remained within theoretical capacity.

5.55 To assess the overall impact of the developments on on-street parking, analysis has been undertaken to determine if the existing displaced and additional vehicles arising from the development will have adequate on-street parking provision within the local area. A breakdown of the change in on-street parking space is provided in Table 5-1. A total of 17 on-street spaces will be retained. Whilst 41 will be lost as part of the proposals, 47 on-street spaces including four accessible spaces will be provided (in addition to 12 off-street spaces). This equates to a total net increase of six on-street spaces. For Morris Close specifically, this shall be:

- 9 spaces shall be lost.
- 6 remain unaltered.
- 2 on-plot spaces proposed.
- 16 proposed, with a new on-street capacity of 22 (an increase of seven spaces).

Table 5-1 - Net increase in parking spaces

Plot	Lost spaces on-street	Unaltered spaces on-street (retained)	New spaces provided			New Legal On-Street Capacity	Net change On-Street Capacity
			Total	On Plot (allocated)	On street (unallocated)		
Morris Close	9	6	18	2	16	22	+7
Blatchford Close	10	4	14	3	11	15	+1
Addison Close	13	4	16	5	11	15	-2
Tyler Close	9	3	11	2	9	12	0
Total	41	17	59	12	47	64	+6

5.56 It is then necessary to assess future on-street parking demand, which has also been assessed by the applicant. This will change because:

- New residents: 47 unallocated on-street spaces will be provided for existing residents, new residents and visitors, as well as 12 allocated spaces within the plots to serve the proposed dwellings.
- Displacement from demolished garages: a total of 26 garages are currently let out. To assess a worst-case, these are assumed by the applicant to all contain parked vehicles.

5.57 To calculate the future on-street parking demand, the maximum existing demand from the parking surveys and additional future changes have been assessed in table 5-2.

Table 5-2 - Future Parking Demand

Plot	New units			Existing Garages Let	Existing Demand*	Total future On-Street demand
	Total Demand	Provided for within Plot	On-street Demand			
Morris Close	7	2	5	8	15	28
Blatchford Close	7	3	4	5	13	21
Addison Close	9	5	4	6	19	29
Tyler Close	6	2	4	7	11	22
Total	29	12	17	26	58	100

**Taken from the parking beat surveys, as presented in Section 3.6.2.*

5.58 Finally, it is then necessary to assess the on-street parking impact to ascertain if there is sufficient residual capacity to enable the development without detrimentally impacting existing residents. Where there is insufficient capacity on the road the plot is located on, it is assumed that any vehicles displaced would want to park on the closest available roads with vacant on-street capacity. In this way, vehicles from Morris Close and Blatchford Close are assumed to displace onto Dickens Drive, Hardie Close and Shaftesbury Close, whilst vehicles from Addison Close and Tyler Close are assumed to displace onto Howard Road, Temple Way, Owen Close and Walpole Close.

5.59 Table 5-3 summarises the analysis with the total number of vacant spaces being the capacity on-street minus the total future on-street demand. This shows that there would be a total of 36 overspill vehicles from the four roads, however there are 83 available spaces on the surrounding streets.

Table 5-3 - Parking Displacement Analysis - Batched

Plot No.	Road	New Legal On-Street Capacity	Total max number of vehicles parked (incl. illegal parking)*	Vacant spaces	Total vacant spaces on other nearby streets	
1	Morris Close	22	28	-6	31	Dickens Drive, Hardie Close and Shaftesbury Close
2	Blatchford Close	15	21	-6		
3	Addison Close	15	29	-14	52	Howard Road, Temple Way, Owen Close and Walpole Close
4	Tyler Close	12	22	-10		
Total		64	100	-36	83	

**Parking Beat Survey (2022)*

5.60 In relation to the development at Morris Close, the six displaced vehicles can be accommodated on Dickens Drive, Hardie Close and Shaftesbury Close. It is acknowledged that there are three other garage site applications within the immediate vicinity under consideration at this time, therefore the analysis also considered the cumulative effect. When considering all development proposals, the maximum number of existing parked vehicles and the additional vehicles created by the developments can be displaced onto the local road network, therefore the submitted Transport Assessment demonstrates there is sufficient capacity on the surrounding streets to accommodate all parking needs. This is because the number of spaces required as a result of the developments (36) is less than what is available on street within the wider surroundings (83). Members should note that this has been done on the basis of a worst-case scenario where all let garages (26 No.) contain a parked vehicle.

5.61 Therefore, the Transport Statement shows that there is parking within the existing estate to accommodate the development proposals without unacceptably impacting the existing residents. While it is noted that there has been a number of objections from residents about the loss of parking and increased pressures to the area, it is considered that the 6 potential cars being displaced could be accommodated in the area, and that their displacement would not result in any highway safety concerns. Even when considered in combination with other developments proposed in the area, the evidence indicates that there is adequate capacity for the potential displacement. As stated before, material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.

5.62 Members should note that KCC Highways consider that the applicant has demonstrated with sufficient confidence, any overspill parking can be

accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity.

- 5.63 This assessment has also been carefully reviewed by the case officer, who has calculated a different number of total existing on-street capacity of approximately 261 spaces. Despite this difference in numbers, it is still considered that there is sufficient space on the highway to accommodate overspill parking from the developments based upon the survey numbers (total parked vehicle occupancy of 220 vehicles (paragraph 5.53) as well as the additional parked vehicles as a result of the proposed development. It is therefore considered that there are no grounds to warrant a refusal of planning permission based upon highways safety/parking provision.
- 5.64 Concerns from neighbours have been received about cars currently parking illegally/dangerously and there are concerns that the displacement of the cars from the site will exacerbate the problem. In the parking survey submitted with the application, it is noted that the figures of currently unrestricted parking have been established by looking at current availability on the surrounding roads. The block plans that were submitted in this survey show that they have only measured areas where there is sufficient room to park a car fully in the road, and still allow sufficient room for a car to pass on the highway. Therefore there would be no evidence to suggest that the 7 cars displaced from the site would have to result in parking on the pavement or in unsuitable locations.
- 5.65 In relation to access to the development sites, the existing junction arrangements will remain, with a new driveway and re-arranged parking area, alongside associated turning in the close, with refuse collection from the kerbside, similar to the existing dwellings. These arrangements are considered acceptable to KCC Highways. Concern has been raised by public comments regarding the access of emergency vehicles and refuse collection vehicles. No change to the existing access point is proposed, and as addressed above it is considered that the displaced cars can be accommodated and that there is sufficient on-street parking which would not impact access for emergency vehicles and refuse vehicles.
- 5.66 The 13 dwellings across all four sites are expected to generate seven trips during the AM peak hour and five trips in the PM peak hour. This is an acceptable level, not considered to result in a severe impact upon highways safety. In relation to sustainable travel, the sites are within the existing built confines, which has a range of existing pedestrian footways, with links to nearby bus services. There is also East Malling Station, approximately 1 mile from the site, which provides train links to Maidstone, Ashford and London.
- 5.67 Secure cycle storage is proposed in the shed within the rear garden of each dwelling. More details of this storage area and its permanent retention can be sought via planning condition.
- 5.68 KCC Highways have recommended a series of conditions and informatives. These are recommended to be attached to the decision notice, apart from the EV chargers'

condition. It is recommended that a condition requiring the EV infrastructure to be installed and retained is attached instead, with the detailed specifics recommended by KCC to be covered by an informative as Building Regulations cover the detailed design of such provision. It is noted that KCC Have recommended a condition for a Construction Management Plan, despite a Construction Environmental Management Plan already having been submitted. Given that this plan includes areas which require further clarification and to allow the plan to be amended accordingly once construction proposals are more advanced, it is considered reasonable to attach an appropriately worded condition.

5.69 In light of the above assessment and the lack of objections from KCC Highways, I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

Flood Risk and Drainage:

5.70 Policy CC3 of the MDE DPD sets out that development will not be permitted if it has an unacceptable impact on the water environment and if development proposals do not incorporate SuDS appropriate to the local context. It advises that SuDS will need to have appropriate maintenance and management agreements in place. It advises where it is not practicable to use SuDS, it will need to be demonstrated that an appropriate alternative means of surface water drainage is incorporated.

5.71 Policy SQ5 of the MDE DPD requires that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.

5.72 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 173 of the NPPF goes on to explain that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

5.73 The site is within flood zone 1 and consequently has a low risk of flooding from rivers. The site is also not within a surface water flood risk area, and therefore has a low risk of flooding from surface water.

5.74 The proposed drainage strategy recommends for surface water runoff generated by the proposed development to be restricted to 2 l/s for all events up to and including the 1 in 100 year plus 40% climate change event, thereby providing betterment over the existing brownfield situation. Therefore, in order to achieve this restriction, attenuation will be provided in the form of underground geocellular storage crates and permeable paving within proposed car parking spaces. Surface water runoff stored on-site will discharge to the existing private surface water sewer network. Foul

flows generated by the development shall discharge to the existing private combined sewer located within Dickens Drive.

- 5.75 The LLFA have reviewed the proposals from a surface water drainage perspective and are content with the drainage scheme, subject to conditions relating to detailed design and verification of the drainage installed. As such, these two conditions are recommended in relation to surface water drainage.
- 5.76 Southern Water have advised that the siting of the development on an existing public sewer is not acceptable, however have recommended a condition be attached requiring the submission of details relating to the diversion of the sewer. Southern Water have also recommended a foul drainage informative, with details submitted to the LPA. Informatives cannot require the submission of details, therefore to secure details of the site's foul drainage and sewer diversion, a foul drainage condition is recommended. Southern Water also advised that the surface water drainage features cannot be sited within 5 metres of the foul sewer, however go on to advise that the proposed SuDS scheme is acceptable subject to an existing connection, with reduced flows, to be captured under a SuDS condition relating to implementation and maintenance. These details can be required under a slightly amended LLFA condition as detailed above. Guidance relating to SuDS and foul drainage have also been provided by Southern Water, as such informatives are recommended to inform the applicant of this information.
- 5.77 I am therefore satisfied that, with the suggested conditions, the development would accord with the requirements of policies CC3 and SQ5 and the NPPF.

Ecology and Biodiversity:

- 5.78 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 5.79 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.
- 5.80 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.
- 5.81 These policies broadly accord with the policies of the NPPF. In particular, paragraph 180 states that planning policies and decisions should contribute to and enhance the

natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 5.82 Section 40 of the [Natural Environment and Rural Communities Act 2006](#) places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity.
- 5.83 The submission is supported by a Preliminary Ecological Appraisal (PEA). This report has been reviewed by KCC Ecological Advice Service, who advise the report contains sufficient ecological information.
- 5.84 The PEA advises that the site offers minimal suitable foraging and commuting habitat, as it comprises hardstanding and buildings, set within a residential location with light disturbance from streetlamps. However, higher quality foraging and commuting habitat is present in the form of tree lines beyond the amenity grass approximately 30m north (although suitability is reduced by existing light disturbance), and further tree lines and open green space to the west. Therefore, the site itself is considered to have negligible value for foraging and commuting bats, with the habitats within the site's zone of influence considered to provide moderate suitability. The PEA goes on to advise that as artificial lighting can cause disturbance to bat activity, should any external lighting be required, it should incorporate bat sensitive lighting designs to ensure that light levels are not increased above existing levels. The Dusk Emergence Bat survey notes that no bat roosts were identified within the garages, however the survey recommended any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors. Whilst it is acknowledged that street lighting must adhere to KCC requirements for highway lamps, lighting is proposed within the development on the houses, as such a condition requiring the incorporation of sensitive lighting design for biodiversity shall be necessary to mitigate against potential adverse effects on bats (and other nocturnal wildlife).
- 5.85 Policies NE2 and NE3, alongside paragraphs 180 and 186 of the NPPF all support and promote the enhancement of development sites for biodiversity (as outlined above). Provision in the form of wildlife friendly landscaping, habitat features such as bat boxes and certain bird boxes can contribute to the provision of space for priority species. Therefore, to secure ecological enhancement, a condition is recommended requesting for details of how the development shall enhance biodiversity.
- 5.86 Overall, considering the results of the Ecological Appraisal and with the series of planning conditions attached, it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including policies NE2-NE4 of the MDE DPD and the NPPF.

Contamination:

5.87 Paragraph 189 of the NPPF states that planning policies and decisions should ensure that:

“a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

5.88 Paragraph 190 makes clear that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.

5.89 A Preliminary Geo-Environmental Risk Assessment has been produced to support the planning applications. This study assesses the likely environmental issues associated with soil and groundwater conditions that may affect the proposed development of the plots. It found that widespread contamination has not been identified during the investigation. Based on the low concentrations of contaminants identified and the residential end use of the plots, the risk posed to future occupants on human health is considered to be low to moderate. The report recommended an intrusive investigation, an asbestos survey for existing garages prior to demolition and a post demolition watching brief during the construction works to further assess the areas beneath the existing garages footprint to assess potential contamination risks, which should inform a Remediation and Verification Strategy.

5.90 The Geo-Environmental Assessment presents the findings of the intrusive investigation. Widespread contamination was not identified; however, it was not possible to fully assess the site due to the current garage structures still being in place. Made ground was found in both borehole locations.

5.91 An asbestos survey has been provided, however access to the garages was not available, but this sets out appropriate measures to safely demolish the existing garages.

5.92 These reports have been agreed by the Council's Environmental Protection officer, who has recommended two conditions. The first condition was queried by the applicant. Environmental Health have advised that although the report does mention it was not possible to assess soils beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a

description included in the remediation strategy proposals, the amended condition proposed by the applicant is considered acceptable, subject to an informative relating to contamination verification works.

5.93 Accordingly, a number of conditions have therefore been recommended to be imposed on any permission granted. With these conditions attached, the development would adhere to paragraph 189 and 190 of the NPPF.

Noise:

5.94 Paragraph 191 of the NPPF states planning decisions should ensure that new development is appropriate for its location. In doing so they should avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph 180 e) of the NPPF states planning decisions should contribute to and enhance the local environment by preventing new and existing development from being put at unacceptable risk from noise pollution.

5.95 The submission includes a Noise Impact Assessment. This is a revised Noise Impact Assessment to address previous comments by the Environmental Health Officer. The assessment has been undertaken to identify the key noise sources which may have the potential to impact upon the proposed residential development across all four plots. Accordingly, the assessment has used a measured baseline noise data to complete an assessment in line with BS8233 whereby glazing and ventilation has been specified to achieve guideline internal noise levels. For glazing and ventilation design, baseline noise measurements have been used to determine the amount of sound insulation required to meet BS8233:2014 guideline internal noise levels. Noise levels measured during a baseline survey have also been used to consider the noise exposure to future sensitive dwellings using World Health Organization (WHO) Guidelines for Community Noise 1999.

5.96 The soundscape around the sites is dominated by traffic on the neighbouring A20, other sources noted as being audible during the baseline survey were road traffic on the distant M20 and on local roads (Dickens Drive, Howard Road and Winterfield Lane) plus noise from distant aircraft. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.

5.97 The Baseline Noise Survey was completed on a typical weekday to quantify the existing day and night noise environment that could adversely impact the proposed development. It found that the measured baseline levels are equal to or lower than would be expected from examination of Defra strategic noise mapping. Therefore, to present a reasonable worst case, Defra strategic noise mapping levels were used where they are higher than measured levels. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.

5.98 An indicative façade mitigation strategy has been proposed to achieve guideline internal noise levels as such the façade mitigation strategy has been uprated by +3dB. The Noise Assessment shows that, the predicted level of noise across the

sites can be mitigated to have no adverse impact providing good acoustic design is incorporated to the development.

- 5.99 Environmental Health advise that this report has addressed previous concerns raised in the withdrawn submission, and that they are therefore content with the conclusions of the report.
- 5.100 Overall, given the details of the submitted information and the comments from Environmental Protection, the development would accord with paragraphs 180 and 191 of the NPPF.
- 5.101 Environmental Health have advised regarding light, working hours and bonfires. As such, relevant planning informatives shall be attached to make the applicant aware of these issues.

Archaeology:

- 5.102 Paragraph 200 of the NPPF states that “...*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*”
- 5.103 An Archaeological Assessment supports this planning application, which assesses the impact of the proposals on any potential archaeological remains. The Archaeological Assessment brings together the available archaeological, historical, topographical and land-use sources to assess the likely potential and significance of any heritage assets within, or in the vicinity of the Sites.
- 5.104 The site is within an Archaeological Notification Area, lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road following the alignment of the A20. The Archaeological Assessment considered that the sites lie in the agricultural field systems associated with the Iron Age and Roman settlement foci identified in the area, although the extent of the occupation is unknown and may include activity within the sites. Likewise in the Saxon and medieval periods the sites would have been in the common fields for strip farming or part of the manor. The sale of the manor in 1555 led to the enclosure of the park and associated landscaping, potentially destroying earlier features or preserving them beneath the newly established meadow. Lying at considerable distance to Bradbourne House (approx. 800m), this part of the park is unlikely to have been intensively used prior to its sale and the construction of Clare House. Features of the short-lived formal garden may survive towards the southern end of the site as these features were often simply covered with soil rather than removed. Remains associated with prehistoric or later activity may survive on site.
- 5.105 Therefore, given this archaeological potential KCC Archaeology have recommended a phased programme of archaeological work condition to be attached to the decision notice. This condition is considered justified given the likelihood of archaeological

remains being present given the location of the site and that garages will not have been subject to deep excavations. A phased programme of archaeological work will be more a more suitable and robust mechanism to secure any archaeological remains than a watching brief.

5.106 Overall, to adhere to paragraph 200 of the NPPF, it is considered reasonable to attach the programme of archaeological work condition, safeguarding archaeological remains.

Other issues raised by public comments:

5.107 Concerns have been raised regarding impact upon mental health/reduced quality of life. The concerns regarding parking are fully appreciated and addressed above, and the assessments demonstrate the parking proposals are acceptable in planning terms and therefore cannot be resisted. In relation to any other impacts upon mental health/quality of life, it is considered the proposals would not have any other unacceptable impacts.

5.108 Concerns have been raised in relation to loss of a view, issues with flies/worsened by the proposal, reduction in property value and issues within Clarion's maintenance. All of which have no bearing upon the acceptability of the proposal as these are not [material planning considerations](#).

5.109 Concerns have been raised with regards to the overpopulation of a densely populated area, with inadequate services/infrastructure. The density of the proposal has been demonstrated within the submissions to be similar to the existing estate and can be accommodated within the area without detriment to visual amenity (detailed above). In relation to impact upon services, the application does not reach the threshold for developer contributions and as such contributions to services cannot be sought and neither can the three separate applications be treated as one because the sites are not contained within one continuous red line site.

5.110 Comments have stated that affordable rented properties should be provided in new developments. Affordable rented provision is being sought in new developments as well as being within this application.

5.111 Concerns have been raised that existing residents should not be disadvantaged as a result of the development proposals. As detailed above, the proposals have been assessed and are considered to not result in an unacceptable impact upon existing residents.

5.112 Comments suggesting amended schemes are noted, however as the current applications have been assessed as being acceptable, amendments cannot be sought.

5.113 Comments state that that proposal is also contrary to policies CP7, CP15 and CP17, which are not detailed specifically above. Policy CP7 is not applicable to the

development site, policy CP15 is a time expired policy (only lasted up until 2021) and the development complies with policy CP17 as the development provides 100% affordable dwellings.

5.114 Comments state that resident's comments suggestions/ideas appear to have been ignored. As the applications are minor planning applications, there is no requirement for public consultation. Despite this, engagement has been undertaken as detailed within the Planning Statement (chapter 4).

Unilateral Undertaking:

5.115 Regulation 122 of the CIL Regulations (2010) sets out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

“(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development”

5.116 Paragraph 57 of the NPPF reflects this statutory requirement.

5.117 In order to secure the affordable rented units as such in perpetuity, the applicant has proposed a unilateral undertaking. This has been reviewed by the legal and housing teams and is considered appropriate and an acceptable means to secure the accommodation as affordable rented.

Planning Balance and Conclusions:

5.118 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.119 The proposed development would provide three affordable rented properties for occupation by people on the Council's Housing Register, helping contribute towards the recognised need within the Borough. The development would redevelop a series of rundown garages, improving the visual amenity of this section of the East Malling estate. It is acknowledged that the development will have some impact upon parking on the estate for the existing residents, an impact upon some residents privacy and the scale of the proposed terrace is larger than existing dwellings, however on balance the development is not considered unacceptably harmful, especially considering the housing proposed is affordable rented, how the issues identified are not considered unacceptable for the reasons detailed within the report and the demonstrated acceptability of parking provision within the applicant's transport assessment, to warrant a refusal of planning permission.

5.120 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.

5.121 It is therefore recommended that planning permission be granted subject to the legal agreement (unilateral undertaking) securing the housing to be used as affordable rented only and various planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion.

6. Recommendation:

6.1 **Grant Planning Permission** subject to the following:

6.2 A unilateral undertaking to secure the affordable rented as such in perpetuity.

6.3 The following Planning Conditions:

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 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Wide - Location Plan - Plot 1 5209219-ATK-01-00-DR-AR-021501 P4
- Site Wide - Existing Site Plan - Plot 1 5209219-ATK-01-00-DR-AR-021502 P1
- Site Wide - Demolition Site Plan - Plot 1 5209219-ATK-01-00-DR-AR-021503 P1
- Site Wide - Existing Site Elevations - Plot 1 5209219-ATK-01-XX-DR-AR-022501 P1
- Site Wide - Existing Site Elevations - Plot 1 5209219-ATK-01-XX-DR-AR-022502 P1
- Site Wide - Proposed Site Plan - Morris Close 5209219-ATK-01-00-DR-AR-021504 P6
- Site Wide - Typical Floor Plans - Morris Close 5209219-ATK-01-ZZ-DR-AR-011501 P6
- Site Wide - Proposed Site Elevations - Morris Close 5209219-ATK-01-XX-DR-AR-022503 P5
- Site Wide - Proposed Site Elevations - Morris Close 5209219-ATK-01-XX-DR-AR-022504 P5
- General Arrangement - Unit Type 2 - Typical Floor Plans & Sections 5209219-ATK-ZZ-XX-DR-AR-011512 P4
- Planning Statement (including Affordable Housing Statement and Parking Provision) 5216960-ATK-RP- 001 January 2024

- Design & Access Statement January 2024
- Air Quality Constraints and Opportunities Appraisal Statement 21-2202.02 December 2021
- Noise Impact Assessment 21-2202.03 May 2023
- Preliminary Ecology Appraisal 551918_Plot1_pwApr22FV01_PEA April 2022
- Dusk Emergence Bat Survey RT-MME-159081-01 October 2022
- Preliminary Geo-Environmental Risk Assessment 21-2202.01 December 2021
- Geo-Environmental Assessment 21-2202.01/GEA January 2022
- Drainage Strategy 21-2202.04 February 2022
- Transport Statement including traffic and collision data 5216960-TS02 January 2024
- Archaeological Desk-Based Assessment 2549 January 2022
- Asbestos Demolition Survey J260461 January 2022

Reason: To ensure the development is carried out in accordance with the approval, to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraphs 135 and 140).

- 3 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 4 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 5 The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved in

writing by the Local Planning authority. 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. 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 6 No development shall take place until arrangements for the management of any and all demolition and construction works (a Demolition and Construction Management Plan) have been submitted to and approved in writing by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
- The days of the week and hours of the day when the demolition and construction works will be limited to and measured to ensure these are adhered to.
 - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to):
 - Routing of demolition, construction and delivery vehicles to/from site
 - Parking and turning areas for demolition, construction, delivery and site personnel/contractor's vehicles
 - Timing of deliveries
 - Provision of wheel washing facilities
 - Temporary traffic management/signage
 - How/where materials will be offloaded into the site
 - The management of all other construction related traffic
 - Measures to ensure these are adhered to
 - The specific arrangements for any external storage of materials or plant throughout the demolition and construction phase.
 - Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration,

with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination.

- The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 7 The development hereby permitted shall not be occupied until the area shown on the Proposed Site Plan as vehicle parking and turning spaces have been provided, surfaced and drained. Thereafter they 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 2015 (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: To ensure that adequate parking is provided, maintained and retained, as development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 8 The development hereby permitted shall not be occupied until details of the cycle parking/storage sheds to serve the development have been submitted to and approved by the Local Planning Authority. The cycle parking/storage sheds shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 9 There shall be no discharge of surface water onto the public highway.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 10 Notwithstanding the electric vehicle charging points shown on the submitted proposed site plans, prior to the first occupation of the development hereby approved, car charging point infrastructure shall be provided at a ratio of 1 point per dwelling and shall thereafter be maintained and retained.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 11 No development, other than demolition, shall take place until a detailed remediation method statement informed by the approved site investigation report (21-2202-01/GEA), which details how the site will be made suitable for its approved end use through removal or mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

The development must then be carried out in accordance with the approved remediation scheme.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 12 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 13 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Strategy report (23rd February 2023- Report reference 21-2202.04). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The submission shall specify the responsibilities of each party for the implementation of the SuDS scheme and include a timetable for implementation.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including and proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water, to ensure that the development does not exacerbate the risk of on/off site flooding and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraph 173). These details and accompanying calculations are required prior to the commencement of construction of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 14 The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from the development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, to ensure that the development as constructed is compliant with and subsequently maintained and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraphs 173 and 175).

- 15 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of foul water disposal and details of measures to be taken to divert the public sewers have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: In the interests of pollution prevention, to ensure that adequate sewage infrastructure is present and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ5.

- 16 The development hereby permitted shall not be occupied until a lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: To ensure the protection of wildlife species and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraph 180) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 17 Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include retention of durable bat and/or bird boxes suitable for species of conservation concern. The biodiversity enhancement measures shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure the development provides net gains for biodiversity and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraphs 180 and 186) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 No development, other than the demolition of any buildings or removal of hardstanding, shall take place until the applicant, or their agents or successors in title have secured:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and in accordance with the National Planning Policy Framework 2023 (paragraphs 200, 203, 205, 209 and 211).

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the dwellings other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and the National Planning Policy Framework 2023 (paragraph 135).

6.4 The following informatives:

Informatives:

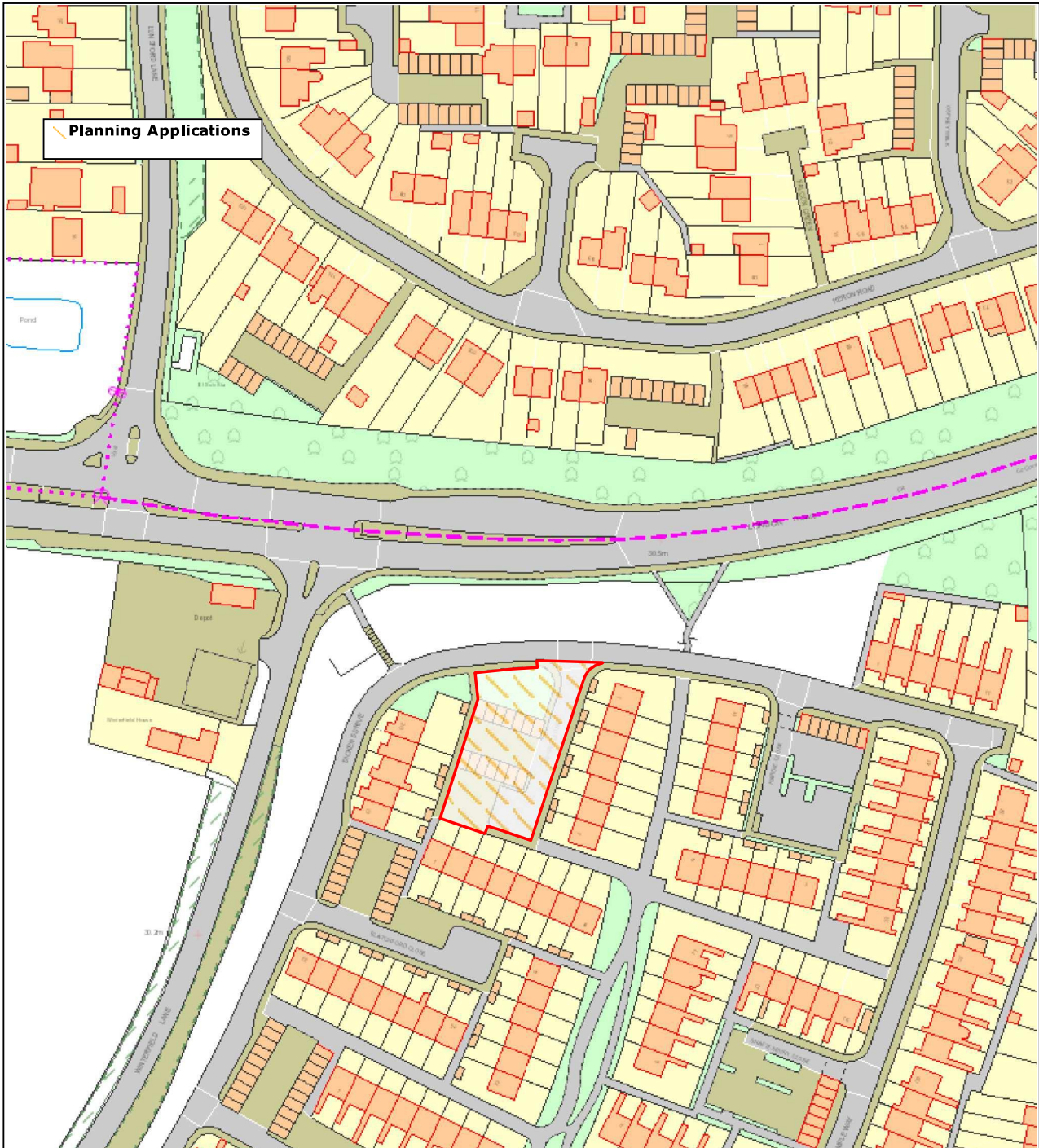
- 1 In the interests of good neighbourliness, the hours of construction, including deliveries, should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 2 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
- 3 To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with the National Planning Policy Framework 2023, it is recommended that the Bat Conservation Trust/Institute of Lighting Professionals' 'Guidance Note 8 Bats and Artificial Lighting at Night'¹ is consulted when designing any lighting design to serve the development.
- 4 Contamination verification works shall need to include sampling of the soils beneath the garages once formation levels have been achieved.
- 5 In relation to the sustainable drainage scheme, it is recommended that:

- Non-return valves are installed within the last chamber prior to connection to prevent against backflows.
 - If existing blocked pipes are to be re-used, these should be cleansed and re-investigated to confirm their suitability for reuse.
- 6 Your attention is drawn to the comments available online by TMBC Waste Services in relation to the design and provision of refuse storage and collection.
 - 7 Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC). Anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
 - 8 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by KCC whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
 - 9 Works on private land may also affect the public highway. These include works to retaining walls which support the highway or land above the highway, and to signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
 - 10 It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
 - 11 Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on KCC's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181
 - 12 All Electric Vehicle chargers provided for residential properties should be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

- 13 An existing public foul sewer is located within the development site. The exact position of the sewer must be determined on site and it may be possible to divert the sewer. The public sewer requires a clearance of 3 metres on either side to protect it from construction works and to allow for future maintenance access. No development or tree planting should be carried out within 3 metres of the external edge of the sewer without consent from Southern Water. All existing infrastructure should be protected during the course of construction works. More information can be found at: <https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>
- 14 It is possible that other sewers now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 15 Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> Reference should also be made to the New Connections Charging Arrangements documents: <https://www.southernwater.co.uk/help-advice/connection-charging-arrangements>
- 16 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available at: <https://www.water.org.uk/sewerage-sector-guidance-approved-documents> <https://ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>
- 17 No surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

Contact: Andrew Longman

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Planning Applications 23/01960/FL

Scale: 1:1250



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Date: 9/2/2024 10:05

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East Malling and Larkfield
East Malling, West Malling
and Offham

21 February 2024

TM/23/01961/FL

Location: Garage Block Rear of Blatchford Close East Malling West Malling Kent

Proposal: Demolition of existing garages and construction of 3 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00861/FL)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing two rows of garages and the construction of a terrace of three 3-bedroom two-storey dwellinghouses, alongside associated car parking to serve the dwellinghouses and re-configured car parking within the close to serve the existing residents and new dwellinghouses.
- 1.2 The proposed terrace shall front onto Dickens Drive, with three parking bays provided adjoining the southern-most house, with the rest of the parking for the proposed dwellings being within the close, but on an unallocated basis. Parking for existing residents shall remain within Blatchford Close, with a total of 11 spaces being provided in the close, as well as spaces for ad-hoc parking on the access road.
- 1.3 The proposed dwellings shall have a gable roof, with the gables to the north and south elevations. The materials are proposed to comprise of buff brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes.
- 1.4 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the new gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. Refuse bins are to be stored to the front of each property.
- 1.5 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH 'Everyone Deserves a Roof Over Their Head' to provide wholly affordable housing for rent. The buildings proposed will be modern methods of construction (MMC) with the homes being largely manufactured off-site. The homes are designed to be zero carbon in operation.
- 1.6 The dwellings are designed for the higher adaptable Part M4(2) standard and to provide step free access. The homes exceed national space standards and follow

inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Michelle Tatton to enable the committee to consider the impact of the proposals in relation to parking provision, highways and the density of development.

2. The Site:

2.1 The application site is located within the urban confines of East Malling, within the Winterfield Lane public sector housing estate.

2.2 The Winterfield Lane Estate represents a later phase of post-war public-sector housing based on the Radburn principles. The area is designed around a central footpath flanked by communal open space which runs north/south with footpaths leading off at right angles. Two storey low height with shallow pitch roof terraced properties line and face onto this central space with other short terraces of houses leading off from this. The central landscaped section of the development is not accessible to vehicles, and therefore exhibits a quieter character. An extensive network of footpaths crosses the site. Glimpses of the North Downs can be seen to the west from the footpaths. Vehicular access is via a ring road around the periphery of the development, with short cul-de-sacs leading off either side to communal car parking and garage blocks. To the south of the area, along the boundary with Chapman Way, there are three storey town houses.

2.3 The application site is to the east of Dickens Drive, Winterfield Lane and a tree belt which separates the two roads. It is west, north and south of four terraces of houses, which are predominately owned by Clarion housing association. 12 Dickens Drive is to the north of the site and north of the proposed terrace, 1 Blatchford Close is to the east of the proposed dwellings, 1-5 Blatchford Close are to the north of the proposed parking area, 9-10 Blatchford Close to the east of the proposed parking area and 15-22 Blatchford Close to the south of the proposed dwellings and parking area, with the majority having their rear elevations overlooking the development site. The adjoining houses along Blatchford Close are finished in red brickwork and grey concrete roof tiles, with white UPVC windows, whilst the properties on Dickens Drive are finished in buff brickwork. Boundary treatments currently comprise of low-level metal railings, hedges and timber fences to the front gardens, with rear gardens comprising of close-boarded fence panels and the brickwork walls of garden outbuildings.

2.4 The site is relatively flat and contains the cul-de-sac of Blatchford Close, two rows of garage blocks (finished in red brickwork with flat roofs) with hardstanding in front, areas of amenity space by way of hardstanding, internal access pathways and parking within the turning circle at the end of the close. There are no existing boundary treatments.

- 2.5 Parking within the close is predominantly along the access road, within the turning circle and on the hardstanding within the garages. The current guidelines for garage sizes are 3.6m (width) x 5.5m (depth), whilst the existing garages are much smaller (their external measurement is approximately 4.8 metres by 2.7 metres). Five garages are however currently let-out.
- 2.6 There is an extant permission for the redevelopment of this site by way of the demolition of one set of garages and the provision of further parking and soft landscaping (TM/12/03503/FL). This site is one of six sites that were granted permission under this permission, however only two were completed at Hardie Close and Owen Close (the other two garage sites at Shaftesbury Close and Walpole Close were granted permission under a separate consent). This application for is an alternative scheme of redevelopment of that consented.

3. Planning History (relevant):

TM/12/03503/FL	Approved	11 January 2013
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Development of 6 garage sites into car parking (secure) courtyards. Demolition of 6 garage plots to be replaced by car parking areas. Implementation of a variety of tree planting

TM/23/00861/FL	Application Withdrawn	1 September 2023
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Demolition of existing garages and construction of 3 three bedroom dwellings including car parking, cycle parking, refuse and landscaping

4. Consultees:

- 4.1 Consultation responses are summarised below. The full text is available on the Councils website.
- 4.2 PC: Recently met with Clarion, which was appreciated. Pleased that the height difference with the existing dwellings have been addressed.

Noted and appreciated that parking bays have been increased in size and have allotted 2 spaces per household. Still have concerns over parking due to the existing estate being constricted for parking.

It is argued there are opportunities for displaced existing residents to park on existing roads. Clarion states correctly though that they have no control over these roads - they are KCC controlled and any new yellow lines are a Borough Council issue.

Based upon an early Sunday morning survey (busiest time for parked vehicles), and looking at the plans provided the following conclusions are drawn:-

- a. Morris Close: 18 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net gain of just 2 spaces

b. Blatchford Close: 14 marked spaces to be provided (6 allocated for new builds). 14 vehicles counted, a net loss of 6 spaces.

c. Addison Close: 16 marked spaces to be provided (8 allocated for new builds). 18 vehicles counted, a net loss of 10 spaces

d. Tyler Close: 11 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net loss of 5 spaces.

A total net loss of 19 spaces.

Appreciated that no count was given for possible parking on the access road to the parking courts, Clarion admitted they could be used. These could be formalised by the marking with bays of sufficient size - 6 metres in length to allow for manoeuvring. There is a possibility of an extra 3 bays in each case giving an extra 12 spaces, with a shortfall of 7 bays.

There is an area at the north-eastern end of Morris Close which, if converted to hard standing could possibly supply three more bays and the area to the side of No.20 Dickens Drive could similarly be utilised. It is felt the worst impact will be on Tyler Close.

There should be gaps left on any on street parking to allow for pedestrian access to footpaths and for passing places (around the bend at the northern end of Dickens Drive and the footpath out to the A20).

- 4.3 TMBC Waste Services: Advice and guidance provided on amount and design of waste storage. Areas should be sited no more than 25 metres from the collection vehicle, with storage areas able to accommodate a 240 litre bin, a 55 litre recycling box and a 22 litre food waste bin for each dwelling, with space for plastic and glass.
- 4.4 TMBC Environmental Health (noise): The Applicant had submitted an amended Noise Impact Assessment, which details measurements taken at the site of the existing noise climate and of the appropriate standards/tools. The Assessment has taken account of earlier concerns and am content with the conclusions. Suggest informatives to cover demolition/construction working hours and bonfires.
- 4.5 TMBC Environmental Health (contaminated land): The Preliminary Geo-Environmental Risk Assessment adequately presents the findings of the desk study and site walkover, recommending intrusive investigation. The Geo-Environmental Assessment does not identify widespread contamination, however this is not complete due to existing garages. Access to garages is required to fully inspect for asbestos, and the made ground needs to be inspected below the garages to inform a remediation strategy. Therefore two contamination conditions are recommended.

The first recommended condition was queried with Environmental Health, who have advised that although the report does mention it was not possible to assess soils

beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the

remediation strategy proposals, the amended condition is acceptable, subject to an informative relating to contamination verification works.

- 4.6 TMBC Housing: The Planning Statement and Design & Access statement seem to be unchanged compared to the withdrawn schemes. Comments provided under the earlier applications still stand. The planning statement states the homes developed will be provided as affordable housing for rent, meeting M4(2) accessibility for rented affordable housing, which is supported.

The design and access statement includes reference to the third bedroom being used as an office, marked as a study. Seek clarity from the applicant if they intend to allocate these homes to households on the Council's Housing Register and therefore the household housing need will fit to the property size and suitable occupancy of a 3bed home, i.e. not allowing for a spare room for use as an office.

Use of a Unilateral Undertaking considered suitable to secure the affordable rented accommodation.

- 4.7 KCC LLFA: The application is a revision to a previously withdrawn application. The Drainage Strategy remains unchanged, however believe the principles for managing surface water remain the same and can be accommodated. The proposed drainage system will continue with a connection to the foul drainage sewer. Advise that non-return valves should be utilised, and existing blocked pipes should be cleansed. Note that the detailed drainage design is to be compiled, as such recommend conditions for detailed drainage design and verification report.

- 4.8 KCC Ecological Advice Service: Sufficient ecological information has been provided. Bat survey provides sufficient information, despite not being in accordance with best practice guidelines. Recommended conditions for biodiversity and lighting and ecological enhancement. Conditions were subsequently queried with KCC Ecology, who justified the reasoning for such conditions based upon the ecological survey and requirements of planning policy.

- 4.9 KCC Highways: One response provided for all four applications due to the close proximity of each development and to assess the cumulative impact as a whole.

Vehicular access:

The developments shall be served by existing junction arrangements.

Sustainable Travel:

The site is close to existing pedestrian pathways and bus services. 1.5km from East Malling Station.

Traffic Impact:

13 dwellings expected to generate seven trips during am peak, and five trips in pm peak. This is not a severe impact based upon the NPPF.

Car Parking:

Transport Statement assesses the parking across the sites. There are 64 garages across the sites, with only 26 rented out. Each site will comprise of car parking for the new residents, visitor bays and parking for existing residents.

- Morris Close: 6 resident bays, 1 visitor bay and 11 overspill spaces.
- Blatchford Close: 6 resident bays, 1 visitor bay and 7 overspill spaces.
- Addison Close: 8 resident bays, 1 visitor bay and 7 overspill spaces.
- Tyler Close: 6 resident bays, 1 visitor bay and 4 overspill spaces.

The provision meets Interim Guidance Note 3 (IGN3) standards for the proposed number of parking spaces for the new dwellings and visitor spaces.

The Parking Beat Survey shows that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, there is no evidence to indicate that there is a lack of provision within the proximity of the development.

To ascertain if there is sufficient residual capacity the applicant has then compared the number of empty spaces (83). Acknowledge the developments could cause inconvenience to existing residents, where parking is available in locations away from being directly outside of their homes, and there may be an increase to illegal parking. The number of spaces required (36) is less than what is available on street within the wider surroundings (83). As such, KCC Highways consider that the applicant has demonstrated that any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity. The developments would displace parking, but there is capacity in the vicinity.

Cycle Parking:

Cycle secure storage is proposed within the curtilage of each dwelling, according with (SPG4) Supplementary Planning Guidance Note 4 "One space per bedroom.

Turning and Servicing:

Refuse collection will be from the kerbside, the same as for the existing estate.

Personal Injury Collision Record:

Applicant has undertaken Personal Injury Collision (PIC) analysis for the latest 5-year period. There are no historic traffic collisions or data trends.

Summary and Recommendation

KCC Highway confirms, that provided the following requirements are secured, then no objection will be raised:

- Construction Management Plan
- Provision and permanent retention of the vehicle parking spaces
- Provision of measures to prevent the discharge of surface water onto the highway
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision and permanent retention of the vehicle turning facilities
- Provision and permanent retention of Electric Vehicle chargers

Series of standard informatives provided.

A follow-up response was provided by KCC Highways on 29.11.2023, confirming that amending parking spaces to remove allocated provision would be acceptable in principle to KCC Highways.

- 4.10 KCC Archaeological Advice Service: The site lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road. Remains associated with prehistoric or later activity may survive. In view of the archaeological potential, recommend a condition for phased programme of archaeological work is placed on any consent. This condition was queried with KCC Archaeology, who justify that this condition is necessary and the most appropriate, given the level of archaeological potential and how the garages sites will likely have not been subject to previous deep excavations.
- 4.11 Southern Water: Map attached showing approximate location of public sewers. Public sewer location within the site shall need to be identified by the developer. Requires 3 metres clearance to protect it during construction works and to allow for future maintenance, alongside protection during construction works. The proposed surface water drainage features cannot be within 5 metres of the sewers. A public sewer may cross the site. If found during works, ownership shall need to be identified before proceeding with works. Southern Water require a formal application for a connection to the public sewer to be made by the developer. The proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate is acceptable. SuDS can be adopted if they meet guidance, however if not adopted, sufficient maintenance must be ensured. Recommend SuDS scheme, implementation details and maintenance details are submitted to the LPA for approval. Recommend informative in relation to submission of foul and surface water drainage details.
- 4.12 Private Reps: 38 letters despatched & 2 site notices (consultation undertaken twice due to website downtime as a result of new IT system). Responses received: 0X(raising no objection)/39R(raising objection)/0S(in support). Objections summarised as follows:

- Existing area struggles with parking – more cars than spaces, with double parking, illegal parking, difficulty for emergency and waste collection vehicles to gain access. Issues illustrated in photo diaries.
- Demolition of garages to provide parking to residents would be acceptable. Garage plots were originally proposed to be redeveloped for parking given the parking issues in the locality – planning applications were approved – only four were completed.
- Existing garages are not disused – Clarion is not renting them out.
- When estate was built, the garage areas were designed to accommodate cars on the existing estate as the houses do not have their own parking and there were fewer cars, there are now more cars and delivery vans on the road.
- More cars caused by HMOs.
- Challenge of both residents and guests trying to find parking spaces.
- Adding more properties will make the traffic/parking issues worse, with more illegal parking, difficulty with access (including emergency services), parking disputes/antisocial behaviour, safety issues and reduced quality of life. The proposal increases housing and reduces parking for existing residents on the roads, on the garage sites, within the closes and in the garages.
- Social housing estate includes large proportion of disabled, families, etc. who would struggle to park far away from their houses.
- Unfair parking provision – 2 new spaces per new property, existing properties have to park on road with limited provision.
- Concerns about loss of open space.
- Impact upon mental health/reduced quality of life
- Loss of a view
- Reduction in property value.
- Impact upon visual amenity.
- Overpopulation of a densely populated area, with inadequate services/infrastructure. Development makes this worse, lack of open space/green areas and overcrowded streets.
- Affordable rented properties should be provided in new developments, rather than in existing overpopulated estate.

- Existing residents should be considered and not disadvantaged as a result of the development proposals – does not meet with governments aims for levelling up and social mobility. Proposals do not reflect needs of the existing residents.
- Why are more houses being built when existing houses are not being maintained?
- 250 houses also being built in the locality.
- Suggest number of proposed houses is reduced, allowing for more car parking.
- Suggest proposals are refused, re-sited or amended to be sustainable.
- Additional parking spaces provided within revised applications will not be sufficient.
- Contrary to TMBCS policies CP1 CP2, CP7 CP11 CP15 and CP17
- Fails to meet NPPF requirements for ‘social objective’
- Previous residents comments/suggestions/ideas appear to have been ignored.

5. Determining Issues:

Principle of Development:

- 5.1 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five-year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the [National Planning Policy Framework 2023 \(NPPF\)](#). For decision taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 5.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the [Planning and Compulsory Purchase Act 2004](#)) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.
- 5.3 Policy CP11 of the [Tonbridge and Malling Borough Core Strategy 2007 \(TMBCS\)](#) is the most relevant to the determination of this application as it addresses the matter of the principle of development for residential development in the urban confines of East Malling. Policy CP11 outlines that development will be concentrated within the confines of urban Areas. The development involves the provision of residential dwellinghouses within the urban confines. Therefore, the principle of development is acceptable, complying with Policy CP11.
- 5.4 With regards to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in Footnote 7 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that the remainder of the assessment takes place.

Affordable Rented Housing:

- 5.5 There is a need for Affordable Housing within the Borough of Tonbridge and Malling, as demonstrated within the [Housing Needs Survey 2022](#), with table C7 showing a net need of 283 dwellings per annum.
- 5.6 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH to provide wholly affordable housing for rent. The dwellings are designed to meet higher adaptable M4(2) accessibility standard and to provide step free access. The homes exceed national space standards and follow inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs. This will provide much-needed affordable rented provision within the Borough and the approach is considered acceptable to TMBC's Housing Officer. The dwellings will be secured as affordable rented via a unilateral undertaking legal agreement. It should be noted that this is a higher level of provision than that required by policy CP17 of the TMBCS, which does not require the provision of any affordable housing for such minor developments. Therefore, this provision of affordable rented dwellings holds significant weight in favour of the proposed development.
- 5.7 Comments from the Housing Officer regarding the third room being used as an office are noted, however are not applicable to this application – only being applicable to the application at Tyler Close, under ref. TM/23/01974/FL.

Design, Character and Appearance:

- 5.8 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

“1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted...”

- 5.9 Policy SQ1 of the [Managing Development and the Environment Development Plan Document 2010 \(MDE DPD\)](#) states:

“All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

- 5.10 These policies within the LDF are broadly in conformity with those contained within the NPPF.

- 5.11 In particular, paragraph 135 of the NPPF seeks to ensure that development:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

5.12 Furthermore, paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

5.13 Chapter 11 of the NPPF is specifically focused on ‘Making effective use of land’. Paragraph 123 states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

5.14 Paragraph 124 then goes on to explain that planning policies and decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

“d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is

constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);”

5.15 Paragraph 129 details that:

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

5.16 The [Medway Gap Character Area Appraisal](#) notes the following locally distinctive positive features:

- *“Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation*
- *Central footpath flanked by open space which creates an informal, spacious character*
- *Glimpses of the North Downs to the west*
- *Green edges to the north, south and west of the character area created by mature tree belts, which can on occasion be glimpsed between properties*
- *Traffic free pedestrian network*
- *Enclosed private character due to limited views into and out of the site”*

5.17 It also notes the following negative features worthy of enhancement:

- *“Streetscape of the ring road marred by high walls and fences and garage blocks*
- *Traffic noise in the north from traffic travelling along the A20”*

5.18 The proposal involves the demolition of the existing two garages blocks. These buildings are of no special architectural interest and are noted within the character area appraisal to be features worthy of enhancement. As such their demolition is considered acceptable and the development represents a visual enhancement to the area.

5.19 The proposal would result in the loss of the area of hardstanding adjacent to the existing parking court. This area has no defined use, however from public representations it can be ascertained that these areas are used for informal play by children. Given the estate has a central green corridor, and within the adjacent estate there is an area of green space, both of which offer better play space than the existing square due to the proximity to many parked cars and regular vehicle

movements, it is felt that the loss of this space would be acceptable. Therefore, on balance the provision of three affordable units is a better use of such an area.

5.20 The proposed terrace measures approximately 8.26 metres high to the roof ridge, 6.2 metres to the top of the eaves, 10.23 metres deep and 19.11 metres wide. The dwellings shall be single-fronted, with shallow gable pitched roofs. The proposed roofs have been designed with a shallow pitch of 22 degrees in an attempt to appear visually similar to the existing properties with their shallow-pitch, low-height roofs. These are proposed changes since the previously withdrawn submissions, with the changes being the reduction in roof ridges by 1.47 metres, with eaves by 0.3 metres and roof pitches being reduced to 22 degrees. For comparison, the existing dwellings are also terraces, and measure approximately in-between 6 to 6.6 metres to the roof ridges and 4.65 to 5.25 metres to the top of the eaves (depending upon the surrounding land levels), with gable pitch roofs and single frontages. The existing terraces also measure approximately 7.3-7.6 metres deep, with the terraces varying in width. As noted within the Character Area Appraisal, the area contains a “*Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation*” which are considered to be locally distinctive positive features of the estate.

5.21 It is acknowledged that the proposed ridge and eaves heights would be higher than the existing dwellinghouses, however this can be partially attributed to how the dwellinghouses are built to meet the [‘Technical housing standards – nationally described space standards’](#) (NDSS) both because they will be used for social housing and to ensure they are future-proofed. The NDSS set-out that “*the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area*”, whilst the proposed floor to ceiling heights vary between 2.3-2.5 metres, with the majority of rooms being 2.5 metres. The proposed dwellings therefore exceed the NDSS in relation to floor to ceiling heights, but this is considered to enable them to be future-proofed. The space standards also set-out minimum requirements for gross internal floor areas and storage, resulting in the dwellinghouses being deeper than houses within the existing estate, which therefore naturally results in an increase in height and bulk compared to the existing dwellinghouses. It is acknowledged that the proposed terraces shall be slightly higher and more bulkier than the existing dwellings, however there are examples of three-storey townhouses to the south of the estate and existing infill developments also comprise of elements of bulkier development. It also has to be noted that the applicant has amended the designs of the dwellings to lower their height since the previously withdrawn applications and given the separation with the existing dwellings it is considered that the height differences would not be overly noticeable. The proposed dwellings would also be in-keeping with the general urban grain and layout of the estate by way of the designed site layout and because the proposed dwellings are also terraces. Overall, on balance it is considered that although the proposed dwellinghouses would be slightly larger in bulk, mass and scale, this design is clearly justified given the NDSS, future proofing and by way of the layout and form which is in-keeping with the existing estate and dwellings.

- 5.22 The development site comprises of brownfield land and would re-utilise existing underutilised land to help meet the demonstrated need for affordable rented accommodation. This is in specific compliance with paragraph 124 of the NPPF, and holds significant weight in the planning balance in favour of the development.
- 5.23 The proposed three dwellings shall occupy the site at a density of 32 dwellings p/ha. This is less dense than the existing estate, however this is attributed to how the development site accommodates areas of car parking for both the new and existing residents, whilst the dwellings have been designed to exceed the nationally described space standards. The development site retains areas for parking, pedestrian pathways, gardens for each dwelling and is similar to the layout of the existing estate, whilst the development would remove the garages which can attract antisocial behaviour, it is therefore considered to ensure safe and healthy living conditions. The development therefore makes a good use of the available land, being appropriately dense whilst ensuring the proposals are in-keeping with the character of the locality and ensuring safe and healthy living conditions, complying with paragraphs 123, 124 and 129 of the NPPF.
- 5.24 The proposed dwellings shall comprise of buff brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes. The mixture of materials proposed are of a palette considered in-keeping with the existing built form within the vicinity. The specific materials for each element have not been provided, therefore these details shall need to be required via planning condition to ensure a suitable mix of materials come forwards.
- 5.25 The proposed terrace shall be of a slightly more modern design to the immediate surrounding terrace properties. However, on balance and given the site's location and proposed materials palette, the design is considered to be acceptable and would not appear visually intrusive or harmful to the site's surroundings.
- 5.26 Each property contains a garden shed/storage building; however no details have been provided of their appearance. As such, a condition is recommended requiring the submission of details of the storage building.
- 5.27 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. This is considered acceptable. It is acknowledged that much of the landscaping would be hard surfaced, however this is considered appropriate given the need within the locality for parking and the existing situation which is subject to much hard surfacing. To obtain specific details for landscaping, it is considered reasonable to attach a planning condition requiring the submission of detailed plans for landscaping.
- 5.28 Overall the density, scale, form, materials and landscaping of the proposed dwellinghouses are considered acceptable and would appear in-keeping with the

street scene and character of the area, complying with policies CP24 and SQ1 and paragraphs 123, 124, 139, 135 and 139 of the NPPF.

Residential Amenity:

- 5.29 Policy CP1 of the TMBCS sets-out that that the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications, the quality of a range of matters, including residential amenity, will be preserved and, wherever possible, enhanced.
- 5.30 Policy CP24 of the TMBCS requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 5.31 Paragraph 135 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 5.32 The [Kent Design Guide](#) in relation to privacy advises that:
- “a flexible approach needs to be taken over privacy distances. Minimum distances are not prescribed, but developers must be able to put forward a good case for distances proposed depending on the circumstances.”*
- 5.33 The dwellings include no side-facing windows. There are rear facing windows, which would be approximately 9.4 metres from the boundary of the adjoining dwellings to the east. They would however be at a 90-degree angle from these neighbours, which prevents direct overlooking into the neighbouring properties windows. It is acknowledged that there would be a close relationship with the neighbour’s gardens, however this is a common occurrence across the Winterfield Lane estate, where houses are aligned at 90 degrees to each other, resulting in mutual overlooking and therefore not providing grounds for refusal in relation to impact upon neighbouring privacy. As such, it is considered that there will be no unacceptable impact upon neighbouring levels of privacy.
- 5.34 In relation to impact upon sunlight, daylight and outlook, the nearest neighbour would be sited approximately 2 metres to the north. The proposed terrace would be deeper than this neighbouring house, however given that this existing neighbour is approximately 2 metres from the proposed dwelling, the neighbour shall have an uninterrupted outlook to the north and east, and the depth of the proposed dwelling shall be only approximately 2.6 metres deeper than the existing house rear wall, it is considered that the proposed terrace would not unacceptably impact upon

neighbouring levels of sunlight, daylight and outlook to this neighbour. Additionally, given the orientation of the proposed terrace and its separation with the other neighbouring properties (approximately 9.4 metres separation to the east and 16 metres separation to the south), there will be no unacceptable impact upon neighbouring levels of sunlight, outlook and daylight as a result of the development.

5.35 Overall, given the above assessment, the proposal would not have an unacceptable impact upon neighbouring amenities, complying with policies CP1 and CP24 and paragraph 135 of the NPPF.

Highways Safety and Parking Provision:

5.36 Policy SQ8 of the MDE DPD states that:

“1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.”

5.37 Paragraph 114 of the NPPF states that in assessing development applications, it should be ensured that appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location, that safe and suitable access to the site can be achieved for all users, the design of transport elements reflect current national guidance and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

5.38 Paragraph 115 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

5.39 Paragraph 116 goes on to state that, within this context, applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.40 The parking standards for TMBC are currently set-out within the [KCC Parking Standards KHS Interim Guidance Note 3: Residential Parking \(IGN3\)](#), which sets-out the quantum requirement for residential developments. Additionally, there is the [Kent Vehicle Parking Standards Supplementary Planning Guidance 4 \(SPG4\)](#) which sets-out the design requirements for parking bays.

5.41 The evidence base for IGN3 is considered by the Council to be out of date and to provide insufficient levels of parking provision for modern developments. As such, IGN3 will be used for the base-line assessment, however the review will also be based upon an assessment of the individual detail of the development in question, site-specific circumstances and the prevailing locational characteristics in accordance with the [Position Statement in respect of Kent County Council Interim Guidance Note 3: Residential Parking Standards, August 2021](#).

5.42 In accordance with the IGN3, garages do not count towards parking provision. This is because of the enclosed nature of such spaces, the majority of people do not use garages for parking, instead using it for storage. Additionally, as noted within the Kent Vehicle Parking Standards SPG4, to ensure such spaces are used for parking and storage, garages should measure 5.5 metres long by 3.6 metres wide – the garages do not meet these space standards. The garages within the Winterfield Lane estate were built in the 1960s, however cars have increased significantly in size, as such the garages cannot accommodate many modern cars. Therefore, for the purposes of this officer’s assessment the existing garages shall not be counted towards parking provision and cannot be considered as usable parking bays or to contribute towards parking in the locality. Members are reminded that this is the

position taken for all new development proposals, as such for the purposes of consistency the existing garages cannot be considered as parking spaces. The hardstanding in-front of the garages however is used for parking, as such this area shall be considered as areas for parking within the officer's assessment. It is noted however that the applicants Transport Assessment has considered parking within the currently rented out garages, and this is considered acceptable as it enables the consideration of a 'worst case scenario' whereby all garages contain cars.

5.43 The existing situation includes ad-hoc parking within the close for approximately 14 cars, alongside parking on the hardstanding in-front of the garages for approximately 6-8 vehicles. Parking within the close will remain as part of the proposals, but will become formalised and a dedicated disabled bay will be created. The parking in-front of the garages would be lost as part of the proposals, however the existing area of hardstanding within Blatchford Close would be converted to parking. Ad-hoc parking along Blatchford Close will remain. The current submissions include more parking provision than the previously withdrawn applications (7 spaces extra for all four sites).

5.44 In summary, the proposal involves the provision of the following spaces within Blatchford Close:

- 3x allocated spaces to serve the new dwellings.
- 1x disabled bay.
- 10x unallocated parking bays (which would be to serve the proposed dwellings, their visitors and existing residents).
- Retention of existing ad-hoc parking along Blatchford Close (approximately enough space for 9-10 cars).

5.45 The proposed provision for the new dwellings would include three on plot spaces, alongside sharing parking with the existing residents by parking either within the parking area in the close or by parking on street. The parking survey demonstrates that there would be sufficient parking in the locality to allow for the new dwellings to park two cars each using the allocated bays and in the close and for one visitor car within the shared parking court, whilst also allowing existing residents to park. Given that each dwelling can park two cars either on plot or within the parking court in the close/on street, the provision is higher than that within the adopted parking standards (IGN3) and this is considered to be an acceptable provision of parking for development within the urban confines.

5.46 In relation to parking for existing residents, it is relevant to also assess whether the loss of the existing parking would have a material impact on parking pressure in the surrounding highways, and whether this would have an impact on highway safety. Material planning considerations generally only relate to highways safety and any

impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.

- 5.47 It is understood that local residents are able to park in the site without any restrictions or need for a permit. The existing parking situation is fully understood as a result of the illustration of the parking issues within the public representations and as witnessed during site visits during various times of day and late evening during the week. Residents' concerns are fully appreciated, with the existing road network appearing busy with cars, however the assessment for this proposal is whether there is sufficient capacity within the surrounding highway to allow for the parking associated with the proposed development without making the existing situation worse.
- 5.48 The submission therefore includes a Transport Statement which assesses the development proposals as a whole in order to capture the cumulative impact of the four development proposals. This has been reviewed by KCC Highways as Local Highways Authority, who have raised no concerns with this report. Within the Transport Statement, the Parking Beat Survey identifies that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, the Transport Statement does not evidence any lack of provision within the proximity of the development. The specific details from this survey are as follows:
- 5.49 To provide the baseline data, Parking Beat Surveys were conducted from Thursday 3rd through to Friday 4th November 2022. This parking survey was undertaken on the roads within close proximity to the Sites (Howard Road, Temple Way, Dickens Drive, Owen Close, Tyler Close, Addison Close, Blatchford Close, Morris Close, Hardie Close, Shaftesbury Close and Walpole Close). The parking beat surveys were undertaken every 15 minutes during the morning (AM), afternoon (PM) and off-peak (OP) periods (06:30 – 09:30, 15:00 – 18:00 and 23:00 – 02:00 respectively). They were undertaken at a time when there were no significant roadworks, were not on a Monday, Friday evening or weekend and were not during a holiday period. It is acknowledged that parking pressures ebb and flow during the course of the day/week. This survey however includes hours when it is assumed that there would be maximum pressure on parking spaces when residents are not in work (the OP period).
- 5.50 The survey assessed the theoretical parking capacity of the surveyed area based on an average vehicle length of five meters and a width of three metres as per the Lambeth Parking methodology. On this basis the applicant argues there are 308 current legal parking spaces available within the proximity of the Sites. Where sections of road were observed to be narrow, and therefore vehicles parking on both sides would block the flow of traffic, it has been assumed that vehicles are only able to park on one side of the road.
- 5.51 The results of the survey indicate that the maximum total parked vehicle occupancy was 220 parked vehicles, which occurred at 23:00 – 23:15. This equates to a

maximum parked vehicles occupancy of 71%, indicating that there is currently capacity to support additional on-street parking in the vicinity of the site. The results indicate that the maximum total parked vehicle occupancy on each road was:

- 15 for Howard Road in the AM peak (maximum capacity 22 vehicles);
- 26 for Temple Way in the OP period (maximum capacity 65 vehicles);
- 45 in Dickens Drive in the OP period (maximum capacity 63 vehicles);
- 21 in Owen Close in the OP period (maximum capacity 25 vehicles);
- 11 in Tyler Close in the AM peak (maximum capacity 12 vehicles);
- 19 in Addison Close in the AM peak (maximum capacity 17 vehicles);
- 13 in Blatchford Close in the OP period (maximum capacity 14 vehicles);
- 15 in Morris Close in the OP period (maximum capacity 15 vehicles);
- 19 in Hardie Close in the OP period (maximum capacity 25 vehicles);
- 18 in Shaftesbury Close in the OP period (maximum capacity 24 vehicles); and
- 24 in Walpole Close in the OP period (maximum capacity 26 vehicles).

5.52 The results indicate that there were 135 (AM peak), 147 (PM peak) and 88 (OP period) vacant spaces on the day of the survey across the three time periods, and each road, with the exception of Addison Close, remained within theoretical capacity.

5.53 To assess the overall impact of the developments on on-street parking, analysis has been undertaken to determine if the existing displaced and additional vehicles arising from the development will have adequate on-street parking provision within the local area. A breakdown of the change in on-street parking space is provided in Table 5-1. A total of 17 on-street spaces will be retained. Whilst 41 will be lost as part of the proposals, 47 on-street spaces including four accessible spaces will be provided (in addition to 12 off-street spaces). This equates to a total net increase of six on-street spaces. For Blatchford Close specifically, this shall be:

- 10 spaces shall be lost.
- 4 remain unaltered.
- 3 on-plot spaces proposed.
- 11 proposed, with a new on-street capacity of 15 (an increase of one space).

Table 5-1 - Net increase in parking spaces

Plot	Lost spaces on-street	Unaltered spaces on-street (retained)	New spaces provided			New Legal On-Street Capacity	Net change On-Street Capacity
			Total	On Plot (allocated)	On street (unallocated)		
Morris Close	9	6	18	2	16	22	+7
Blatchford Close	10	4	14	3	11	15	+1
Addison Close	13	4	16	5	11	15	-2
Tyler Close	9	3	11	2	9	12	0
Total	41	17	59	12	47	64	+6

5.54 It is then necessary to assess future on-street parking demand, which has also been assessed by the applicant. This will change because:

- New residents: 47 unallocated on-street spaces will be provided for existing residents, new residents and visitors, as well as 12 allocated spaces within the plots to serve the proposed dwellings.
- Displacement from demolished garages: a total of 26 garages are currently let out. To assess a worst-case, these are assumed by the applicant to all contain parked vehicles.

5.55 To calculate the future on-street parking demand, the maximum existing demand from the parking surveys and additional future changes have been assessed in table 5-2.

Table 5-2 - Future Parking Demand

Plot	New units			Existing Garages Let	Existing Demand*	Total future On-Street demand
	Total Demand	Provided for within Plot	On-street Demand			
Morris Close	7	2	5	8	15	28
Blatchford Close	7	3	4	5	13	21
Addison Close	9	5	4	6	19	29
Tyler Close	6	2	4	7	11	22
Total	29	12	17	26	58	100

**Taken from the parking beat surveys, as presented in Section 3.6.2.*

5.56 Finally, it is then necessary to assess the on-street parking impact to ascertain if there is sufficient residual capacity to enable the development without detrimentally impacting existing residents. Where there is insufficient capacity on the road the plot is located on, it is assumed that any vehicles displaced would want to park on the closest available roads with vacant on-street capacity. In this way, vehicles from Morris Close and Blatchford Close are assumed to displace onto Dickens Drive, Hardie Close and Shaftesbury Close, whilst vehicles from Addison Close and Tyler Close are assumed to displace onto Howard Road, Temple Way, Owen Close and Walpole Close.

5.57 Table 5-3 summarises the analysis with the total number of vacant spaces being the capacity on-street minus the total future on-street demand. This shows that there would be a total of 36 overspill vehicles from the four roads, however there are 83 available spaces on the surrounding streets.

Table 5-3 - Parking Displacement Analysis - Batched

Plot No.	Road	New Legal On-Street Capacity	Total max number of vehicles parked (incl. illegal parking)*	Vacant spaces	Total vacant spaces on other nearby streets	
1	Morris Close	22	28	-6	31	Dickens Drive, Hardie Close and Shaftesbury Close
2	Blatchford Close	15	21	-6		
3	Addison Close	15	29	-14	52	Howard Road, Temple Way, Owen Close and Walpole Close
4	Tyler Close	12	22	-10		
Total		64	100	-36	83	

**Parking Beat Survey (2022)*

5.58 In relation to the development at Blatchford Close, the six displaced vehicles can be accommodated on Dickens Drive, Hardie Close and Shaftesbury Close. It is acknowledged that there are three other garage site applications within the immediate vicinity under consideration at this time, therefore the analysis also considered the cumulative effect. When considering all development proposals, the maximum number of existing parked vehicles and the additional vehicles created by the developments can be displaced onto the local road network, therefore the submitted Transport Assessment demonstrates there is sufficient capacity on the surrounding streets to accommodate all parking needs. This is because the number of spaces required as a result of the developments (36) is less than what is available on street within the wider surroundings (83). Members should note that this has been done on the basis of a worst-case scenario where all let garages (26 No.) contain a parked vehicle.

5.59 Therefore, the Transport Statement shows that there is parking within the existing estate to accommodate the development proposals without unacceptably impacting the existing residents. While it is noted that there has been a number of objections from residents about the loss of parking and increased pressures to the area, it is considered that the 6 potential cars being displaced could be accommodated in the area, and that their displacement would not result in any highway safety concerns. Even when considered in combination with other developments proposed in the area the evidence indicates that there is adequate capacity for the potential displacement. As stated before, material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.

5.60 Members should note that KCC Highways consider that the applicant has demonstrated with sufficient confidence, any overspill parking can be

accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity.

- 5.61 This assessment has also been carefully reviewed by the case officer, who has calculated a different number of total existing on-street capacity of approximately 261 spaces. Despite this difference in numbers, it is still considered that there is sufficient space on the highway to accommodate overspill parking from the developments based upon the survey numbers (total parked vehicle occupancy of 220 vehicles (paragraph 5.51) as well as the additional parked vehicles as a result of the proposed development. It is therefore considered that there are no grounds to warrant a refusal of planning permission based upon highways safety/parking provision.
- 5.62 Concerns from neighbours have been received about cars currently parking illegally/dangerously and there are concerns that the displacement of the cars from the site will exacerbate the problem. In the parking survey submitted with the application, it is noted that the figures of currently unrestricted parking have been established by looking at current availability on the surrounding roads. The block plans that were submitted in this survey show that they have only measured areas where there is sufficient room to park a car fully in the road, and still allow sufficient room for a car to pass on the highway. Therefore there would be no evidence to suggest that the 6 cars displaced from the site would have to result in parking on the pavement or in unsuitable locations.
- 5.63 In relation to access to the development sites, the existing junction arrangements will remain, with new on plot parking and re-arranged parking area, alongside associated turning in the close, with refuse collection from the kerbside, similar to the existing dwellings. These arrangements are considered acceptable to KCC Highways. Concern has been raised by public comments regarding the access of emergency vehicles and refuse collection vehicles. No change to the existing access point is proposed, and as addressed above it is considered that the displaced cars can be accommodated and that there is sufficient on-street parking which would not impact access for emergency vehicles and refuse vehicles.
- 5.64 The 13 dwellings across all four sites are expected to generate seven trips during the AM peak hour and five trips in the PM peak hour. This is an acceptable level, not considered to result in a severe impact upon highways safety. In relation to sustainable travel, the sites are within the existing built confines, which has a range of existing pedestrian footways, with links to nearby bus services. There is also East Malling Station, approximately 1 mile from the site, which provides train links to Maidstone, Ashford and London.
- 5.65 Secure cycle storage is proposed in the shed within the rear garden of each dwelling. More details of this storage area and its permanent retention can be sought via planning condition.
- 5.66 KCC Highways have recommended a series of conditions and informatives. These are recommended to be attached to the decision notice, apart from the EV chargers'

condition. It is recommended that a condition requiring the EV infrastructure to be installed and retained is attached instead, with the detailed specifics recommended by KCC to be covered by an informative as Building Regulations cover the detailed design of such provision. It is noted that KCC Have recommended a condition for a Construction Management Plan, despite a Construction Environmental Management Plan already having been submitted. Given that this plan includes areas which require further clarification and to allow the plan to be amended accordingly once construction proposals are more advanced, it is considered reasonable to attach an appropriately worded condition.

5.67 In light of the above assessment and the lack of objections from KCC Highways, I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

Flood Risk and Drainage:

5.68 Policy CC3 of the MDE DPD sets out that development will not be permitted if it has an unacceptable impact on the water environment and if development proposals do not incorporate SuDS appropriate to the local context. It advises that SuDS will need to have appropriate maintenance and management agreements in place. It advises where it is not practicable to use SuDS, it will need to be demonstrated that an appropriate alternative means of surface water drainage is incorporated.

5.69 Policy SQ5 of the MDE DPD requires that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.

5.70 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 173 of the NPPF goes on to explain that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

5.71 The site is within flood zone 1 and consequently has a low risk of flooding from rivers. The site is also not within a surface water flood risk area, and therefore has a low risk of flooding from surface water.

5.72 The proposed drainage strategy recommends for surface water runoff generated by the proposed development to be restricted to 2 l/s for all events up to and including the 1 in 100 year plus 40% climate change event, thereby providing betterment over the existing brownfield situation. Therefore, in order to achieve this restriction, attenuation will be provided in the form of underground geocellular storage crates and permeable paving within proposed car parking spaces. Surface water runoff stored on-site will discharge to the existing private surface water sewer network. Foul

flows generated by this development will discharge to the existing public foul sewer network.

5.73 The LLFA have reviewed the proposals from a surface water drainage perspective and are content with the drainage scheme, subject to conditions relating to detailed design and verification of the drainage installed. As such, these two conditions are recommended in relation to surface water drainage.

5.74 Southern Water have recommended an informative relating to foul drainage. Informatives cannot require the submission of details, therefore to ensure appropriate drainage, a detailed foul drainage scheme condition is recommended. Southern Water also advise that the surface water drainage features cannot be sited within 5 metres of the foul sewer, however go on to advise that the proposed SuDS scheme is acceptable subject to an existing connection, with reduced flows, to be captured under a SuDS condition relating to implementation and maintenance. These details can be required under a slightly amended LLFA condition as detailed above. Guidance relating to SuDS and foul drainage have also been provided by Southern Water, as such informatives are recommended to inform the applicant of this information.

5.75 I am therefore satisfied that, with the suggested conditions and informatives, the development would accord with the requirements of policies CC3 and SQ5 and the NPPF.

Ecology and Biodiversity:

5.76 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.

5.77 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

5.78 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.

5.79 These policies broadly accord with the policies of the NPPF. In particular, paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 5.80 Section 40 of the [Natural Environment and Rural Communities Act 2006](#) places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity.
- 5.81 The submission is supported by a Preliminary Ecological Appraisal (PEA). This report has been reviewed by KCC Ecological Advice Service, who advise the report contains sufficient ecological information.
- 5.82 The PEA advises that the site offers minimal suitable foraging and commuting habitat, as it comprises hardstanding and buildings, set within a residential location with light disturbance from street lamps. However, higher quality foraging and commuting habitat is present in the form of tree lines along Winterfield Lane, approximately 15m west, linked to arable fields, further tree lines and open green space to the west and south. Therefore, the site itself is considered to have negligible value for foraging and commuting bats, with the habitats within the site's zone of influence considered to provide moderate suitability. The PEA goes on to advise that as artificial lighting can cause disturbance to bat activity, should any external lighting be required, it should incorporate bat sensitive lighting designs to ensure that light levels are not increased above existing levels. The Dusk Emergence Bat survey notes that no bat roosts were identified within the garages, however the survey recommended any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors. Whilst it is acknowledged that street lighting must adhere to KCC requirements for highway lamps, lighting is proposed within the development on the houses, as such a condition requiring the incorporation of sensitive lighting design for biodiversity shall be necessary to mitigate against potential adverse effects on bats (and other nocturnal wildlife).
- 5.83 Policies NE2 and NE3, alongside paragraphs 180 and 186 of the NPPF all support and promote the enhancement of development sites for biodiversity (as outlined above). Provision in the form of wildlife friendly landscaping, habitat features such as bat boxes and certain bird boxes can contribute to the provision of space for priority species. Therefore, to secure ecological enhancement, a condition is recommended requesting for details of how the development shall enhance biodiversity.
- 5.84 Overall, considering the results of the Ecological Appraisal and with the series of planning conditions attached, it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including policies NE2-NE4 of the MDE DPD and the NPPF.

Contamination:

5.85 Paragraph 189 of the NPPF states that planning policies and decisions should ensure that:

“a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

5.86 Paragraph 190 makes clear that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.

5.87 A Preliminary Geo-Environmental Risk Assessment has been produced to support the planning applications. This study assesses the likely environmental issues associated with soil and groundwater conditions that may affect the proposed development of the plots. It found that widespread contamination has not been identified during the investigation. Based on the low concentrations of contaminants identified and the residential end use of the plots, the risk posed to future occupants on human health is considered to be low to moderate. The report recommended an intrusive investigation, an asbestos survey for existing garages prior to demolition and a post demolition watching brief during the construction works to further assess the areas beneath the existing garages footprint to assess potential contamination risks, which should inform a Remediation and Verification Strategy.

5.88 The Geo-Environmental Assessment presents the findings of the intrusive investigation. Widespread contamination was not identified; however, it was not possible to fully assess the site due to the current garage structures still being in place. Made ground was found in both borehole locations.

5.89 An asbestos survey has been provided, however access to the garages was not available, but this sets out appropriate measures to safely demolish the existing garages.

5.90 These reports have been agreed by the Council’s Environmental Protection officer, who has recommended two conditions. The first condition was queried by the applicant. Environmental Health have advised that although the report does mention it was not possible to assess soils beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a

description included in the remediation strategy proposals, the amended condition proposed by the applicant is considered acceptable, subject to an informative relating to contamination verification works.

5.91 Accordingly, a number of conditions have therefore been recommended to be imposed on any permission granted. With these conditions attached, the development would adhere to paragraph 189 and 190 of the NPPF.

Noise:

5.92 Paragraph 191 of the NPPF states planning decisions should ensure that new development is appropriate for its location. In doing so they should avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph 180 e) of the NPPF states planning decisions should contribute to and enhance the local environment by preventing new and existing development from being put at unacceptable risk from noise pollution.

5.93 The submission includes a Noise Impact Assessment. This is a revised Noise Impact Assessment to address previous comments by the Environmental Health Officer. The assessment has been undertaken to identify the key noise sources which may have the potential to impact upon the proposed residential development across all four plots. Accordingly, the assessment has used a measured baseline noise data to complete an assessment in line with BS8233 whereby glazing and ventilation has been specified to achieve guideline internal noise levels. For glazing and ventilation design, baseline noise measurements have been used to determine the amount of sound insulation required to meet BS8233:2014 guideline internal noise levels. Noise levels measured during a baseline survey have also been used to consider the noise exposure to future sensitive dwellings using World Health Organization (WHO) Guidelines for Community Noise 1999.

5.94 The soundscape around the sites is dominated by traffic on the neighbouring A20, other sources noted as being audible during the baseline survey were road traffic on the distant M20 and on local roads (Dickens Drive, Howard Road and Winterfield Lane) plus noise from distant aircraft. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.

5.95 The Baseline Noise Survey was completed on a typical weekday to quantify the existing day and night noise environment that could adversely impact the proposed development. It found that the measured baseline levels are equal to or lower than would be expected from examination of Defra strategic noise mapping. Therefore, to present a reasonable worst case, Defra strategic noise mapping levels were used where they are higher than measured levels. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.

5.96 An indicative façade mitigation strategy has been proposed to achieve guideline internal noise levels as such the façade mitigation strategy has been uprated by +3dB. The Noise Assessment shows that, the predicted level of noise across the

sites can be mitigated to have no adverse impact providing good acoustic design is incorporated to the development.

5.97 Environmental Health advise that this report has addressed previous concerns raised in the withdrawn submission, and that they are therefore content with the conclusions of the report.

5.98 Overall, given the details of the submitted information and the comments from Environmental Protection, the development would accord with paragraphs 180 and 191 of the NPPF.

5.99 Environmental Health have advised regarding light, working hours and bonfires. As such, relevant planning informatives shall be attached to make the applicant aware of these issues.

Archaeology:

5.100 Paragraph 200 of the NPPF states that “...*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*”

5.101 An Archaeological Assessment supports this planning application, which assesses the impact of the proposals on any potential archaeological remains. The Archaeological Assessment brings together the available archaeological, historical, topographical and land-use sources to assess the likely potential and significance of any heritage assets within, or in the vicinity of the Sites.

5.102 The site is within an Archaeological Notification Area, lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road following the alignment of the A20. The Archaeological Assessment considered that the sites lie in the agricultural field systems associated with the Iron Age and Roman settlement foci identified in the area, although the extent of the occupation is unknown and may include activity within the sites. Likewise in the Saxon and medieval periods the sites would have been in the common fields for strip farming or part of the manor. The sale of the manor in 1555 led to the enclosure of the park and associated landscaping, potentially destroying earlier features or preserving them beneath the newly established meadow. Lying at considerable distance to Bradbourne House (approx. 800m), this part of the park is unlikely to have been intensively used prior to its sale and the construction of Clare House. Features of the short-lived formal garden may survive towards the southern end of the site as these features were often simply covered with soil rather than removed. Remains associated with prehistoric or later activity may survive on site.

5.103 Therefore, given this archaeological potential KCC Archaeology have recommended a phased programme of archaeological work condition to be attached to the decision notice. This condition is considered justified given the likelihood of archaeological

remains being present given the location of the site and that garages will not have been subject to deep excavations. A phased programme of archaeological work will be more a more suitable and robust mechanism to secure any archaeological remains than a watching brief.

5.104 Overall, to adhere to paragraph 200 of the NPPF, it is considered reasonable to attach the programme of archaeological work condition, safeguarding archaeological remains.

Other issues raised by public comments:

5.105 Concerns have been raised regarding impact upon mental health/reduced quality of life. The concerns regarding parking are fully appreciated and addressed above, and the assessments demonstrate the parking proposals are acceptable in planning terms and therefore cannot be resisted. In relation to any other impacts upon mental health/quality of life, it is considered the proposals would not have any other unacceptable impacts.

5.106 Concerns have been raised in relation to loss of a view, reduction in property value and issues within Clarion's maintenance. All of which have no bearing upon the acceptability of the proposal as these are not [material planning considerations](#).

5.107 Concerns have been raised with regards to the overpopulation of a densely populated area, with inadequate services/infrastructure. The density of the proposal has been demonstrated within the submissions to be similar to the existing estate and can be accommodated within the area without detriment to visual amenity (detailed above). In relation to impact upon services, the application does not reach the threshold for developer contributions and as such contributions to services cannot be sought and neither can the three separate applications be treated as one because the sites are not contained within one continuous red line site.

5.108 Comments have stated that affordable rented properties should be provided in new developments. Affordable rented provision is being sought in new developments as well as being within this application.

5.109 Concerns have been raised that existing residents should not be disadvantaged as a result of the development proposals. As detailed above, the proposals have been assessed and are considered to not result in an unacceptable impact upon existing residents.

5.110 Comments suggesting amended schemes are noted, however as the current applications have been assessed as being acceptable, amendments cannot be sought.

5.111 Comments state that that proposal is also contrary to policies CP7, CP15 and CP17, which are not detailed specifically above. Policy CP7 is not applicable to the development site, policy CP15 is a time expired policy (only lasted up until 2021) and

the development complies with policy CP17 as the development provides 100% affordable dwellings.

5.112 Comments state that resident's comments suggestions/ideas appear to have been ignored. As the applications are minor planning applications, there is no requirement for public consultation. Despite this, engagement has been undertaken as detailed within the Planning Statement (chapter 4).

Unilateral Undertaking:

5.113 Regulation 122 of the CIL Regulations (2010) sets out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

“(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development”

5.114 Paragraph 57 of the NPPF reflects this statutory requirement.

5.115 In order to secure the affordable rented units as such in perpetuity, the applicant has proposed a unilateral undertaking. This has been reviewed by the legal and housing teams and is considered appropriate and an acceptable means to secure the accommodation as affordable rented.

Planning Balance and Conclusions:

5.116 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.117 The proposed development would provide three affordable rented properties for occupation by people on the Council's Housing Register, helping contribute towards the recognised need within the Borough. The development would redevelop a series of rundown garages, improving the visual amenity of this section of the East Malling estate. It is acknowledged that the development will have some impact upon parking on the estate for the existing residents and the scale of the proposed terrace is larger than existing dwellings, however on balance the development is not considered unacceptably harmful, especially considering the housing proposed is affordable rented, how the issues identified are not considered unacceptable for the reasons detailed within the report and the demonstrated acceptability of parking provision within the applicant's transport assessment, to warrant a refusal of planning permission.

5.118 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.

5.119 It is therefore recommended that planning permission be granted subject to the legal agreement (unilateral undertaking) securing the housing to be used as affordable rented only and various planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion.

6. Recommendation:

6.1 **Grant Planning Permission** subject to the following:

6.2 A unilateral undertaking to secure the affordable rented as such in perpetuity.

6.3 The following Planning Conditions:

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 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Wide - Location Plan - Plot 2 5209219-ATK-02-00-DR-AR-021511 P4
- Site Wide - Existing Site Plan - Plot 2 5209219-ATK-02-00-DR-AR-021512 P1
- Site Wide - Demolition Site Plan - Plot 25209219-ATK-02-00-DR-AR-021513 P1
- Site Wide - Existing Site Elevations - Plot 2 5209219-ATK-02-XX-DR-AR-022511 P1
- Site Wide - Existing Site Elevations - Plot 2 5209219-ATK-02-XX-DR-AR-022512 P1
- Site Wide - Proposed Site Plan - Plot 2 5209219-ATK-02-00-DR-AR-021514 P7
- General Arrangement - Block Type 1 - Typical Floor Plans 5209219-ATK-02-ZZ-DR-AR-011502 P7
- Site Wide - Proposed Site Elevations - Plot 2 5209219-ATK-02-XX-DR-AR-022513 P7
- Site Wide - Proposed Site Elevations - Plot 2 5209219-ATK-02-XX-DR-AR-022514 P7
- General Arrangement - Unit Type 2 - Typical Floor Plans - Plot 2 5209219-ATK-ZZ-XX-DR-AR-011512 P4
- Planning Statement (including Affordable Housing Statement and Parking Provision) 5216960-ATK-RP- 001 January 2024
- Design & Access Statement January 2024

- Air Quality Constraints and Opportunities Appraisal Statement 21-2202.02 December 2021
- Noise Impact Assessment 21-2202.03 May 2023
- Preliminary Ecology Appraisal 551918_Plot1_pwApr22FV01_PEA April 2022
- Dusk Emergence Bat Survey RT-MME-159081-01 October 2022
- Preliminary Geo-Environmental Risk Assessment 21-2202.01 December 2021
- Geo-Environmental Assessment 21-2202.01/GEA January 2022
- Drainage Strategy 21-2202.04 February 2022
- Transport Statement including traffic and collision data 5216960-TS02 January 2024
- Archaeological Desk-Based Assessment 2549 January 2022
- Asbestos Demolition Survey J260461 January 2022

Reason: To ensure the development is carried out in accordance with the approval, to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraphs 135 and 140).

- 3 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 4 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 5 The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved in writing by the Local Planning authority. 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. 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 6 No development shall take place until arrangements for the management of any and all demolition and construction works (a Demolition and Construction Management Plan) have been submitted to and approved in writing by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
- The days of the week and hours of the day when the demolition and construction works will be limited to and measured to ensure these are adhered to.
 - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to):
 - Routing of demolition, construction and delivery vehicles to/from site
 - Parking and turning areas for demolition, construction, delivery and site personnel/contractor's vehicles
 - Timing of deliveries
 - Provision of wheel washing facilities
 - Temporary traffic management/signage
 - How/where materials will be offloaded into the site
 - The management of all other construction related traffic
 - Measures to ensure these are adhered to
 - The specific arrangements for any external storage of materials or plant throughout the demolition and construction phase.
 - Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration,

with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination.

- The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 7 The development hereby permitted shall not be occupied until the area shown on the Proposed Site Plan as vehicle parking and turning spaces have been provided, surfaced and drained. Thereafter they 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 2015 (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: To ensure that adequate parking is provided, maintained and retained, as development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 8 The development hereby permitted shall not be occupied until details of the cycle parking/storage sheds to serve the development have been submitted to and approved by the Local Planning Authority. The cycle parking/storage sheds shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 9 There shall be no discharge of surface water onto the public highway.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 10 Notwithstanding the electric vehicle charging points shown on the submitted proposed site plans, prior to the first occupation of the development hereby approved, car charging point infrastructure shall be provided at a ratio of 1 point per dwelling and shall thereafter be maintained and retained.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 11 No development, other than demolition, shall take place until a detailed remediation method statement informed by the approved site investigation report (21-2202-01/GEA), which details how the site will be made suitable for its approved end use through removal or mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

The development must then be carried out in accordance with the approved remediation scheme.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 12 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 13 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Strategy report (23rd February 2023- Report reference 21-2202.04). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The submission shall specify the responsibilities of each party for the implementation of the SuDS scheme and include a timetable for implementation.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including and proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water, to ensure that the development does not exacerbate the risk of on/off site flooding and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraph 173). These details and accompanying calculations are required prior to the commencement of construction of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 14 The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from the development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, to ensure that the development as constructed is compliant with and subsequently maintained and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraphs 173 and 175).

- 15 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: In the interests of pollution prevention, to ensure that adequate sewage infrastructure is present and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ5.

- 16 The development hereby permitted shall not be occupied until a lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: To ensure the protection of wildlife species and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraph 180) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 17 Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include retention of durable bat and/or bird boxes suitable for species of conservation concern. The biodiversity enhancement measures shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure the development provides net gains for biodiversity and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraphs 180 and 186) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 No development, other than the demolition of any buildings or removal of hardstanding, shall take place until the applicant, or their agents or successors in title have secured:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and in accordance with the National Planning Policy Framework 2023 (paragraphs 200, 203, 205, 209 and 211).

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the dwellings other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and the National Planning Policy Framework 2023 (paragraph 135).

6.4 The following informatives:

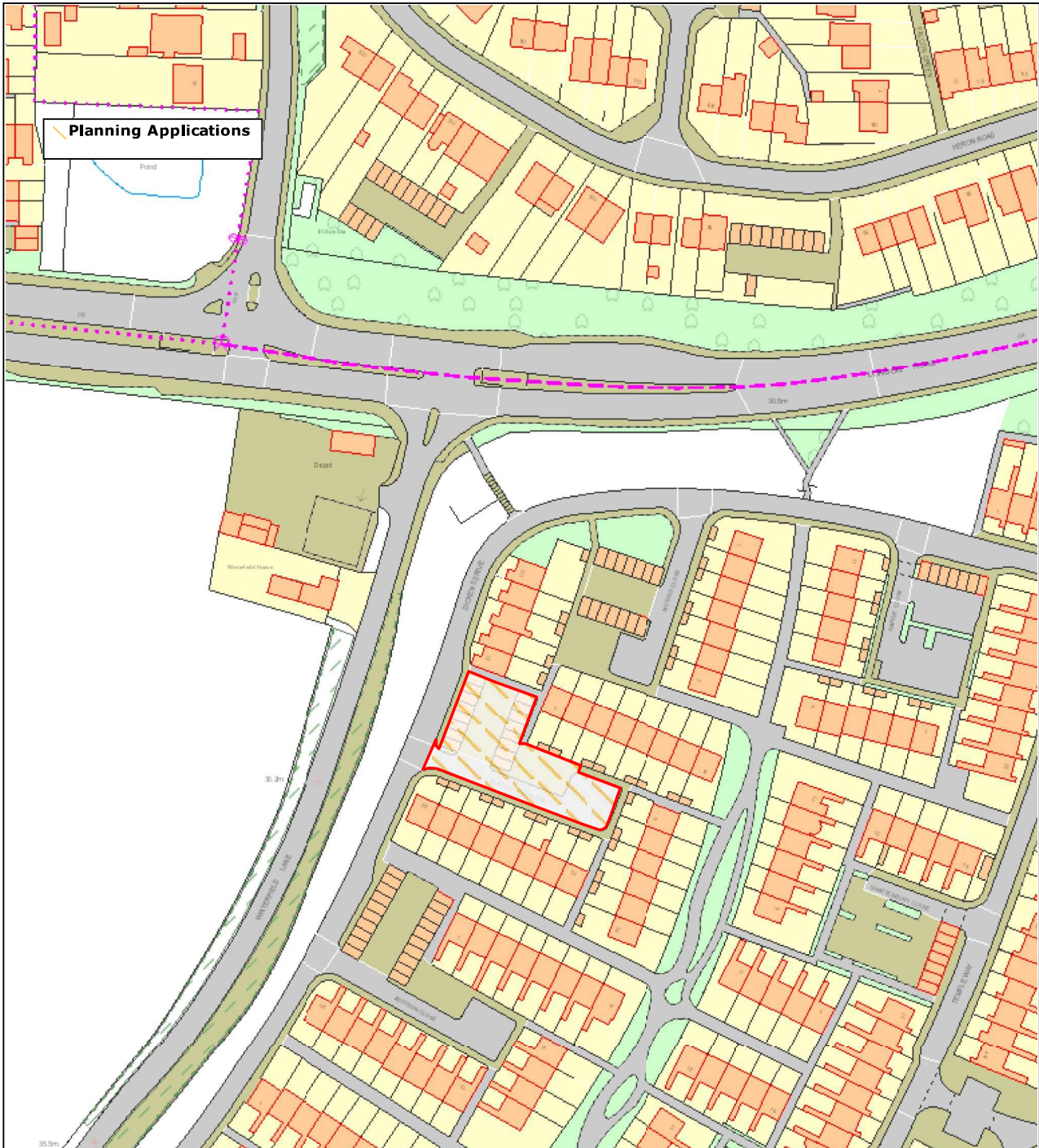
Informatives:

- 1 In the interests of good neighbourliness, the hours of construction, including deliveries, should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 2 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
- 3 To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with the National Planning Policy Framework 2023, it is recommended that the Bat Conservation Trust/Institute of Lighting Professionals' 'Guidance Note 8 Bats and Artificial Lighting at Night'¹ is consulted when designing any lighting design to serve the development.
- 4 Contamination verification works shall need to include sampling of the soils beneath the garages once formation levels have been achieved.
- 5 In relation to the sustainable drainage scheme, it is recommended that:

- Non-return valves are installed within the last chamber prior to connection to prevent against backflows.
 - If existing blocked pipes are to be re-used, these should be cleansed and re-investigated to confirm their suitability for reuse.
- 6 Your attention is drawn to the comments available online by TMBC Waste Services in relation to the design and provision of refuse storage and collection.
 - 7 Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC). Anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
 - 8 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by KCC whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
 - 9 Works on private land may also affect the public highway. These include works to retaining walls which support the highway or land above the highway, and to signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
 - 10 It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
 - 11 Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on KCC's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181
 - 12 All Electric Vehicle chargers provided for residential properties should be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

- 13 An existing public foul sewer is located within the development site. The exact position of the sewer must be determined on site. The public sewer requires a clearance of 3 metres on either side to protect it from construction works and to allow for future maintenance access. No development or tree planting should be carried out within 3 metres of the external edge of the sewer without consent from Southern Water. All existing infrastructure should be protected during the course of construction works. More information can be found at:
<https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>
- 14 It is possible that other sewers now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 15 Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> Reference should also be made to the New Connections Charging Arrangements documents: <https://www.southernwater.co.uk/help-advice/connection-charging-arrangements>
- 16 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available at:
<https://www.water.org.uk/sewerage-sector-guidance-approved-documents>
<https://ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>
- 17 No surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

Contact: Andrew Longman



Planning Applications 23/01961/FL

Scale: 1:1250



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East Malling and Larkfield
East Malling, West Malling
and Offham

21 February 2024

TM/23/01962/FL

Location: Garage Block Rear of Addison Close East Malling West Malling Kent

Proposal: Demolition of existing garages and construction of 4 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00862/FL)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing two rows of garages and the construction of a terrace of four 3-bedroom two-storey dwellinghouses, alongside associated car parking to serve the dwellinghouses and re-configured car parking within the close to serve the existing residents and new dwellinghouses.
- 1.2 The proposed terrace shall front onto Dickens Drive, with one property having two driveway spaces provided on a tandem basis, with the other properties having their parking within allocated parallel parking adjoining the southern-most house and within the close on an unallocated basis. Parking for existing residents shall remain within Addison Close, with a total of 11 spaces being provided in the close, as well as spaces for ad-hoc parking on the access road.
- 1.3 The proposed dwellings shall have a gable roof, with the gables to the north and south elevations. The materials are proposed to comprise of red brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes.
- 1.4 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the new gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. Refuse bins are to be stored to the front of each property.
- 1.5 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH 'Everyone Deserves a Roof Over Their Head' to provide wholly affordable housing for rent. The buildings proposed will be modern methods of construction (MMC) with the homes being largely manufactured off-site. The homes are designed to be zero carbon in operation.
- 1.6 The dwellings are designed for the higher adaptable Part M4(2) standard and to provide step free access. The homes exceed national space standards and follow

inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Michelle Tatton to enable the committee to consider the impact of the proposals in relation to parking provision, highways and the density of development.

2. The Site:

2.1 The application site is located within the urban confines of East Malling, within the Winterfield Lane public sector housing estate.

2.2 The Winterfield Lane Estate represents a later phase of post-war public-sector housing based on the Radburn principles. The area is designed around a central footpath flanked by communal open space which runs north/south with footpaths leading off at right angles. Two storey low height with shallow pitch roof terraced properties line and face onto this central space with other short terraces of houses leading off from this. The central landscaped section of the development is not accessible to vehicles, and therefore exhibits a quieter character. An extensive network of footpaths crosses the site. Glimpses of the North Downs can be seen to the west from the footpaths. Vehicular access is via a ring road around the periphery of the development, with short cul-de-sacs leading off either side to communal car parking and garage blocks. To the south of the area, along the boundary with Chapman Way, there are three storey town houses.

2.3 The application site is to the east of Dickens Drive, Winterfield Lane and a tree belt which separates the two roads. It is west, north and south of four terraces of houses, which are predominately owned by Clarion housing association. 19-22 Blatchford Close are to the north of the site and north of the proposed terrace, 1 Addison Close is to the east of the proposed dwellings, 1-5 Addison Close are to the north of the proposed parking area, 9-10 Addison Close to the east of the proposed parking area and 13-20 Blatchford Close to the south of the proposed dwellings and parking area, with the majority having their rear elevations overlooking the development site. The adjoining houses along Blatchford and Addison Close are predominately finished in red brickwork and grey concrete roof tiles, with white UPVC windows, whilst one terrace includes properties finished in buff brickwork. Boundary treatments currently comprise of low-level metal railings, hedges and timber fences to the front gardens, with rear gardens comprising of close-boarded fence panels and the brickwork walls of garden outbuildings.

2.4 The site is relatively flat and contains the cul-de-sac of Addison Close, two rows of garage blocks (finished in red brickwork with flat roofs) with hardstanding in front, areas of amenity space by way of lawn and hardstanding, internal access pathways and parking within the turning circle at the end of the close. There are no existing boundary treatments.

- 2.5 Parking within the close is predominantly along the access road, within the turning circle and on the hardstanding within the garages. The current guidelines for garage sizes are 3.6m (width) x 5.5m (depth), whilst the existing garages are much smaller (their external measurement is approximately 4.8 metres by 2.7 metres). Six garages are however currently let-out.
- 2.6 There is an extant permission for the redevelopment of this site by way of the demolition of one set of garages and the provision of further parking and soft landscaping (TM/12/03503/FL). This site is one of six sites that were granted permission under this permission, however only two were completed at Hardie Close and Owen Close (the other two garage sites at Shaftesbury Close and Walpole Close were granted permission under a separate consent). This application for is an alternative scheme of redevelopment of that consented.

3. Planning History (relevant):

TM/12/03503/FL Approved 11 January 2013

Development of 6 garage sites into car parking (secure) courtyards. Demolition of 6 garage plots to be replaced by car parking areas. Implementation of a variety of tree planting

TM/23/00862/FL Application Withdrawn 1 September 2023

Demolition of existing garages and construction of 4 x three bedroom dwellings including car parking, cycle parking, refuse and landscaping

4. Consultees:

- 4.1 Consultation responses are summarised below. The full text is available on the Councils website.
- 4.2 PC: Recently met with Clarion, which was appreciated. Pleased that the height difference with the existing dwellings have been addressed.

Noted and appreciated that parking bays have been increased in size and have allotted 2 spaces per household. Still have concerns over parking due to the existing estate being constricted for parking.

It is argued there are opportunities for displaced existing residents to park on existing roads. Clarion states correctly though that they have no control over these roads - they are KCC controlled and any new yellow lines are a Borough Council issue.

Based upon an early Sunday morning survey (busiest time for parked vehicles), and looking at the plans provided the following conclusions are drawn:-

- a. Morris Close: 18 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net gain of just 2 spaces

b. Blatchford Close: 14 marked spaces to be provided (6 allocated for new builds). 14 vehicles counted, a net loss of 6 spaces.

c. Addison Close: 16 marked spaces to be provided (8 allocated for new builds). 18 vehicles counted, a net loss of 10 spaces

d. Tyler Close: 11 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net loss of 5 spaces.

A total net loss of 19 spaces.

Appreciated that no count was given for possible parking on the access road to the parking courts, Clarion admitted they could be used. These could be formalised by the marking with bays of sufficient size - 6 metres in length to allow for manoeuvring. There is a possibility of an extra 3 bays in each case giving an extra 12 spaces, with a shortfall of 7 bays.

There is an area at the north-eastern end of Morris Close which, if converted to hard standing could possibly supply three more bays and the area to the side of No.20 Dickens Drive could similarly be utilised. It is felt the worst impact will be on Tyler Close.

There should be gaps left on any on street parking to allow for pedestrian access to footpaths and for passing places (around the bend at the northern end of Dickens Drive and the footpath out to the A20).

- 4.3 TMBC Waste Services: Advice and guidance provided on amount and design of waste storage. Areas should be sited no more than 25 metres from the collection vehicle, with storage areas able to accommodate a 240 litre bin, a 55 litre recycling box and a 22 litre food waste bin for each dwelling, with space for plastic and glass.
- 4.4 TMBC Environmental Health (noise): The Applicant had submitted an amended Noise Impact Assessment, which details measurements taken at the site of the existing noise climate and of the appropriate standards/tools. The Assessment has taken account of earlier concerns and is content with the conclusions. Suggest informatives to cover demolition/construction working hours and bonfires.
- 4.5 TMBC Environmental Health (contaminated land): The Preliminary Geo-Environmental Risk Assessment adequately presents the findings of the desk study and site walkover, recommending intrusive investigation. The Geo-Environmental Assessment does not identify widespread contamination, however this is not complete due to existing garages. Access to garages is required to fully inspect for asbestos, and the made ground needs to be inspected below the garages to inform a remediation strategy. Therefore two contamination conditions are recommended.

The first recommended condition was queried with Environmental Health, who have advised that although the report does mention it was not possible to assess soils

beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the

remediation strategy proposals, the amended condition is acceptable, subject to an informative relating to contamination verification works.

- 4.6 TMBC Housing: The Planning Statement and Design & Access statement seem to be unchanged compared to the withdrawn schemes. Comments provided under the earlier applications still stand. The planning statement states the homes developed will be provided as affordable housing for rent, meeting M4(2) accessibility for rented affordable housing, which is supported.

The design and access statement includes reference to the third bedroom being used as an office, marked as a study. Seek clarity from the applicant if they intend to allocate these homes to households on the Council's Housing Register and therefore the household housing need will fit to the property size and suitable occupancy of a 3bed home, i.e. not allowing for a spare room for use as an office.

Use of a Unilateral Undertaking considered suitable to secure the affordable rented accommodation.

- 4.7 KCC LLFA: The application is a revision to a previously withdrawn application. The Drainage Strategy remains unchanged, however believe the principles for managing surface water remain the same and can be accommodated. The proposed drainage system will continue with a connection to the foul drainage sewer. Advise that non-return valves should be utilised, and existing blocked pipes should be cleansed. Note that the detailed drainage design is to be compiled, as such recommend conditions for detailed drainage design and verification report.

- 4.8 KCC Ecological Advice Service: Sufficient ecological information has been provided. Bat survey provides sufficient information, despite not being in accordance with best practice guidelines. Recommended conditions for biodiversity and lighting and ecological enhancement. Conditions were subsequently queried with KCC Ecology, who justified the reasoning for such conditions based upon the ecological survey and requirements of planning policy.

- 4.9 KCC Highways: One response provided for all four applications due to the close proximity of each development and to assess the cumulative impact as a whole.

Vehicular access:

The developments shall be served by existing junction arrangements.

Sustainable Travel:

The site is close to existing pedestrian pathways and bus services. 1.5km from East Malling Station.

Traffic Impact:

13 dwellings expected to generate seven trips during am peak, and five trips in pm peak. This is not a severe impact based upon the NPPF.

Car Parking:

Transport Statement assesses the parking across the sites. There are 64 garages across the sites, with only 26 rented out. Each site will comprise of car parking for the new residents, visitor bays and parking for existing residents.

- Morris Close: 6 resident bays, 1 visitor bay and 11 overspill spaces.
- Blatchford Close: 6 resident bays, 1 visitor bay and 7 overspill spaces.
- Addison Close: 8 resident bays, 1 visitor bay and 7 overspill spaces.
- Tyler Close: 6 resident bays, 1 visitor bay and 4 overspill spaces.

The provision meets Interim Guidance Note 3 (IGN3) standards for the proposed number of parking spaces for the new dwellings and visitor spaces.

The Parking Beat Survey shows that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, there is no evidence to indicate that there is a lack of provision within the proximity of the development.

To ascertain if there is sufficient residual capacity the applicant has then compared the number of empty spaces (83). Acknowledge the developments could cause inconvenience to existing residents, where parking is available in locations away from being directly outside of their homes, and there may be an increase to illegal parking. The number of spaces required (36) is less than what is available on street within the wider surroundings (83). As such, KCC Highways consider that the applicant has demonstrated that any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity. The developments would displace parking, but there is capacity in the vicinity.

Cycle Parking:

Cycle secure storage is proposed within the curtilage of each dwelling, according with (SPG4) Supplementary Planning Guidance Note 4 "One space per bedroom.

Turning and Servicing:

Refuse collection will be from the kerbside, the same as for the existing estate.

Personal Injury Collision Record:

Applicant has undertaken Personal Injury Collision (PIC) analysis for the latest 5-year period. There are no historic traffic collisions or data trends.

Summary and Recommendation

KCC Highway confirms, that provided the following requirements are secured, then no objection will be raised:

- Construction Management Plan
- Provision and permanent retention of the vehicle parking spaces
- Provision of measures to prevent the discharge of surface water onto the highway
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision and permanent retention of the vehicle turning facilities
- Provision and permanent retention of Electric Vehicle chargers

Series of standard informatives provided.

A follow-up response was provided by KCC Highways on 29.11.2023, confirming that amending parking spaces to remove allocated provision would be acceptable in principle to KCC Highways.

4.10 KCC Archaeological Advice Service: The site lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road. Remains associated with prehistoric or later activity may survive. In view of the archaeological potential, recommend a condition for phased programme of archaeological work is placed on any consent. This condition was queried with KCC Archaeology, who justify that this condition is necessary and the most appropriate, given the level of archaeological potential and how the garages sites will likely have not been subject to previous deep excavations.

4.11 Southern Water: Southern Water require a formal application for a connection to the public sewer to be made by the developer. The proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate can be permitted if proven to be connected and there will be no overall increase in flows into the system. Will need to confirm final discharge point before commencing work. Is indicated that SuDS will be maintained privately. Notwithstanding this, SuDS can be adopted if they meet guidance, however if not adopted, sufficient maintenance must be ensured. Recommend SuDS scheme, implementation details and maintenance details are submitted to the LPA for approval. Recommend informative in relation to submission of foul and surface water drainage details. A public sewer may cross the site. If found during works, ownership shall need to be identified before proceeding with works.

4.12 Private Reps: 42 letters despatched & 2 site notices (consultation undertaken twice due to website downtime as a result of new IT system). Responses received: 0X(raising no objection)/50R(raising objection)/0S(in support). Objections summarised as follows:

- Existing area struggles with parking/traffic – more cars than spaces, with double parking, illegal parking, lack of safe walking paths, difficulty for emergency and

waste collection vehicles to gain access – resulting in waste remaining. Issues illustrated in photo diaries. Reference made to a 2010 East Malling Local Parking Plan, produced by TMBC Parking Team.

- Demolition of garages to provide parking to residents would be acceptable. Garage plots were originally proposed to be redeveloped for parking given the parking issues in the locality – planning applications were approved – only four were completed.
- Existing garages are not disused – Clarion is not renting them out.
- When estate was built, the garage areas were designed to accommodate cars on the existing estate as the houses do not have their own parking and there were fewer cars, there are now more cars and delivery vans on the road. Several residents also have work vehicles park in the area.
- More cars caused by HMOs.
- Challenge of both residents and guests trying to find parking spaces.
- Adding more properties will make the traffic/parking issues worse, with more illegal parking, difficulty with access (including emergency services), parking disputes/antisocial behaviour, safety issues and reduced quality of life. The proposal increases housing and reduces parking for existing residents on the roads, on the garage sites, within the closes and in the garages.
- Social housing estate includes large proportion of disabled, families, etc. who would struggle to park far away from their houses.
- Unfair parking provision – 2 new spaces per new property, existing properties have to park on road with limited provision.
- Concerns about loss of open space.
- Where are disabled people supposed to park? Close has 5 disabled residents who need to park close to their houses, only 1 disabled bay is proposed.
- Impact upon mental health/reduced quality of life
- Loss of a view
- Loss of sunlight
- Loss of privacy.
- Issues with flies, worsened by the proposal.
- Reduction in property value.

- Impact upon visual amenity.
- Overpopulation of a densely populated area, with inadequate services/infrastructure. Development makes this worse, lack of open space/green areas and overcrowded streets.
- Affordable rented properties should be provided in new developments, rather than in existing overpopulated estate.
- Existing residents should be considered and not disadvantaged as a result of the development proposals – does not meet with government's aims for levelling up and social mobility. Proposals do not reflect needs of the existing residents.
- Why are more houses being built when existing houses are not being maintained?
- 250 houses also being built in the locality.
- Suggest number of proposed houses is reduced, allowing for more landscaping and car parking. Suggest hardstanding is converted to parking only.
- Suggest proposals are refused, re-sited or amended to be sustainable.
- Suggest development of a playground area instead.
- Additional parking spaces provided within revised applications will not be sufficient.
- Contrary to TMBCS policies CP1 CP2, CP7 CP11 CP15 and CP17, contrary to development plan
- Fails to meet NPPF requirements for 'social objective'
- Previous residents' comments/suggestions/ideas appear to have been ignored.
- Proposal does not provide a safe and accessible environment.
- Issues with communication and limited timeframes to respond.
- Amended plans similar, only show one extra unallocated space, however it is one of the allocated spaces.
- Plans propose 2 spaces per new house, however existing houses do not even have one space each – is unfair. 20 3 bed houses in Addison close, with insufficient parking as existing.
- Allocated bays will result in tension between existing and new residents.

5. Determining Issues:

Principle of Development:

5.1 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five-year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the [National Planning Policy Framework 2023 \(NPPF\)](#). For decision taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

5.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the [Planning and Compulsory Purchase Act 2004](#)) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.

5.3 Policy CP11 of the [Tonbridge and Malling Borough Core Strategy 2007 \(TMBCS\)](#) is the most relevant to the determination of this application as it addresses the matter of the principle of development for residential development in the urban confines of East Malling. Policy CP11 outlines that development will be concentrated within the confines of urban Areas. The development involves the provision of residential dwellinghouses within the urban confines. Therefore, the principle of development is acceptable, complying with Policy CP11.

5.4 With regards to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in Footnote 7 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that the remainder of the assessment takes place.

Affordable Rented Housing:

- 5.5 There is a need for Affordable Housing within the Borough of Tonbridge and Malling, as demonstrated within the [Housing Needs Survey 2022](#), with table C7 showing a net need of 283 dwellings per annum.
- 5.6 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH to provide wholly affordable housing for rent. The dwellings are designed to meet higher adaptable M4(2) accessibility standard and to provide step free access. The homes exceed national space standards and follow inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs. This will provide much-needed affordable rented provision within the Borough and the approach is considered acceptable to TMBC's Housing Officer. The dwellings will be secured as affordable rented via a unilateral undertaking legal agreement. It should be noted that this is a higher level of provision than that required by policy CP17 of the TMBCS, which does not require the provision of any affordable housing for such minor developments. Therefore, this provision of affordable rented dwellings holds significant weight in favour of the proposed development.
- 5.7 Comments from the Housing Officer regarding the third room being used as an office are noted, however are not applicable to this application – only being applicable to the application at Tyler Close, under ref. TM/23/01974/FL.

Design, Character and Appearance:

- 5.8 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:
- “1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.*
- 2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.*
- 3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted...”*
- 5.9 Policy SQ1 of the [Managing Development and the Environment Development Plan Document 2010 \(MDE DPD\)](#) states:

“All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

5.10 These policies within the LDF are broadly in conformity with those contained within the NPPF.

5.11 In particular, paragraph 135 of the NPPF seeks to ensure that development:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

5.12 Furthermore, paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

5.13 Chapter 11 of the NPPF is specifically focused on ‘Making effective use of land’. Paragraph 123 states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

5.14 Paragraph 124 then goes on to explain that planning policies and decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

“d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);”

5.15 Paragraph 129 details that:

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

5.16 The [Medway Gap Character Area Appraisal](#) notes the following locally distinctive positive features:

- *“Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation*
- *Central footpath flanked by open space which creates an informal, spacious character*
- *Glimpses of the North Downs to the west*
- *Green edges to the north, south and west of the character area created by mature tree belts, which can on occasion be glimpsed between properties*

- *Traffic free pedestrian network*
- *Enclosed private character due to limited views into and out of the site*

5.17 It also notes the following negative features worthy of enhancement:

- *“Streetscape of the ring road marred by high walls and fences and garage blocks*
- *Traffic noise in the north from traffic travelling along the A20”*

5.18 The proposal involves the demolition of the existing two garages blocks. These buildings are of no special architectural interest and are noted within the character area appraisal to be features worthy of enhancement. As such their demolition is considered acceptable and the development represents a visual enhancement to the area.

5.19 The proposal would result in the loss of the area of hardstanding adjacent to the existing parking court. This area has no defined use, however from public representations it can be ascertained that these areas are used for informal play by children. Given the estate has a central green corridor, and within the adjacent estate there is an area of green space, both of which offer better play space than the existing square due to the proximity to many parked cars and regular vehicle movements, it is felt that the loss of this space would be acceptable. Therefore, on balance the provision of four affordable units is a better use of such an area.

5.20 The proposed terrace measures approximately 8.26 metres high to the roof ridge, 6.2 metres to the top of the eaves, 10.23 metres deep and 25.3 metres wide. The dwellings shall be single-fronted, with shallow gable pitched roofs. The proposed roofs have been designed with a shallow pitch of 22 degrees in an attempt to appear visually similar to the existing properties with their shallow-pitch, low-height roofs. These are proposed changes since the previously withdrawn submissions, with the changes being the reduction in roof ridges by 1.47 metres, with eaves by 0.3 metres and roof pitches being reduced to 22 degrees. For comparison, the existing dwellings are also terraces, and measure approximately in-between 6.35 to 7.1 metres to the roof ridges and 4.77 to 5.6 metres to the top of the eaves (depending upon the surrounding land levels), with gable pitch roofs and single frontages. The existing terraces also measure approximately 7.3-7.6 metres deep, with the terraces varying in width. As noted within the Character Area Appraisal, the area contains a “Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation” which are considered to be locally distinctive positive features of the estate.

5.21 It is acknowledged that the proposed ridge and eaves heights would be higher than the existing dwellinghouses, however this can be partially attributed to how the dwellinghouses are built to meet the [‘Technical housing standards – nationally described space standards’](#) (NDSS) both because they will be used for social housing and to ensure they are future-proofed. The NDSS set-out that *“the minimum*

floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area”, whilst the proposed floor to ceiling heights vary between 2.3-2.5 metres, with the majority of rooms being 2.5 metres. The proposed dwellings therefore exceed the NDSS in relation to floor to ceiling heights, but this is considered to enable them to be future-proofed. The space standards also set-out minimum requirements for gross internal floor areas and storage, resulting in the dwellinghouses being deeper than houses within the existing estate, which therefore naturally results in an increase in height and bulk compared to the existing dwellinghouses. It is acknowledged that the proposed terraces shall be slightly higher and more bulkier than the existing dwellings, however there are examples of three-storey townhouses to the south of the estate and existing infill developments also comprise of elements of bulkier development. It also has to be noted that the applicant has amended the designs of the dwellings to lower their height since the previously withdrawn applications and given the separation with the existing dwellings it is considered that the height differences would not be overly noticeable. The proposed dwellings would also be in-keeping with the general urban grain and layout of the estate by way of the designed site layout and because the proposed dwellings are also terraces. Overall, on balance it is considered that although the proposed dwellinghouses would be slightly larger in bulk, mass and scale, this design is clearly justified given the NDSS, future proofing and by way of the layout and form which is in-keeping with the existing estate and dwellings.

- 5.22 The development site comprises of brownfield land and would re-utilise existing underutilised land to help meet the demonstrated need for affordable rented accommodation. This is in specific compliance with paragraph 124 of the NPPF, and holds significant weight in the planning balance in favour of the development.
- 5.23 The proposed four dwellings shall occupy the site at a density of 36 dwellings p/ha. This is less dense than the existing estate, however this is attributed to how the development site accommodates areas of car parking for both the new and existing residents, whilst the dwellings have been designed to exceed the nationally described space standards. The development site retains areas for parking, pedestrian pathways, gardens for each dwelling and is similar to the layout of the existing estate, whilst the development would remove the garages which can attract antisocial behaviour, it is therefore considered to ensure safe and healthy living conditions. The development therefore makes a good use of the available land, being appropriately dense whilst ensuring the proposals are in-keeping with the character of the locality and ensuring safe and healthy living conditions, complying with paragraphs 123, 124 and 129 of the NPPF.
- 5.24 The proposed dwellings shall comprise of red brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes. The mixture of materials proposed are of a palette considered in-keeping with the existing built form within the vicinity. The specific materials for each element have not been provided, therefore these details shall need to be required via planning condition to ensure a suitable mix of materials come forwards.

- 5.25 The proposed terrace shall be of a slightly more modern design to the immediate surrounding terrace properties. However, on balance and given the site's location and proposed materials palette, the design is considered to be acceptable and would not appear visually intrusive or harmful to the site's surroundings.
- 5.26 Each property contains a garden shed/storage building; however no details have been provided of their appearance. As such, a condition is recommended requiring the submission of details of the storage building.
- 5.27 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. This is considered acceptable. It is acknowledged that much of the landscaping would be hard surfaced, however this is considered appropriate given the need within the locality for parking and the existing situation which is subject to much hard surfacing. To obtain specific details for landscaping, it is considered reasonable to attach a planning condition requiring the submission of detailed plans for landscaping.
- 5.28 Overall the density, scale, form, materials and landscaping of the proposed dwellinghouses are considered acceptable and would appear in-keeping with the street scene and character of the area, complying with policies CP24 and SQ1 and paragraphs 123, 124, 139, 135 and 139 of the NPPF.

Residential Amenity:

- 5.29 Policy CP1 of the TMBCS sets-out that that the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications the quality of a range of matters, including residential amenity, will be preserved and, wherever possible, enhanced.
- 5.30 Policy CP24 of the TMBCS requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 5.31 Paragraph 135 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 5.32 The [Kent Design Guide](#) in relation to privacy advises that:

“a flexible approach needs to be taken over privacy distances. Minimum distances are not prescribed, but developers must be able to put forward a good case for distances proposed depending on the circumstances.”

- 5.33 The dwellings would be approximately 9.6 metres from the adjoining dwellings. They would however be at a 90-degree angle from these neighbours, which prevents direct overlooking into the neighbouring properties windows. It is acknowledged that there would be a close relationship with the neighbour's gardens, however this is a common occurrence across the Winterfield Lane estate, where houses are aligned at 90 degrees to each other, resulting in mutual overlooking and therefore not providing grounds for refusal in relation to impact upon neighbouring privacy. As such, it is considered that there will be no unacceptable impact upon neighbouring levels of privacy.
- 5.34 In relation to impact upon sunlight, daylight and outlook, given the orientation of the proposed terrace and its separation with the neighbouring properties (approximately 9.6 metres separation to the east, 14.6 metres separation to the south and 11.9 metres separation to the west), there will be no unacceptable impact upon neighbouring levels of sunlight, outlook and daylight as a result of the development.
- 5.35 Overall, given the above assessment, the proposal would not have an unacceptable impact upon neighbouring amenities, complying with policies CP1 and CP24 and paragraph 135 of the NPPF.

Highways Safety and Parking Provision:

- 5.36 Policy SQ8 of the MDE DPD states that:

"1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied."

- 5.37 Paragraph 114 of the NPPF states that in assessing development applications, it should be ensured that appropriate opportunities to promote sustainable transport

modes have been taken up, given the type of development and its location, that safe and suitable access to the site can be achieved for all users, the design of transport elements reflect current national guidance and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

5.38 Paragraph 115 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

5.39 Paragraph 116 goes on to state that, within this context, applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.40 The parking standards for TMBC are currently set-out within the [KCC Parking Standards KHS Interim Guidance Note 3: Residential Parking \(IGN3\)](#), which sets-out the quantum requirement for residential developments. Additionally, there is the [Kent Vehicle Parking Standards Supplementary Planning Guidance 4 \(SPG4\)](#) which sets-out the design requirements for parking bays.

5.41 The evidence base for IGN3 is considered by the Council to be out of date and to provide insufficient levels of parking provision for modern developments. As such, IGN3 will be used for the base-line assessment, however the review will also be based upon an assessment of the individual detail of the development in question, site-specific circumstances and the prevailing locational characteristics in accordance with the [Position Statement in respect of Kent County Council Interim Guidance Note 3: Residential Parking Standards, August 2021](#).

5.42 In accordance with the IGN3, garages do not count towards parking provision. This is because of the enclosed nature of such spaces, the majority of people do not use garages for parking, instead using it for storage. Additionally, as noted within the Kent Vehicle Parking Standards SPG4, to ensure such spaces are used for parking and storage, garages should measure 5.5 metres long by 3.6 metres wide – the garages do not meet these space standards. The garages within the Winterfield Lane estate were built in the 1960s, however cars have increased significantly in size, as such the garages cannot accommodate many modern cars. Therefore, for the purposes of this officer's assessment the existing garages shall not be counted towards parking provision and cannot be considered as usable parking bays or to contribute towards parking in the locality. Members are reminded that this is the position taken for all new development proposals, as such for the purposes of consistency the existing garages cannot be considered as parking spaces. The hardstanding in-front of the garages however is used for parking, as such this area shall be considered as areas for parking within the officer's assessment. It is noted however that the applicants Transport Assessment has considered parking within the currently rented out garages, and this is considered acceptable as it enables the consideration of a 'worst case scenario' whereby all garages contain cars.

5.43 The existing situation includes ad-hoc parking within the close for approximately 15 cars, alongside parking on the hardstanding in-front of the garages for approximately 6-8 vehicles. Parking within the close will remain as part of the proposals, but will become formalised and a dedicated disabled bay will be created. The parking in-front of the garages would be lost as part of the proposals, however the existing area of hardstanding beside the end of Addison Close would be converted to parking. Ad-hoc parking along Addison Close will remain. The current submissions include more parking provision than the previously withdrawn applications (7 spaces extra for all four sites).

5.44 In summary, the proposal involves the provision of the following spaces within Addison Close:

- 5x allocated spaces to serve some of the new dwellings.
- 1x disabled bay.
- 10x unallocated parking bays (which would be to serve the proposed dwellings, their visitors and existing residents).
- Retention of existing ad-hoc parking along Addison Close (approximately enough space for 9-10 cars).

5.45 The proposed provision for the new dwellings would include five on plot spaces, alongside sharing parking with the existing residents by parking either within the parking area in the close or by parking on street. The parking survey demonstrates that there would be sufficient parking in the locality to allow for the new dwellings to park two cars each using the allocated bays and in the close and for one visitor car

within the shared parking court, whilst also allowing existing residents to park. Given that each dwelling can park two cars either on plot or within the parking court in the close/on street, the provision is higher than that within the adopted parking standards (IGN3) and this is considered to be an acceptable level of provision of parking for development within the urban confines.

- 5.46 In relation to parking for existing residents, it is relevant to also assess whether the loss of the existing parking would have a material impact on parking pressure in the surrounding highways, and whether this would have an impact on highway safety. Material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.
- 5.47 It is understood that local residents are able to park in the site without any restrictions or need for a permit. The existing parking situation is fully understood as a result of the illustration of the parking issues within the public representations and as witnessed during site visits during various times of day and late evening during the week. Residents' concerns are fully appreciated, with the existing road network appearing busy with cars, however the assessment for this proposal is whether there is sufficient capacity within the surrounding highway to allow for the parking associated with the proposed development without making the existing situation worse.
- 5.48 The submission therefore includes a Transport Statement which assesses the development proposals as a whole in order to capture the cumulative impact of the four development proposals. This has been reviewed by KCC Highways as Local Highways Authority, who have raised no concerns with this report. Within the Transport Statement, the Parking Beat Survey identifies that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, the Transport Statement does not evidence any lack of provision within the proximity of the development. The specific details from this survey are as follows:
- 5.49 To provide the baseline data, Parking Beat Surveys were conducted from Thursday 3rd through to Friday 4th November 2022. This parking survey was undertaken on the roads within close proximity to the Sites (Howard Road, Temple Way, Dickens Drive, Owen Close, Tyler Close, Addison Close, Blatchford Close, Morris Close, Hardie Close, Shaftesbury Close and Walpole Close). The parking beat surveys were undertaken every 15 minutes during the morning (AM), afternoon (PM) and off-peak (OP) periods (06:30 – 09:30, 15:00 – 18:00 and 23:00 – 02:00 respectively). They were undertaken at a time when there were no significant roadworks, were not on a Monday, Friday evening or weekend and were not during a holiday period. It is acknowledged that parking pressures ebb and flow during the course of the day/week. This survey however includes hours when it is assumed that there would be maximum pressure on parking spaces when residents are not in work (the OP period).

- 5.50 The survey assessed the theoretical parking capacity of the surveyed area based on an average vehicle length of five meters and a width of three metres as per the Lambeth Parking methodology. On this basis the applicant argues there are 308 current legal parking spaces available within the proximity of the Sites. Where sections of road were observed to be narrow, and therefore vehicles parking on both sides would block the flow of traffic, it has been assumed that vehicles are only able to park on one side of the road.
- 5.51 The results of the survey indicate that the maximum total parked vehicle occupancy was 220 parked vehicles, which occurred at 23:00 – 23:15. This equates to a maximum parked vehicles occupancy of 71%, indicating that there is currently capacity to support additional on-street parking in the vicinity of the site. The results indicate that the maximum total parked vehicle occupancy on each road was:
- 15 for Howard Road in the AM peak (maximum capacity 22 vehicles);
 - 26 for Temple Way in the OP period (maximum capacity 65 vehicles);
 - 45 in Dickens Drive in the OP period (maximum capacity 63 vehicles);
 - 21 in Owen Close in the OP period (maximum capacity 25 vehicles);
 - 11 in Tyler Close in the AM peak (maximum capacity 12 vehicles);
 - 19 in Addison Close in the AM peak (maximum capacity 17 vehicles);
 - 13 in Blatchford Close in the OP period (maximum capacity 14 vehicles);
 - 15 in Morris Close in the OP period (maximum capacity 15 vehicles);
 - 19 in Hardie Close in the OP period (maximum capacity 25 vehicles);
 - 18 in Shaftesbury Close in the OP period (maximum capacity 24 vehicles); and
 - 24 in Walpole Close in the OP period (maximum capacity 26 vehicles).
- 5.52 The results indicate that there were 135 (AM peak), 147 (PM peak) and 88 (OP period) vacant spaces on the day of the survey across the three time periods, and each road, with the exception of Addison Close, remained within theoretical capacity.
- 5.53 To assess the overall impact of the developments on on-street parking, analysis has been undertaken to determine if the existing displaced and additional vehicles arising from the development will have adequate on-street parking provision within the local area. A breakdown of the change in on-street parking space is provided in Table 5-1. A total of 17 on-street spaces will be retained. Whilst 41 will be lost as part of the proposals, 47 on-street spaces including four accessible spaces will be provided (in addition to 12 off-street spaces). This equates to a total net increase of six on-street spaces. For Addison Close specifically, this shall be:

- 13 spaces shall be lost.
- 4 remain unaltered.
- 5 on-plot spaces proposed.
- 11 proposed, with a new on-street capacity of 15 (decrease of two spaces).

Table 5-1 - Net increase in parking spaces

Plot	Lost spaces on-street	Unaltered spaces on-street (retained)	New spaces provided			New Legal On-Street Capacity	Net change On-Street Capacity
			Total	On Plot (allocated)	On street (unallocated)		
Morris Close	9	6	18	2	16	22	+7
Blatchford Close	10	4	14	3	11	15	+1
Addison Close	13	4	16	5	11	15	-2
Tyler Close	9	3	11	2	9	12	0
Total	41	17	59	12	47	64	+6

5.54 It is then necessary to assess future on-street parking demand, which has also been assessed by the applicant. This will change because:

- New residents: 47 unallocated on-street spaces will be provided for existing residents, new residents and visitors, as well as 12 allocated spaces within the plots to serve the proposed dwellings.
- Displacement from demolished garages: a total of 26 garages are currently let out. To assess a worst-case, these are assumed by the applicant to all contain parked vehicles.

5.55 To calculate the future on-street parking demand, the maximum existing demand from the parking surveys and additional future changes have been assessed in table 5-2.

Table 5-2 - Future Parking Demand

Plot	New units			Existing Garages Let	Existing Demand*	Total future On-Street demand
	Total Demand	Provided for within Plot	On-street Demand			
Morris Close	7	2	5	8	15	28
Blatchford Close	7	3	4	5	13	21
Addison Close	9	5	4	6	19	29
Tyler Close	6	2	4	7	11	22
Total	29	12	17	26	58	100

*Taken from the parking beat surveys, as presented in Section 3.6.2.

5.56 Finally, it is then necessary to assess the on-street parking impact to ascertain if there is sufficient residual capacity to enable the development without detrimentally

impacting existing residents. Where there is insufficient capacity on the road the plot is located on, it is assumed that any vehicles displaced would want to park on the closest available roads with vacant on-street capacity. In this way, vehicles from Morris Close and Blatchford Close are assumed to displace onto Dickens Drive, Hardie Close and Shaftesbury Close, whilst vehicles from Addison Close and Tyler Close are assumed to displace onto Howard Road, Temple Way, Owen Close and Walpole Close.

5.57 Table 5-3 summarises the analysis with the total number of vacant spaces being the capacity on-street minus the total future on-street demand. This shows that there would be a total of 36 overspill vehicles from the four roads, however there are 83 available spaces on the surrounding streets.

Table 5-3 - Parking Displacement Analysis - Batched

Plot No.	Road	New Legal On-Street Capacity	Total max number of vehicles parked (incl. illegal parking)*	Vacant spaces	Total vacant spaces on other nearby streets	
1	Morris Close	22	28	-6	31	Dickens Drive, Hardie Close and Shaftesbury Close
2	Blatchford Close	15	21	-6		
3	Addison Close	15	29	-14	52	Howard Road, Temple Way, Owen Close and Walpole Close
4	Tyler Close	12	22	-10		
Total		64	100	-36	83	

*Parking Beat Survey (2022)

5.58 In relation to the development at Addison Close, the fourteen displaced vehicles can be accommodated on Howard Road, Temple Way, Owen Close and Walpole Close. It is acknowledged that there are three other garage site applications within the immediate vicinity under consideration at this time, therefore the analysis also considered the cumulative effect. When considering all development proposals, the maximum number of existing parked vehicles and the additional vehicles created by the developments can be displaced onto the local road network, therefore the submitted Transport Assessment demonstrates there is sufficient capacity on the surrounding streets to accommodate all parking needs. This is because the number of spaces required as a result of the developments (36) is less than what is available on street within the wider surroundings (83). Members should note that this has been done on the basis of a worst-case scenario where all let garages (26 No.) contain a parked vehicle.

5.59 Therefore, the Transport Statement shows that there is parking within the existing estate to accommodate the development proposals without unacceptably impacting the existing residents. While it is noted that there has been a number of objections from residents about the loss of parking and increased pressures to the area, it is considered that the 6 potential cars being displaced could be accommodated in the area, and that their displacement would not result in any highway safety concerns.

Even when considered in combination with other developments proposed in the area the evidence indicates that there is adequate capacity for the potential displacement. As stated before, material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.

- 5.60 Members should note that KCC Highways consider that the applicant has demonstrated with sufficient confidence, any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity.
- 5.61 This assessment has also been carefully reviewed by the case officer, who has calculated a different number of total existing on-street capacity of approximately 261 spaces. Despite this difference in numbers, it is still considered that there is sufficient space on the highway to accommodate overspill parking from the developments based upon the survey numbers (total parked vehicle occupancy of 220 vehicles (paragraph 5.51) as well as the additional parked vehicles as a result of the proposed development. It is therefore considered that there are no grounds to warrant a refusal of planning permission based upon highways safety/parking provision.
- 5.62 Concerns from neighbours have been received about cars currently parking illegally/dangerously and there are concerns that the displacement of the cars from the site will exacerbate the problem, resulting in antisocial behaviour. In the parking survey submitted with the application, it is noted that the figures of currently unrestricted parking have been established by looking at current availability on the surrounding roads. The block plans that were submitted in this survey show that they have only measured areas where there is sufficient room to park a car fully in the road, and still allow sufficient room for a car to pass on the highway. Therefore, there would be no evidence to suggest that the 14 cars displaced from the site would have to result in parking on the pavement or in unsuitable locations.
- 5.63 Concerns from residents regarding allocated bays causing tension between residents is fully appreciated. As such, amendments have been sought which have resulted in all parking bays within the Close (those not on plot) being changed to unallocated spaces.
- 5.64 In relation to access to the development sites, the existing junction arrangements will remain, with a new driveway and re-arranged parking area, alongside associated turning in the close, with refuse collection from the kerbside, similar to the existing dwellings. These arrangements are considered acceptable to KCC Highways. Concern has been raised by public comments regarding the access of emergency vehicles and refuse collection vehicles. No change to the existing access point is proposed, and as addressed above it is considered that the displaced cars can be accommodated and that there is sufficient on-street parking which would not impact access for emergency vehicles and refuse vehicles.

- 5.65 The 13 dwellings across all four sites are expected to generate seven trips during the AM peak hour and five trips in the PM peak hour. This is an acceptable level, not considered to result in a severe impact upon highways safety. In relation to sustainable travel, the sites are within the existing built confines, which has a range of existing pedestrian footways, with links to nearby bus services. There is also East Malling Station, approximately 1 mile from the site, which provides train links to Maidstone, Ashford and London.
- 5.66 Secure cycle storage is proposed in the shed within the rear garden of each dwelling. More details of this storage area and its permanent retention can be sought via planning condition.
- 5.67 KCC Highways have recommended a series of conditions and informatives. These are recommended to be attached to the decision notice, apart from the EV chargers' condition. It is recommended that a condition requiring the EV infrastructure to be installed and retained is attached instead, with the detailed specifics recommended by KCC to be covered by an informative as Building Regulations cover the detailed design of such provision. It is noted that KCC Have recommended a condition for a Construction Management Plan, despite a Construction Environmental Management Plan already having been submitted. Given that this plan includes areas which require further clarification and to allow the plan to be amended accordingly once construction proposals are more advanced, it is considered reasonable to attach an appropriately worded condition.
- 5.68 In light of the above assessment and the lack of objections from KCC Highways, I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

Flood Risk and Drainage:

- 5.69 Policy CC3 of the MDE DPD sets out that development will not be permitted if it has an unacceptable impact on the water environment and if development proposals do not incorporate SuDS appropriate to the local context. It advises that SuDS will need to have appropriate maintenance and management agreements in place. It advises where it is not practicable to use SuDS, it will need to be demonstrated that an appropriate alternative means of surface water drainage is incorporated.
- 5.70 Policy SQ5 of the MDE DPD requires that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.
- 5.71 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 173 of the NPPF goes on to explain that when determining any planning

applications, local planning authorities should ensure that flood risk is not increased elsewhere.

5.72 The site is within flood zone 1 and consequently has a low risk of flooding from rivers. The site is also not within a surface water flood risk area, and therefore has a low risk of flooding from surface water.

5.73 The proposed drainage strategy recommends for surface water runoff generated by the proposed development to be restricted to 2 l/s for all events up to and including the 1 in 100 year plus 40% climate change event, thereby providing betterment over the existing brownfield situation. Therefore, in order to achieve this restriction, attenuation will be provided in the form of underground geocellular storage crates and permeable paving within proposed car parking spaces. Surface water runoff stored on-site will discharge to the existing private surface water sewer network. Foul flows generated by this development will discharge to the existing public foul sewer network.

5.74 The LLFA have reviewed the proposals from a surface water drainage perspective and are content with the drainage scheme, subject to conditions relating to detailed design and verification of the drainage installed. As such, these two conditions are recommended in relation to surface water drainage.

5.75 Southern Water have recommended an informative relating to foul drainage. Informatives cannot require the submission of details, therefore to ensure appropriate drainage, a detailed foul drainage scheme condition is recommended. Southern Water also advised that the proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate can be permitted if proven to be connected and there will be no overall increase in flows into the system. Advice has also been provided in relation to maintenance and implementation. These details can be required under a slightly amended LLFA condition as detailed above. Guidance relating to SuDS and foul drainage have also been provided by Southern Water, as such informatives are recommended to inform the applicant of this information.

5.76 I am therefore satisfied that, with the suggested conditions, the development would accord with the requirements of policies CC3 and SQ5 and the NPPF.

Ecology and Biodiversity:

5.77 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.

5.78 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make

provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

- 5.79 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.
- 5.80 These policies broadly accord with the policies of the NPPF. In particular, paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.81 Section 40 of the [Natural Environment and Rural Communities Act 2006](#) places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity.
- 5.82 The submission is supported by a Preliminary Ecological Appraisal (PEA). This report has been reviewed by KCC Ecological Advice Service, who advise the report contains sufficient ecological information.
- 5.83 The PEA advises that the site offers minimal suitable foraging and commuting habitat, as it comprises hardstanding and buildings, set within a residential location with light disturbance from street lamps. However, higher quality foraging and commuting habitat is present in the form of tree lines along Winterfield Lane, approximately 15m west, linked to arable fields, further tree lines and open green space to the west and south. Therefore, the site itself is considered to have negligible value for foraging and commuting bats, with the habitats within the site's zone of influence considered to provide moderate suitability. The PEA goes on to advise that as artificial lighting can cause disturbance to bat activity, should any external lighting be required, it should incorporate bat sensitive lighting designs to ensure that light levels are not increased above existing levels. The Dusk Emergence Bat survey notes that no bat roosts were identified within the garages, however the survey recommended any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors. Whilst it is acknowledged that street lighting must adhere to KCC requirements for highway lamps, lighting is proposed within the development on the houses, as such a condition requiring the incorporation of sensitive lighting design for biodiversity shall be necessary to mitigate against potential adverse effects on bats (and other nocturnal wildlife).
- 5.84 Policies NE2 and NE3, alongside paragraphs 180 and 186 of the NPPF all support and promote the enhancement of development sites for biodiversity (as outlined above). Provision in the form of wildlife friendly landscaping, habitat features such as

bat boxes and certain bird boxes can contribute to the provision of space for priority species. Therefore, to secure ecological enhancement, a condition is recommended requesting for details of how the development shall enhance biodiversity.

5.85 Overall, considering the results of the Ecological Appraisal and with the series of planning conditions attached, it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including policies NE2-NE4 of the MDE DPD and the NPPF.

Contamination:

5.86 Paragraph 189 of the NPPF states that planning policies and decisions should ensure that:

“a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

5.87 Paragraph 190 makes clear that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.

5.88 A Preliminary Geo-Environmental Risk Assessment has been produced to support the planning applications. This study assesses the likely environmental issues associated with soil and groundwater conditions that may affect the proposed development of the plots. It found that widespread contamination has not been identified during the investigation. Based on the low concentrations of contaminants identified and the residential end use of the plots, the risk posed to future occupants on human health is considered to be low to moderate. The report recommended an intrusive investigation, an asbestos survey for existing garages prior to demolition and a post demolition watching brief during the construction works to further assess the areas beneath the existing garages footprint to assess potential contamination risks, which should inform a Remediation and Verification Strategy.

5.89 The Geo-Environmental Assessment presents the findings of the intrusive investigation. Widespread contamination was not identified; however, it was not possible to fully assess the site due to the current garage structures still being in place. Made ground was found in both borehole locations.

- 5.90 An asbestos survey has been provided, however access to the garages was not available, but this sets out appropriate measures to safely demolish the existing garages.
- 5.91 These reports have been agreed by the Council's Environmental Protection officer, who has recommended two conditions. The first condition was queried by the applicant. Environmental Health have advised that although the report does mention it was not possible to assess soils beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the remediation strategy proposals, the amended condition proposed by the applicant is considered acceptable, subject to an informative relating to contamination verification works.
- 5.92 Accordingly, a number of conditions have therefore been recommended to be imposed on any permission granted. With these conditions attached, the development would adhere to paragraph 189 and 190 of the NPPF.

Noise:

- 5.93 Paragraph 191 of the NPPF states planning decisions should ensure that new development is appropriate for its location. In doing so they should avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph 180 e) of the NPPF states planning decisions should contribute to and enhance the local environment by preventing new and existing development from being put at unacceptable risk from noise pollution.
- 5.94 The submission includes a Noise Impact Assessment. This is a revised Noise Impact Assessment to address previous comments by the Environmental Health Officer. The assessment has been undertaken to identify the key noise sources which may have the potential to impact upon the proposed residential development across all four plots. Accordingly, the assessment has used a measured baseline noise data to complete an assessment in line with BS8233 whereby glazing and ventilation has been specified to achieve guideline internal noise levels. For glazing and ventilation design, baseline noise measurements have been used to determine the amount of sound insulation required to meet BS8233:2014 guideline internal noise levels. Noise levels measured during a baseline survey have also been used to consider the noise exposure to future sensitive dwellings using World Health Organization (WHO) Guidelines for Community Noise 1999.
- 5.95 The soundscape around the sites is dominated by traffic on the neighbouring A20, other sources noted as being audible during the baseline survey were road traffic on the distant M20 and on local roads (Dickens Drive, Howard Road and Winterfield Lane) plus noise from distant aircraft. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.
- 5.96 The Baseline Noise Survey was completed on a typical weekday to quantify the existing day and night noise environment that could adversely impact the proposed

development. It found that the measured baseline levels are equal to or lower than would be expected from examination of Defra strategic noise mapping. Therefore, to present a reasonable worst case, Defra strategic noise mapping levels were used where they are higher than measured levels. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.

- 5.97 An indicative façade mitigation strategy has been proposed to achieve guideline internal noise levels as such the façade mitigation strategy has been uprated by +3dB. The Noise Assessment shows that, the predicted level of noise across the sites can be mitigated to have no adverse impact providing good acoustic design is incorporated to the development.
- 5.98 Environmental Health advise that this report has addressed previous concerns raised in the withdrawn submission, and that they are therefore content with the conclusions of the report.
- 5.99 Overall, given the details of the submitted information and the comments from Environmental Protection, the development would accord with paragraphs 180 and 191 of the NPPF.
- 5.100 Environmental Health have advised regarding light, working hours and bonfires. As such, relevant planning informatives shall be attached to make the applicant aware of these issues.

Archaeology:

- 5.101 Paragraph 200 of the NPPF states that “...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
- 5.102 An Archaeological Assessment supports this planning application, which assesses the impact of the proposals on any potential archaeological remains. The Archaeological Assessment brings together the available archaeological, historical, topographical and land-use sources to assess the likely potential and significance of any heritage assets within, or in the vicinity of the Sites.
- 5.103 The site is within an Archaeological Notification Area, lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road following the alignment of the A20. The Archaeological Assessment considered that the sites lie in the agricultural field systems associated with the Iron Age and Roman settlement foci identified in the area, although the extent of the occupation is unknown and may include activity within the sites. Likewise in the Saxon and medieval periods the sites would have been in the common fields for strip farming or part of the manor. The sale of the manor in 1555 led to the enclosure of the park and associated landscaping, potentially destroying earlier features or preserving them beneath the newly established meadow. Lying at considerable distance to

Bradbourne House (approx. 800m), this part of the park is unlikely to have been intensively used prior to its sale and the construction of Clare House. Features of the short-lived formal garden may survive towards the southern end of the site as these features were often simply covered with soil rather than removed. Remains associated with prehistoric or later activity may survive on site.

5.104 Therefore, given this archaeological potential KCC Archaeology have recommended a phased programme of archaeological work condition to be attached to the decision notice. This condition is considered justified given the likelihood of archaeological remains being present given the location of the site and that garages will not have been subject to deep excavations. A phased programme of archaeological work will be more a more suitable and robust mechanism to secure any archaeological remains than a watching brief.

5.105 Overall, to adhere to paragraph 200 of the NPPF, it is considered reasonable to attach the programme of archaeological work condition, safeguarding archaeological remains.

Other issues raised by public comments:

5.106 Concerns have been raised regarding impact upon mental health/reduced quality of life. The concerns regarding parking are fully appreciated and addressed above, and the assessments demonstrate the parking proposals are acceptable in planning terms and therefore cannot be resisted. In relation to any other impacts upon mental health/quality of life, it is considered the proposals would not have any other unacceptable impacts.

5.107 Concerns have been raised in relation to loss of a view, issues with flies/worsened by the proposal, reduction in property value and issues within Clarion's maintenance. All of which have no bearing upon the acceptability of the proposal as these are not [material planning considerations](#).

5.108 Concerns have been raised with regards to the overpopulation of a densely populated area, with inadequate services/infrastructure. The density of the proposal has been demonstrated within the submissions to be similar to the existing estate and can be accommodated within the area without detriment to visual amenity (detailed above). In relation to impact upon services, the application does not reach the threshold for developer contributions and as such contributions to services cannot be sought and neither can the three separate applications be treated as one because the sites are not contained within one continuous red line site.

5.109 Concerns have been raised with how the plans do not provide a safe and accessible environment. The plans allow for pedestrian pathways around the development, parking courts and alleyways, all similar to the existing estate. As such, these are considered acceptable in relation to the creation of a safe and accessible environment.

- 5.110 Concerns have been raised in relation to communication and limited timeframes to respond. The applications have been consulted on according to and beyond that required in legislation. As such, sufficient time to provide comment and good publicity regarding the proposals has been provided to residents by the Council.
- 5.111 Comments have stated that affordable rented properties should be provided in new developments. Affordable rented provision is being sought in new developments as well as being within this application.
- 5.112 Concerns have been raised that existing residents should not be disadvantaged as a result of the development proposals. As detailed above, the proposals have been assessed and are considered to not result in an unacceptable impact upon existing residents.
- 5.113 Comments suggesting amended schemes are noted, however as the current applications have been assessed as being acceptable, amendments cannot be sought. Amendments were previously sought, which have provided additional parking spaces across all four developments and to lower the eaves and ridge heights.
- 5.114 Comments state that that proposal is also contrary to policies CP7, CP15 and CP17, which are not detailed specifically above. Policy CP7 is not applicable to the development site, policy CP15 is a time expired policy (only lasted up until 2021) and the development complies with policy CP17 as the development provides 100% affordable dwellings.
- 5.115 Comments state that resident's comments suggestions/ideas appear to have been ignored. As the applications are minor planning applications, there is no requirement for public consultation. Despite this, engagement has been undertaken as detailed within the Planning Statement (chapter 4).

Unilateral Undertaking:

- 5.116 Regulation 122 of the CIL Regulations (2010) sets out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

“(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development”

- 5.117 Paragraph 57 of the NPPF reflects this statutory requirement.

- 5.118 In order to secure the affordable rented units as such in perpetuity, the applicant has proposed a unilateral undertaking. This has been reviewed by the legal and housing teams and is considered appropriate and an acceptable means to secure the accommodation as affordable rented.

Planning Balance and Conclusions:

- 5.119 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.120 The proposed development would provide four affordable rented properties for occupation by people on the Council's Housing Register, helping contribute towards the recognised need within the Borough. The development would redevelop a series of rundown garages, improving the visual amenity of this section of the East Malling estate. It is acknowledged that the development will have some impact upon parking on the estate for the existing residents and the scale of the proposed terrace is larger than existing dwellings, however on balance the development is not considered unacceptably harmful, especially considering the housing proposed is affordable rented, how the issues identified are not considered unacceptable for the reasons detailed within the report and the demonstrated acceptability of parking provision within the applicant's transport assessment, to warrant a refusal of planning permission.
- 5.121 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 5.122 It is therefore recommended that planning permission be granted subject to the legal agreement (unilateral undertaking) securing the housing to be used as affordable rented only and various planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion.

6. Recommendation:

- 6.1 **Grant Planning Permission** subject to the following:
- 6.2 A unilateral undertaking to secure the affordable rented as such in perpetuity.
- 6.3 The following Planning Conditions:

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 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Wide - Location Plan - Plot 3 5209219-ATK-03-00-DR-AR-021521 P4
- Site Wide - Existing Site Plan - Plot 3 5209219-ATK-03-00-DR-AR-021522 P1
- Site Wide - Demolition Site Plan - Plot 3 5209219-ATK-03-00-DR-AR-021523 P1
- Site Wide - Existing Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022521 P1
- Site Wide - Existing Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022522 P1
- Site Wide - Proposed Site Plan - Plot 3 5209219-ATK-03-00-DR-AR-021524 P7
- General Arrangement - Block Type 2 - Typical Floor Plans 5209219-ATK-03-ZZ-DR-AR-011503 P7
- Site Wide - Proposed Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022523 P7
- Site Wide - Proposed Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022524 P7
- General Arrangement - Unit Type 2 - Typical Floor Plans & Sections 5209219-ATK-ZZ-XX-DR-AR-011512 P4
- Planning Statement (including Affordable Housing Statement and Parking Provision) 5216960-ATK-RP- 001 January 2024
- Design & Access Statement January 2024
- Air Quality Constraints and Opportunities Appraisal Statement 21-2202.02 December 2021
- Noise Impact Assessment 21-2202.03 May 2023
- Preliminary Ecology Appraisal 551918_Plot1_pwApr22FV01_PEA April 2022
- Dusk Emergence Bat Survey RT-MME-159081-01 October 2022
- Preliminary Geo-Environmental Risk Assessment 21-2202.01 December 2021
- Geo-Environmental Assessment 21-2202.01/GEA January 2022
- Drainage Strategy 21-2202.04 February 2022
- Transport Statement including traffic and collision data 5216960-TS02 January 2024
- Archaeological Desk-Based Assessment 2549 January 2022
- Asbestos Demolition Survey J260461 January 2022

Reason: To ensure the development is carried out in accordance with the approval, to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraphs 135 and 140).

- 3 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 4 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 5 The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved in writing by the Local Planning authority. 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. 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 6 No development shall take place until arrangements for the management of any and all demolition and construction works (a Demolition and Construction Management Plan) have been submitted to and approved in writing by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
- The days of the week and hours of the day when the demolition and construction works will be limited to and measured to ensure these are adhered to.
 - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to):
 - Routing of demolition, construction and delivery vehicles to/from site

- Parking and turning areas for demolition, construction, delivery and site personnel/contractor's vehicles
 - Timing of deliveries
 - Provision of wheel washing facilities
 - Temporary traffic management/signage
 - How/where materials will be offloaded into the site
 - The management of all other construction related traffic
 - Measures to ensure these are adhered to
- The specific arrangements for any external storage of materials or plant throughout the demolition and construction phase.
 - Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination.
 - The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 7 The development hereby permitted shall not be occupied until the area shown on the Proposed Site Plan as vehicle parking and turning spaces have been provided, surfaced and drained. Thereafter they 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 2015 (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: To ensure that adequate parking is provided, maintained and retained, as development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 8 The development hereby permitted shall not be occupied until details of the cycle parking/storage sheds to serve the development have been submitted to and approved by the Local Planning Authority. The cycle parking/storage sheds shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 9 There shall be no discharge of surface water onto the public highway.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 10 Notwithstanding the electric vehicle charging points shown on the submitted proposed site plans, prior to the first occupation of the development hereby approved, car charging point infrastructure shall be provided at a ratio of 1 point per dwelling and shall thereafter be maintained and retained.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 11 No development, other than demolition, shall take place until a detailed remediation method statement informed by the approved site investigation report (21-2202-01/GEA), which details how the site will be made suitable for its approved end use through removal or mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

The development must then be carried out in accordance with the approved remediation scheme.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 12 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 13 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Strategy report (23rd February 2023- Report reference 21-2202.04). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The submission shall specify the responsibilities of each party for the implementation of the SuDS scheme and include a timetable for implementation.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including and proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water, to ensure that the development does not exacerbate the risk of on/off site flooding and in accordance with Managing Development and the

Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraph 173). These details and accompanying calculations are required prior to the commencement of construction of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 14 The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from the development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, to ensure that the development as constructed is compliant with and subsequently maintained and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraphs 173 and 175).

- 15 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: In the interests of pollution prevention, to ensure that adequate sewage infrastructure is present and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ5.

- 16 The development hereby permitted shall not be occupied until a lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: To ensure the protection of wildlife species and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraph 180) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 17 Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include retention of durable bat and/or bird boxes suitable for species of conservation concern. The biodiversity enhancement measures shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure the development provides net gains for biodiversity and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraphs 180 and 186) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 No development, other than the demolition of any buildings or removal of hardstanding, shall take place until the applicant, or their agents or successors in title have secured:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and in accordance with the National Planning Policy Framework 2023 (paragraphs 200, 203, 205, 209 and 211).

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the dwellings other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and the National Planning Policy Framework 2023 (paragraph 135).

- 6.4 The following informatives:

Informatives:

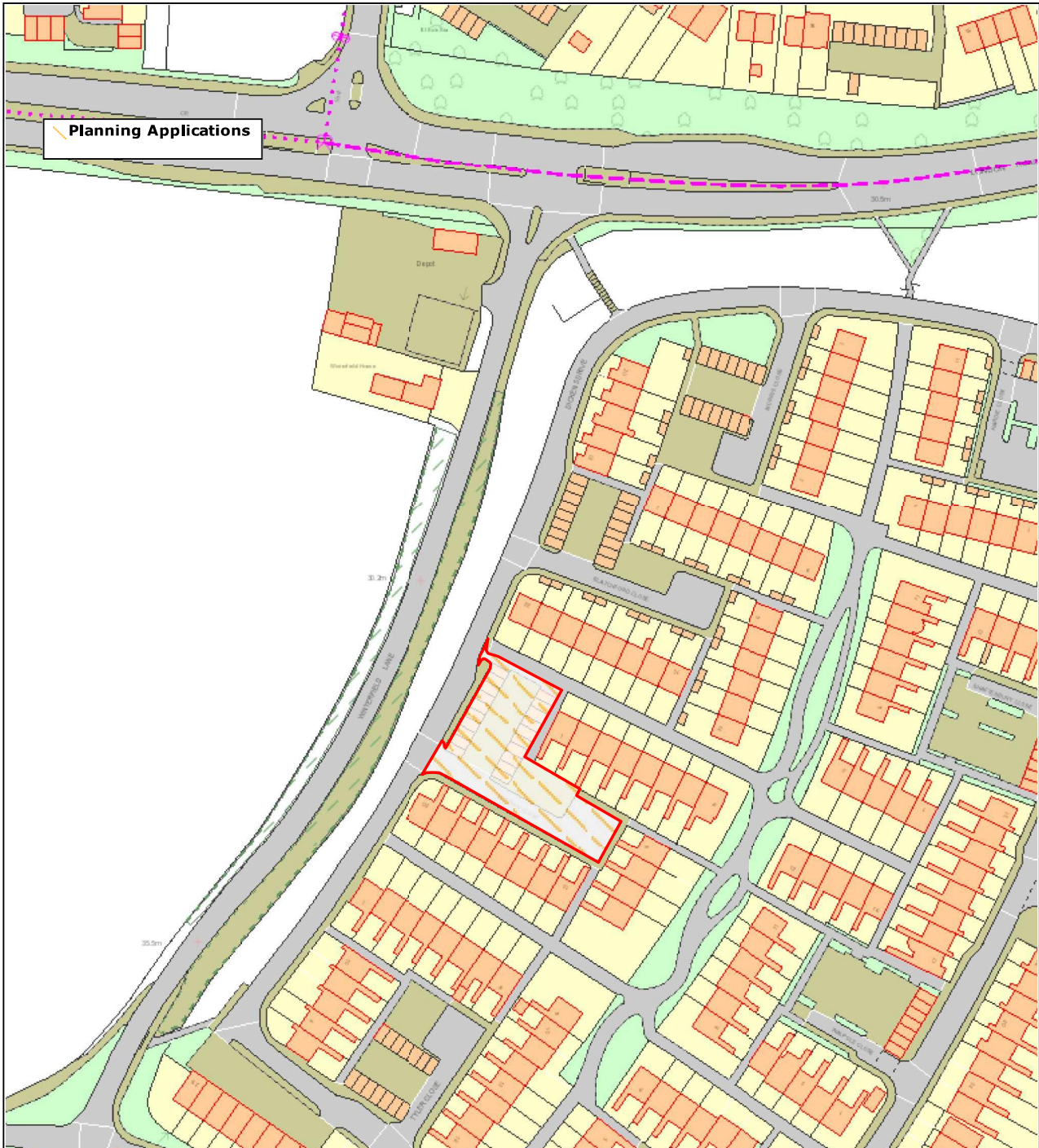
- 1 In the interests of good neighbourliness, the hours of construction, including deliveries, should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

- 2 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
- 3 To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with the National Planning Policy Framework 2023, it is recommended that the Bat Conservation Trust/Institute of Lighting Professionals' 'Guidance Note 8 Bats and Artificial Lighting at Night'¹ is consulted when designing any lighting design to serve the development.
- 4 Contamination verification works shall need to include sampling of the soils beneath the garages once formation levels have been achieved.
- 5 In relation to the sustainable drainage scheme, it is recommended that:
 - Non-return valves are installed within the last chamber prior to connection to prevent against backflows.
 - If existing blocked pipes are to be re-used, these should be cleansed and re-investigated to confirm their suitability for reuse.
- 6 Your attention is drawn to the comments available online by TMBC Waste Services in relation to the design and provision of refuse storage and collection.
- 7 Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC). Anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
- 8 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by KCC whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
- 9 Works on private land may also affect the public highway. These include works to retaining walls which support the highway or land above the highway, and to signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
- 10 It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and

common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 11 Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on KCC's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181
- 12 All Electric Vehicle chargers provided for residential properties should be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- 13 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 14 Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> Reference should also be made to the New Connections Charging Arrangements documents: <https://www.southernwater.co.uk/help-advice/connection-charging-arrangements>
- 15 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available at: <https://www.water.org.uk/sewerage-sector-guidance-approved-documents>
<https://ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

Contact: Andrew Longman



Planning Applications 23/01962/FL

Scale: 1:1250



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Date: 9/2/2024 10:09

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East Malling and Larkfield
East Malling, West Malling
and Offham

21 February 2024

TM/23/01974/FL

Location: Garage Block Rear of Tyler Close East Malling West Malling Kent

Proposal: Demolition of existing garages and construction of 3 x 2 bed 4 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of TM/23/00863/FL)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing two rows of garages and the construction of a terrace of three 2-bedroom two-storey dwellinghouses, alongside associated car parking to serve the dwellinghouses and re-configured car parking within the close to serve the existing residents and new dwellinghouses.
- 1.2 The proposed terrace shall front onto Tyler Close, with two allocated bays provided adjoining the terrace to the north, with the rest of the parking for the proposed dwellings being within the close, but on an unallocated basis. Parking for existing residents shall remain within Morris Close, with a total of 9 spaces being provided in the close, as well as spaces for ad-hoc parking on the access road.
- 1.3 The proposed dwellings shall have a gable roof, with the gables to the north and south elevations. The materials are proposed to comprise of buff brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes
- 1.4 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the new gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. Refuse bins are to be stored to the front of each property.
- 1.5 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH 'Everyone Deserves a Roof Over Their Head' to provide wholly affordable housing for rent. The buildings proposed will be modern methods of construction (MMC) with the homes being largely manufactured off-site. The homes are designed to be zero carbon in operation.
- 1.6 The dwellings are designed for the higher adaptable Part M4(2) standard and to provide step free access. The homes exceed national space standards and follow

inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Michelle Tatton to enable the committee to consider the impact of the proposals in relation to parking provision, highways and the density of development.

2. The Site:

2.1 The application site is located within the urban confines of East Malling, within the Winterfield Lane public sector housing estate.

2.2 The Winterfield Lane Estate represents a later phase of post-war public-sector housing based on the Radburn principles. The area is designed around a central footpath flanked by communal open space which runs north/south with footpaths leading off at right angles. Two storey low height with shallow pitch roof terraced properties line and face onto this central space with other short terraces of houses leading off from this. The central landscaped section of the development is not accessible to vehicles, and therefore exhibits a quieter character. An extensive network of footpaths crosses the site. Glimpses of the North Downs can be seen to the west from the footpaths. Vehicular access is via a ring road around the periphery of the development, with short cul-de-sacs leading off either side to communal car parking and garage blocks. To the south of the area, along the boundary with Chapman Way, there are three storey town houses.

2.3 The application site is to the north of Howard Road and a row of three storey townhouses to the other side of Howard Road. It is east, south and west of three terraces of houses, which are predominately owned by Clarion housing association. 2-10 Dickens Drive are to the west of the site, with 2-6 Dickens Drive west of the proposed terrace and 8-10 Dickens Drive west of the proposed parking area. 4-8 Tyler Close are to the north of the site and the proposed parking area. 11-16 Tyler Close are to the east of the site, with 11-13 Tyler Close to the east of the proposed parking area and 14-16 Tyler Close to the east of the proposed dwellings. The majority of the dwellings have their rear elevations overlooking the development site. The adjoining houses along Dickens Drive are predominately finished in red brickwork and grey concrete roof tiles, with white UPVC windows, whilst the terrace to the north is finished in buff brickwork and the terrace to the east finished in brown brickwork. Boundary treatments currently comprise of low-level metal railings, hedges and timber fences to the front gardens, with rear gardens comprising of close-boarded fence panels and the brickwork walls of garden outbuildings.

2.4 The site is relatively flat and contains the cul-de-sac of Addison Close, two rows of garage blocks (finished in red brickwork with flat roofs) with hardstanding in front, areas of amenity space by way of hardstanding, internal access pathways and

parking within the turning circle at the end of the close. There are no existing boundary treatments.

- 2.5 Parking within the close is predominantly along the access road, within the turning circle and on the hardstanding within the garages. The current guidelines for garage sizes are 3.6m (width) x 5.5m (depth), whilst the existing garages are much smaller (their external measurement is approximately 4.8 metres by 2.7 metres). Six garages are however currently let-out.
- 2.6 There is an extant permission for the redevelopment of this site by way of the demolition of one set of garages and the provision of further parking and soft landscaping (TM/12/03503/FL). This site is one of six sites that were granted permission under this permission, however only two were completed at Hardie Close and Owen Close (the other two garage sites at Shaftesbury Close and Walpole Close were granted permission under a separate consent). This application for is an alternative scheme of redevelopment of that consented.

3. Planning History (relevant):

TM/12/03503/FL	Approved	11 January 2013
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Development of 6 garage sites into car parking (secure) courtyards. Demolition of 6 garage plots to be replaced by car parking areas. Implementation of a variety of tree planting

TM/23/00863/FL	Application Withdrawn	1 September 2023
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Demolition of existing garages and construction of 3 two bedroom dwellings including car parking, cycle parking, refuse and landscaping

4. Consultees:

- 4.1 Consultation responses are summarised below. The full text is available on the Councils website.
- 4.2 PC: Recently met with Clarion, which was appreciated. Pleased that the height difference with the existing dwellings have been addressed.

Noted and appreciated that parking bays have been increased in size and have allotted 2 spaces per household. Still have concerns over parking due to the existing estate being constricted for parking.

It is argued there are opportunities for displaced existing residents to park on existing roads. Clarion states correctly though that they have no control over these roads - they are KCC controlled and any new yellow lines are a Borough Council issue.

Based upon an early Sunday morning survey (busiest time for parked vehicles), and looking at the plans provided the following conclusions are drawn:-

- a. Morris Close: 18 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net gain of just 2 spaces
- b. Blatchford Close: 14 marked spaces to be provided (6 allocated for new builds). 14 vehicles counted, a net loss of 6 spaces.
- c. Addison Close: 16 marked spaces to be provided (8 allocated for new builds). 18 vehicles counted, a net loss of 10 spaces
- d. Tyler Close: 11 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net loss of 5 spaces.

A total net loss of 19 spaces.

Appreciated that no count was given for possible parking on the access road to the parking courts, Clarion admitted they could be used. These could be formalised by the marking with bays of sufficient size - 6 metres in length to allow for manoeuvring. There is a possibility of an extra 3 bays in each case giving an extra 12 spaces, with a shortfall of 7 bays.

There is an area at the north-eastern end of Morris Close which, if converted to hard standing could possibly supply three more bays and the area to the side of No.20 Dickens Drive could similarly be utilised. It is felt the worst impact will be on Tyler Close.

There should be gaps left on any on street parking to allow for pedestrian access to footpaths and for passing places (around the bend at the northern end of Dickens Drive and the footpath out to the A20).

- 4.3 TMBC Waste Services: Advice and guidance provided on amount and design of waste storage. Areas should be sited no more than 25 metres from the collection vehicle, with storage areas able to accommodate a 240 litre bin, a 55 litre recycling box and a 22 litre food waste bin for each dwelling, with space for plastic and glass.
- 4.4 TMBC Environmental Health (noise): The Applicant had submitted an amended Noise Impact Assessment, which details measurements taken at the site of the existing noise climate and of the appropriate standards/tools. The Assessment has taken account of earlier concerns and am content with the conclusions. Suggest informatives to cover demolition/construction working hours and bonfires.
- 4.5 TMBC Environmental Health (contaminated land): The Preliminary Geo-Environmental Risk Assessment adequately presents the findings of the desk study and site walkover, recommending intrusive investigation. The Geo-Environmental Assessment does not identify widespread contamination, however this is not complete due to existing garages. Access to garages is required to fully inspect for asbestos, and the made ground needs to be inspected below the garages to inform a remediation strategy. Therefore two contamination conditions are recommended.

The first recommended condition was queried with Environmental Health, who have advised that although the report does mention it was not possible to assess soils beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the

remediation strategy proposals, the amended condition is acceptable, subject to an informative relating to contamination verification works.

- 4.6 TMBC Housing: The Planning Statement and Design & Access statement seem to be unchanged compared to the withdrawn schemes. Comments provided under the earlier applications still stand. The planning statement states the homes developed will be provided as affordable housing for rent, meeting M4(2) accessibility for rented affordable housing, which is supported.

The design and access statement includes reference to the third bedroom being used as an office, marked as a study. Seek clarity from the applicant if they intend to allocate these homes to households on the Council's Housing Register and therefore the household housing need will fit to the property size and suitable occupancy of a 3bed home, i.e. not allowing for a spare room for use as an office.

Use of a Unilateral Undertaking considered suitable to secure the affordable rented accommodation.

- 4.7 KCC LLFA: The application is a revision to a previously withdrawn application. The Drainage Strategy remains unchanged, however believe the principles for managing surface water remain the same and can be accommodated. The proposed drainage system will continue with a connection to the foul drainage sewer. Advise that non-return valves should be utilised, and existing blocked pipes should be cleansed. Note that the detailed drainage design is to be compiled, as such recommend conditions for detailed drainage design and verification report.

- 4.8 KCC Ecological Advice Service: Sufficient ecological information has been provided. Bat survey provides sufficient information, despite not being in accordance with best practice guidelines. Recommended conditions for biodiversity and lighting and ecological enhancement. Conditions were subsequently queried with KCC Ecology, who justified the reasoning for such conditions based upon the ecological survey and requirements of planning policy.

- 4.9 KCC Highways: One response provided for all four applications due to the close proximity of each development and to assess the cumulative impact as a whole.

Vehicular access:

The developments shall be served by existing junction arrangements.

Sustainable Travel:

The site is close to existing pedestrian pathways and bus services. 1.5km from East Malling Station.

Traffic Impact:

13 dwellings expected to generate seven trips during am peak, and five trips in pm peak. This is not a severe impact based upon the NPPF.

Car Parking:

Transport Statement assesses the parking across the sites. There are 64 garages across the sites, with only 26 rented out. Each site will comprise of car parking for the new residents, visitor bays and parking for existing residents.

- Morris Close: 6 resident bays, 1 visitor bay and 11 overspill spaces.
- Blatchford Close: 6 resident bays, 1 visitor bay and 7 overspill spaces.
- Addison Close: 8 resident bays, 1 visitor bay and 7 overspill spaces.
- Tyler Close: 6 resident bays, 1 visitor bay and 4 overspill spaces.

The provision meets Interim Guidance Note 3 (IGN3) standards for the proposed number of parking spaces for the new dwellings and visitor spaces.

The Parking Beat Survey shows that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, there is no evidence to indicate that there is a lack of provision within the proximity of the development.

To ascertain if there is sufficient residual capacity the applicant has then compared the number of empty spaces (83). Acknowledge the developments could cause inconvenience to existing residents, where parking is available in locations away from being directly outside of their homes, and there may be an increase to illegal parking. The number of spaces required (36) is less than what is available on street within the wider surroundings (83). As such, KCC Highways consider that the applicant has demonstrated that any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity. The developments would displace parking, but there is capacity in the vicinity.

Cycle Parking:

Cycle secure storage is proposed within the curtilage of each dwelling, according with (SPG4) Supplementary Planning Guidance Note 4 "One space per bedroom.

Turning and Servicing:

Refuse collection will be from the kerbside, the same as for the existing estate.

Personal Injury Collision Record:

Applicant has undertaken Personal Injury Collision (PIC) analysis for the latest 5-year period. There are no historic traffic collisions or data trends.

Summary and Recommendation

KCC Highway confirms, that provided the following requirements are secured, then no objection will be raised:

- Construction Management Plan
- Provision and permanent retention of the vehicle parking spaces
- Provision of measures to prevent the discharge of surface water onto the highway
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision and permanent retention of the vehicle turning facilities
- Provision and permanent retention of Electric Vehicle chargers

Series of standard informatives provided.

A follow-up response was provided by KCC Highways on 29.11.2023, confirming that amending parking spaces to remove allocated provision would be acceptable in principle to KCC Highways.

4.10 KCC Archaeological Advice Service: The site lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road. Remains associated with prehistoric or later activity may survive. In view of the archaeological potential, recommend a condition for phased programme of archaeological work is placed on any consent. This condition was queried with KCC Archaeology, who justify that this condition is necessary and the most appropriate, given the level of archaeological potential and how the garages sites will likely have not been subject to previous deep excavations.

4.11 Southern Water: Southern Water require a formal application for a connection to the public sewer to be made by the developer. The proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate can be permitted if proven to be connected and there will be no overall increase in flows into the system. Will need to confirm final discharge point before commencing work. Is indicated that SuDS will be maintained privately. Notwithstanding this, SuDS can be adopted if they meet guidance, however if not adopted, sufficient maintenance must be ensured. Recommend SuDS scheme, implementation details and maintenance details are submitted to the LPA for approval. Recommend informative in relation to submission of foul and surface water drainage details. A public sewer may cross the site. If found during works, ownership shall need to be identified before proceeding with works.

4.12 Private Reps: 54 letters despatched & 2 site notices (consultation undertaken twice due to website downtime as a result of new IT system). Responses received: 0X(raising no objection)/46R(raising objection)/0S(in support). Objections summarised as follows:

- Existing area struggles with parking – more cars than spaces, with double parking, illegal parking, difficulty for emergency and waste collection vehicles to gain access. Issues illustrated in photo diaries and photos in comments.
- Demolition of garages to provide parking to residents would be acceptable/is wanted instead. Garage plots were originally proposed to be redeveloped for parking given the parking issues in the locality – planning applications were approved – only four were completed.
- Existing garages are not disused – Clarion is not renting them out. There is a lack of detail/contradictory information on the garage parking within the submission.
- Existing residents feel excluded from electric car charging provision as they are only proposed for the new residents.
- When estate was built, the garage areas were designed to accommodate cars on the existing estate as the houses do not have their own parking and there were fewer cars, there are now more cars and delivery vans on the road.
- More cars caused by HMOs.
- Challenge of both residents and guests trying to find parking spaces.
- Adding more properties will make the traffic/parking issues worse, with more illegal parking, difficulty with access (including emergency services), parking disputes/antisocial behaviour, safety issues and reduced quality of life. The proposal increases housing and reduces parking for existing residents on the roads, on the garage sites, within the closes and in the garages.
- Social housing estate includes large proportion of disabled, families, etc. who would struggle to park far away from their houses.
- Unfair parking provision – 2 new spaces per new property, existing properties have to park on road with limited provision.
- Concerns about loss of open space.
- Impact upon mental health/reduced quality of life
- Impact upon sense of community.
- Noise disturbances.
- Noise and air pollution from building works.
- Loss of a view
- Loss of sunlight/light

- Los of privacy due to proximity of new houses, and their alignment, resulting in direct overlooking of gardens and windows. There is already overlooking, therefore do not want further overlooking.
- Limited privacy for new houses.
- Reduction in property value.
- Impact upon visual amenity/houses should be in-keeping with existing architecture.
- Overpopulation of a densely populated area, with inadequate services/infrastructure. Development makes this worse, lack of open space/green areas and overcrowded streets.
- Affordable rented properties should be provided in new developments, rather than in existing overpopulated estate.
- Existing residents should be considered and not disadvantaged as a result of the development proposals – does not meet with governments aims for levelling up and social mobility. Proposals do not reflect needs of the existing residents. Proposals are not beneficial for existing residents.
- Why are more houses being built when existing houses are not being maintained?
- 250 houses also being built in the locality – should buy these/use these for social rent.
- Suggest number of proposed houses is reduced, allowing for more landscaping and car parking.
- Suggest proposals are refused, re-sited or amended to be sustainable.
- Additional parking spaces provided within revised applications will not be sufficient.
- Contrary to TMBCS policies CP1 CP2, CP7 CP11 CP15 and CP17
- Fails to meet NPPF requirements for 'social objective'
- Previous residents comments/suggestions/ideas appear to have been ignored.
- Clarion considered to only be interested in making profit.
- There are no changes from the withdrawn scheme.

5. Determining Issues:

Principle of Development:

5.1 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five-year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the [National Planning Policy Framework 2023 \(NPPF\)](#). For decision taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

5.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the [Planning and Compulsory Purchase Act 2004](#)) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.

5.3 Policy CP11 of the [Tonbridge and Malling Borough Core Strategy 2007 \(TMBCS\)](#) is the most relevant to the determination of this application as it addresses the matter of the principle of development for residential development in the urban confines of East Malling. Policy CP11 outlines that development will be concentrated within the confines of urban Areas. The development involves the provision of residential dwellinghouses within the urban confines. Therefore, the principle of development is acceptable, complying with Policy CP11.

5.4 With regards to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in Footnote 7 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that the remainder of the assessment takes place.

Affordable Rented Housing:

- 5.5 There is a need for Affordable Housing within the Borough of Tonbridge and Malling, as demonstrated within the [Housing Needs Survey 2022](#), with table C7 showing a net need of 283 dwellings per annum.
- 5.6 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH to provide wholly affordable housing for rent. The dwellings are designed to meet higher adaptable M4(2) accessibility standard and to provide step free access. The homes exceed national space standards and follow inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs. This will provide much-needed affordable rented provision within the Borough and the approach is considered acceptable to TMBC's Housing Officer. The dwellings will be secured as affordable rented via a unilateral undertaking legal agreement. It should be noted that this is a higher level of provision than that required by policy CP17 of the TMBCS, which does not require the provision of any affordable housing for such minor developments. Therefore, this provision of affordable rented dwellings holds significant weight in favour of the proposed development.
- 5.7 Comments from the Housing Officer regarding the third room being used as an office are noted. This concern is centred around such rooms being used potentially as bedrooms, which would not be acceptable because they are too small (not meeting the [Nationally Described Space Standards](#)). To ensure that the home office rooms which are too small to be used as bedrooms are not used as such, a planning condition is recommended to preclude such rooms from being used as habitable accommodation.

Design, Character and Appearance:

- 5.8 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

"1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

3. *Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted...*

5.9 Policy SQ1 of the [Managing Development and the Environment Development Plan Document 2010 \(MDE DPD\)](#) states:

“All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

5.10 These policies within the LDF are broadly in conformity with those contained within the NPPF.

5.11 In particular, paragraph 135 of the NPPF seeks to ensure that development:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

5.12 Furthermore, paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

5.13 Chapter 11 of the NPPF is specifically focused on ‘Making effective use of land’. Paragraph 123 states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

5.14 Paragraph 124 then goes on to explain that planning policies and decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

“d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);”

5.15 Paragraph 129 details that:

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

5.16 The [Medway Gap Character Area Appraisal](#) notes the following locally distinctive positive features:

- *“Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation*
- *Central footpath flanked by open space which creates an informal, spacious character*

- *Glimpses of the North Downs to the west*
- *Green edges to the north, south and west of the character area created by mature tree belts, which can on occasion be glimpsed between properties*
- *Traffic free pedestrian network*
- *Enclosed private character due to limited views into and out of the site”*

5.17 It also notes the following negative features worthy of enhancement:

- *“Streetscape of the ring road marred by high walls and fences and garage blocks*
- *Traffic noise in the north from traffic travelling along the A20”*

5.18 The proposal involves the demolition of the existing two garages blocks. These buildings are of no special architectural interest and are noted within the character area appraisal to be features worthy of enhancement. As such their demolition is considered acceptable and the development represents a visual enhancement to the area.

5.19 The proposal would result in the loss of the area of hardstanding adjacent to the existing parking court. This area has no defined use, however from public representations it can be ascertained that these areas are used for informal play by children. Given the estate has a central green corridor, and within the adjacent estate there is an area of green space, both of which offer better play space than the existing square due to the proximity to many parked cars and regular vehicle movements, it is felt that the loss of this space would be acceptable. Therefore, on balance the provision of three affordable units is a better use of such an area.

5.20 The proposed terrace measures approximately 7.55 metres high to the roof ridge, 5.8 metres to the top of the eaves, 8.65 metres deep and 19.1 metres wide. The dwellings shall be single-fronted, with shallow gable pitched roofs. The proposed roofs have been designed with a shallow pitch of 22 degrees in an attempt to appear visually similar to the existing properties with their shallow-pitch, low-height roofs. These are proposed changes since the previously withdrawn submissions, with the changes being the reduction in roof ridges by 1.47 metres, with eaves by 0.3 metres and roof pitches being reduced to 22 degrees. For comparison, the existing dwellings are also terraces, and measure approximately in-between 6.28 to 6.9 metres to the roof ridges and 4.67 to 5.4 metres to the top of the eaves (depending upon the surrounding land levels), with gable pitch roofs and single frontages. The existing terraces also measure approximately 7.3-7.6 metres deep, with the terraces varying in width. As noted within the Character Area Appraisal, the area contains a “Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation” which are considered to be locally distinctive positive features of the estate.

- 5.21 It is acknowledged that the proposed ridge and eaves heights would be higher than the existing dwellinghouses, however this can be partially attributed to how the dwellinghouses are built to meet the [‘Technical housing standards – nationally described space standards’](#) (NDSS) both because they will be used for social housing and to ensure they are future-proofed. The NDSS set-out that *“the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area”*, whilst the proposed floor to ceiling heights vary between 2.3-2.5 metres, with the majority of rooms being 2.5 metres. The proposed dwellings therefore exceed the NDSS in relation to floor to ceiling heights, but this is considered to enable them to be future-proofed. The space standards also set-out minimum requirements for gross internal floor areas and storage, resulting in the dwellinghouses being deeper than houses within the existing estate, which therefore naturally results in an increase in height and bulk compared to the existing dwellinghouses. It is acknowledged that the proposed terraces shall be slightly higher and more bulkier than the existing dwellings, however there are examples of three-storey townhouses to the south of the estate and existing infill developments also comprise of elements of bulkier development. It also has to be noted that the applicant has amended the designs of the dwellings to lower their height since the previously withdrawn applications and given the separation with the existing dwellings it is considered that the height differences would not be overly noticeable. The proposed dwellings would also be in-keeping with the general urban grain and layout of the estate by way of the designed site layout and because the proposed dwellings are also terraces. Overall, on balance it is considered that although the proposed dwellinghouses would be slightly larger in bulk, mass and scale, this design is clearly justified given the NDSS, future proofing and by way of the layout and form which is in-keeping with the existing estate and dwellings.
- 5.22 The development site comprises of brownfield land and would re-utilise existing underutilised land to help meet the demonstrated need for affordable rented accommodation. This is in specific compliance with paragraph 124 of the NPPF, and holds significant weight in the planning balance in favour of the development.
- 5.23 The proposed three dwellings shall occupy the site at a density of 37 dwellings p/ha. This is less dense than the existing estate, however this is attributed to how the development site accommodates areas of car parking for both the new and existing residents, whilst the dwellings have been designed to exceed the nationally described space standards. The development site retains areas for parking, pedestrian pathways, gardens for each dwelling and is similar to the layout of the existing estate, whilst the development would remove the garages which can attract antisocial behaviour, it is therefore considered to ensure safe and healthy living conditions. The development therefore makes a good use of the available land, being appropriately dense whilst ensuring the proposals are in-keeping with the character of the locality and ensuring safe and healthy living conditions, complying with paragraphs 123, 124 and 129 of the NPPF.

- 5.24 The proposed dwellings shall comprise of buff brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes. The mixture of materials proposed are of a palette considered in-keeping with the existing built form within the vicinity. The specific materials for each element have not been provided, therefore these details shall need to be required via planning condition to ensure a suitable mix of materials come forwards.
- 5.25 The proposed terrace shall be of a slightly more modern design to the immediate surrounding terrace properties. However, on balance and given the site's location and proposed materials palette, the design is considered to be acceptable and would not appear visually intrusive or harmful to the site's surroundings.
- 5.26 Each property contains a garden shed/storage building; however no details have been provided of their appearance. As such, a condition is recommended requiring the submission of details of the storage building.
- 5.27 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. This is considered acceptable. It is acknowledged that much of the landscaping would be hard surfaced, however this is considered appropriate given the need within the locality for parking and the existing situation which is subject to much hard surfacing. To obtain specific details for landscaping, it is considered reasonable to attach a planning condition requiring the submission of detailed plans for landscaping.
- 5.28 Overall the density, scale, form, materials and landscaping of the proposed dwellinghouses are considered acceptable and would appear in-keeping with the street scene and character of the area, complying with policies CP24 and SQ1 and paragraphs 123, 124, 139, 135 and 139 of the NPPF.

Residential Amenity:

- 5.29 Policy CP1 of the TMBCS sets-out that that the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications the quality of a range of matters, including residential amenity, will be preserved and, wherever possible, enhanced.
- 5.30 Policy CP24 of the TMBCS requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 5.31 Paragraph 135 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

5.32 The [Kent Design Guide](#) in relation to privacy advises that:

“a flexible approach needs to be taken over privacy distances. Minimum distances are not prescribed, but developers must be able to put forward a good case for distances proposed depending on the circumstances.”

5.33 The front elevation of the proposed dwellings would be approximately 16 metres from the dwellings to the east. However, this is only the principal elevation of the proposed terrace which would face towards the rear elevation of the existing terrace. The existing terrace is also at a slightly different angle to the proposed terrace, the floor levels between the proposed and existing dwellings are different and the windows in the proposed dwellings are narrow in width, therefore it is considered that there would be no unacceptable loss of privacy.

5.34 The terrace would be approximately 16.5 metres from the adjoining dwellings to the west. The applicant has demonstrated that the habitable bedroom windows in the proposed dwellings would not line-up with the bedroom windows in the existing dwellings. Therefore, there would not be a detrimental loss of privacy to the rear elevation first floor bedroom windows. It is noted that the study room windows do align with the existing property's bedroom windows, however these can be conditioned to be obscured glazed and non-opening in the interests of neighbouring privacy. As such, with this condition there would be no unacceptable loss of privacy to these properties.

5.35 It is acknowledged that there would be a close relationship with the neighbour's gardens, however this is a common occurrence across the Winterfield Lane estate, where houses are aligned at 90 degrees to each other, resulting in mutual overlooking. It is acknowledged that the proposed relationship would not be at 90 degrees to the neighbour's gardens, but back-to-back, however both situations result in mutual overlooking irrespective of orientation, therefore the proposed situation would not provide grounds for refusal in relation to impact upon neighbouring privacy. As such, it is considered that there will be no unacceptable impact upon neighbouring levels of privacy by way of overlooking of gardens. Neighbours' concerns regarding existing properties CCTV equipment affecting the proposed houses is a private legal issue between the two residents and is not a planning consideration.

5.36 In relation to impact upon sunlight, daylight and outlook, given the orientation of the proposed terrace and its separation with the neighbouring properties (approximately 16 metres separation to the east, 23 metres separation to the north and 16.5 metres separation to the west), there will be no unacceptable impact upon neighbouring levels of sunlight, outlook and daylight as a result of the development.

5.37 Overall, given the above assessment, the proposal would not have an unacceptable impact upon neighbouring amenities, complying with policies CP1 and CP24 and paragraph 135 of the NPPF.

Highways Safety and Parking Provision:

5.38 Policy SQ8 of the MDE DPD states that:

“1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.”

5.39 Paragraph 114 of the NPPF states that in assessing development applications, it should be ensured that appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location, that safe and suitable access to the site can be achieved for all users, the design of transport elements reflect current national guidance and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

5.40 Paragraph 115 of the NPPF states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

5.41 Paragraph 116 goes on to state that, within this context, applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.42 The parking standards for TMBC are currently set-out within the [KCC Parking Standards KHS Interim Guidance Note 3: Residential Parking \(IGN3\)](#), which sets-out the quantum requirement for residential developments. Additionally, there is the [Kent Vehicle Parking Standards Supplementary Planning Guidance 4 \(SPG4\)](#) which sets-out the design requirements for parking bays.

5.43 The evidence base for IGN3 is considered by the Council to be out of date and to provide insufficient levels of parking provision for modern developments. As such, IGN3 will be used for the base-line assessment, however the review will also be based upon an assessment of the individual detail of the development in question, site-specific circumstances and the prevailing locational characteristics in accordance with the [Position Statement in respect of Kent County Council Interim Guidance Note 3: Residential Parking Standards, August 2021](#).

5.44 In accordance with the IGN3, garages do not count towards parking provision. This is because of the enclosed nature of such spaces, the majority of people do not use garages for parking, instead using it for storage. Additionally, as noted within the Kent Vehicle Parking Standards SPG4, to ensure such spaces are used for parking and storage, garages should measure 5.5 metres long by 3.6 metres wide – the garages do not meet these space standards. The garages within the Winterfield Lane estate were built in the 1960s, however cars have increased significantly in size, as such the garages cannot accommodate many modern cars. Therefore, for the purposes of this officer's assessment the existing garages shall not be counted towards parking provision and cannot be considered as usable parking bays or to contribute towards parking in the locality. Members are reminded that this is the position taken for all new development proposals, as such for the purposes of consistency the existing garages cannot be considered as parking spaces. The hardstanding in-front of the garages however is used for parking, as such this area shall be considered as areas for parking within the officer's assessment. It is noted however that the applicants Transport Assessment has considered parking within the currently rented out garages, and this is considered acceptable as it enables the consideration of a 'worst case scenario' whereby all garages contain cars.

- 5.45 The existing situation includes ad-hoc parking within the close for approximately 9-10 cars, alongside parking on the hardstanding in-front of the garages for approximately 6 vehicles. Parking within the close will remain as part of the proposals, but will become formalised and a dedicated disabled bay will be created. The parking in-front of the garages would be lost as part of the proposals, however the existing area of hardstanding beside the end of Tyler Close would be converted to parking. Ad-hoc parking along Tyler Close will remain. The current submissions include more parking provision than the previously withdrawn applications (7 spaces extra for all four sites).
- 5.46 In summary, the proposal involves the provision of the following spaces within Tyler Close:
- 2x allocated spaces to serve the new dwellings.
 - 1x disabled bay.
 - 8x unallocated parking bays (which would be to serve the proposed dwellings, their visitors and existing residents).
 - Retention of existing ad-hoc parking along Tyler Close (approximately enough space for 3 cars).
- 5.47 The proposed provision for the new dwellings would include two on plot spaces, alongside sharing parking with the existing residents by parking either within the parking area in the close or by parking on street. The parking survey demonstrates that there would be sufficient parking in the locality to allow for the new dwellings to park two cars each using the allocated bays and in the close and for one visitor car within the shared parking court, whilst also allowing existing residents to park. Given that each dwelling can park two cars either on plot or within the parking court in the close/on street, the provision is higher than that within the adopted parking standards (IGN3) and this is considered to be an acceptable level of provision of parking for development within the urban confines.
- 5.48 In relation to parking for existing residents, it is relevant to also assess whether the loss of the existing parking would have a material impact on parking pressure in the surrounding highways, and whether this would have an impact on highway safety. Material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.
- 5.49 It is understood that local residents are able to park in the site without any restrictions or need for a permit. The existing parking situation is fully understood as a result of the illustration of the parking issues within the public representations and as witnessed during site visits during various times of day and late evening during the week. Residents' concerns are fully appreciated, with the existing road network appearing busy with cars, however the assessment for this proposal is whether there is sufficient capacity within the surrounding highway to allow for the parking

associated with the proposed development without making the existing situation worse.

- 5.50 The submission therefore includes a Transport Statement which assesses the development proposals as a whole in order to capture the cumulative impact of the four development proposals. This has been reviewed by KCC Highways as Local Highways Authority, who raise no concerns with this report. Within the Transport Statement, the Parking Beat Survey identifies that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, the Transport Statement does not evidence any lack of provision within the proximity of the development. The specific details from this survey are as follows:
- 5.51 To provide the baseline data, Parking Beat Surveys were conducted from Thursday 3rd through to Friday 4th November 2022. This parking survey was undertaken on the roads within close proximity to the Sites (Howard Road, Temple Way, Dickens Drive, Owen Close, Tyler Close, Addison Close, Blatchford Close, Morris Close, Hardie Close, Shaftesbury Close and Walpole Close). The parking beat surveys were undertaken every 15 minutes during the morning (AM), afternoon (PM) and off-peak (OP) periods (06:30 – 09:30, 15:00 – 18:00 and 23:00 – 02:00 respectively). They were undertaken at a time when there were no significant roadworks, were not on a Monday, Friday evening or weekend and were not during a holiday period. It is acknowledged that parking pressures ebb and flow during the course of the day/week. This survey however includes hours when it is assumed that there would be maximum pressure on parking spaces when residents are not in work (the OP period).
- 5.52 The survey assessed the theoretical parking capacity of the surveyed area based on an average vehicle length of five meters and a width of three metres as per the Lambeth Parking methodology. On this basis the applicant argues there are 308 current legal parking spaces available within the proximity of the Sites. Where sections of road were observed to be narrow, and therefore vehicles parking on both sides would block the flow of traffic, it has been assumed that vehicles are only able to park on one side of the road.
- 5.53 The results of the survey indicate that the maximum total parked vehicle occupancy was 220 parked vehicles, which occurred at 23:00 – 23:15. This equates to a maximum parked vehicles occupancy of 71%, indicating that there is currently capacity to support additional on-street parking in the vicinity of the site. The results indicate that the maximum total parked vehicle occupancy on each road was:
- 15 for Howard Road in the AM peak (maximum capacity 22 vehicles);
 - 26 for Temple Way in the OP period (maximum capacity 65 vehicles);
 - 45 in Dickens Drive in the OP period (maximum capacity 63 vehicles);
 - 21 in Owen Close in the OP period (maximum capacity 25 vehicles);

- 11 in Tyler Close in the AM peak (maximum capacity 12 vehicles);
- 19 in Addison Close in the AM peak (maximum capacity 17 vehicles);
- 13 in Blatchford Close in the OP period (maximum capacity 14 vehicles);
- 15 in Morris Close in the OP period (maximum capacity 15 vehicles);
- 19 in Hardie Close in the OP period (maximum capacity 25 vehicles);
- 18 in Shaftesbury Close in the OP period (maximum capacity 24 vehicles); and
- 24 in Walpole Close in the OP period (maximum capacity 26 vehicles).

5.54 The results indicate that there were 135 (AM peak), 147 (PM peak) and 88 (OP period) vacant spaces on the day of the survey across the three time periods, and each road, with the exception of Addison Close, remained within theoretical capacity.

5.55 To assess the overall impact of the developments on on-street parking, analysis has been undertaken to determine if the existing displaced and additional vehicles arising from the development will have adequate on-street parking provision within the local area. A breakdown of the change in on-street parking space is provided in Table 5-1. A total of 17 on-street spaces will be retained. Whilst 41 will be lost as part of the proposals, 47 on-street spaces including four accessible spaces will be provided (in addition to 12 off-street spaces). This equates to a total net increase of six on-street spaces. For Tyler Close specifically, this shall be:

- 9 spaces shall be lost.
- 3 remain unaltered.
- 2 on-plot spaces proposed.
- 9 proposed, with a new on-street capacity of 12 (no change is number of spaces).

Table 5-1 - Net increase in parking spaces

Plot	Lost spaces on-street	Unaltered spaces on-street (retained)	New spaces provided			New Legal On-Street Capacity	Net change On-Street Capacity
			Total	On Plot (allocated)	On street (unallocated)		
Morris Close	9	6	18	2	16	22	+7
Blatchford Close	10	4	14	3	11	15	+1
Addison Close	13	4	16	5	11	15	-2
Tyler Close	9	3	11	2	9	12	0
Total	41	17	59	12	47	64	+6

5.56 It is then necessary to assess future on-street parking demand, which has also been assessed by the applicant. This will change because:

- New residents: 47 unallocated on-street spaces will be provided for existing residents, new residents and visitors, as well as 12 allocated spaces within the plots to serve the proposed dwellings.
- Displacement from demolished garages: a total of 26 garages are currently let out. To assess a worst-case, these are assumed by the applicant to all contain parked vehicles.

5.57 To calculate the future on-street parking demand, the maximum existing demand from the parking surveys and additional future changes have been assessed in table 5-2.

Table 5-2 - Future Parking Demand

Plot	New units			Existing Garages Let	Existing Demand*	Total future On-Street demand
	Total Demand	Provided for within Plot	On-street Demand			
Morris Close	7	2	5	8	15	28
Blatchford Close	7	3	4	5	13	21
Addison Close	9	5	4	6	19	29
Tyler Close	6	2	4	7	11	22
Total	29	12	17	26	58	100

**Taken from the parking beat surveys, as presented in Section 3.6.2.*

5.58 Finally, it is then necessary to assess the on-street parking impact to ascertain if there is sufficient residual capacity to enable the development without detrimentally impacting existing residents. Where there is insufficient capacity on the road the plot is located on, it is assumed that any vehicles displaced would want to park on the closest available roads with vacant on-street capacity. In this way, vehicles from Morris Close and Blatchford Close are assumed to displace onto Dickens Drive, Hardie Close and Shaftesbury Close, whilst vehicles from Addison Close and Tyler Close are assumed to displace onto Howard Road, Temple Way, Owen Close and Walpole Close.

5.59 Table 5-3 summarises the analysis with the total number of vacant spaces being the capacity on-street minus the total future on-street demand. This shows that there would be a total of 36 overspill vehicles from the four roads, however there are 83 available spaces on the surrounding streets.

Table 5-3 - Parking Displacement Analysis - Batched

Plot No.	Road	New Legal On-Street Capacity	Total max number of vehicles parked (incl. illegal parking)*	Vacant spaces	Total vacant spaces on other nearby streets	
1	Morris Close	22	28	-6	31	Dickens Drive, Hardie Close and Shaftesbury Close
2	Blatchford Close	15	21	-6		
3	Addison Close	15	29	-14	52	Howard Road, Temple Way, Owen Close and Walpole Close
4	Tyler Close	12	22	-10		
Total		64	100	-36	83	

**Parking Beat Survey (2022)*

5.60 In relation to the development at Tyler Close, the ten displaced vehicles can be accommodated on Howard Road, Temple Way, Owen Close and Walpole Close. It is acknowledged that there are three other garage site applications within the immediate vicinity under consideration at this time, therefore the analysis also considered the cumulative effect. When considering all development proposals, the maximum number of existing parked vehicles and the additional vehicles created by the developments can be displaced onto the local road network, therefore the submitted Transport Assessment demonstrates there is sufficient capacity on the surrounding streets to accommodate all parking needs. This is because the number of spaces required as a result of the developments (36) is less than what is available on street within the wider surroundings (83). Members should note that this has been done on the basis of a worst-case scenario where all let garages (26 No.) contain a parked vehicle.

5.61 Therefore, the Transport Statement shows that there is parking within the existing estate to accommodate the development proposals without unacceptably impacting the existing residents. While it is noted that there has been a number of objections from residents about the loss of parking and increased pressures to the area, it is considered that the 10 potential cars being displaced could be accommodated in the area, and that their displacement would not result in any highway safety concerns. Even when considered in combination with other developments proposed in the area the evidence indicates that there is adequate capacity for the potential displacement. As stated before, material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.

5.62 Members should note that KCC Highways consider that the applicant has demonstrated with sufficient confidence, any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity.

5.63 This assessment has also been carefully reviewed by the case officer, who has calculated a different number of total existing on-street capacity of approximately 261

spaces. Despite this difference in numbers, it is still considered that there is sufficient space on the highway to accommodate overspill parking from the developments based upon the survey numbers (total parked vehicle occupancy of 220 vehicles (paragraph **Error! Reference source not found.**) as well as the additional parked vehicles as a result of the proposed development. It is therefore considered that there are no grounds to warrant a refusal of planning permission based upon highways safety/parking provision.

- 5.64 Concerns from neighbours have been received about cars currently parking illegally/dangerously and there are concerns that the displacement of the cars from the site will exacerbate the problem, resulting in antisocial behaviour. In the parking survey submitted with the application, it is noted that the figures of currently unrestricted parking have been established by looking at current availability on the surrounding roads. The block plans that were submitted in this survey show that they have only measured areas where there is sufficient room to park a car fully in the road, and still allow sufficient room for a car to pass on the highway. Therefore, there would be no evidence to suggest that the 10 cars displaced from the site would have to result in parking on the pavement or in unsuitable locations.
- 5.65 In relation to access to the development sites, the existing junction arrangements will remain, with a re-arranged parking area, alongside associated turning in the close, with refuse collection from the kerbside, similar to the existing dwellings. These arrangements are considered acceptable to KCC Highways. Concern has been raised by public comments regarding the access of emergency vehicles and refuse collection vehicles. No change to the existing access point is proposed, and as addressed above it is considered that the displaced cars can be accommodated and that there is sufficient on-street parking which would not impact access for emergency vehicles and refuse vehicles.
- 5.66 The 13 dwellings across all four sites are expected to generate seven trips during the AM peak hour and five trips in the PM peak hour. This is an acceptable level, not considered to result in a severe impact upon highways safety. In relation to sustainable travel, the sites are within the existing built confines, which has a range of existing pedestrian footways, with links to nearby bus services. There is also East Malling Station, approximately 1 mile from the site, which provides train links to Maidstone, Ashford and London.
- 5.67 Secure cycle storage is proposed in the shed within the rear garden of each dwelling. More details of this storage area and its permanent retention can be sought via planning condition.
- 5.68 KCC Highways have recommended a series of conditions and informatives. These are recommended to be attached to the decision notice, apart from the EV chargers' condition. It is recommended that a condition requiring the EV infrastructure to be installed and retained is attached instead, with the detailed specifics recommended by KCC to be covered by an informative as Building Regulations cover the detailed

design of such provision. It is noted that KCC Have recommended a condition for a Construction Management Plan, despite a Construction Environmental Management Plan already having been submitted. Given that this plan includes areas which require further clarification and to allow the plan to be amended accordingly once construction proposals are more advanced, it is considered reasonable to attach an appropriately worded condition.

5.69 In light of the above assessment and the lack of objections from KCC Highways, I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

Flood Risk and Drainage:

5.70 Policy CC3 of the MDE DPD sets out that development will not be permitted if it has an unacceptable impact on the water environment and if development proposals do not incorporate SuDS appropriate to the local context. It advises that SuDS will need to have appropriate maintenance and management agreements in place. It advises where it is not practicable to use SuDS, it will need to be demonstrated that an appropriate alternative means of surface water drainage is incorporated.

5.71 Policy SQ5 of the MDE DPD requires that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.

5.72 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 173 of the NPPF goes on to explain that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

5.73 The site is within flood zone 1 and consequently has a low risk of flooding from rivers. The site is also not within a surface water flood risk area, and therefore has a low risk of flooding from surface water.

5.74 The proposed drainage strategy recommends for surface water runoff generated by the proposed development to be restricted to 2 l/s for all events up to and including the 1 in 100 year plus 40% climate change event, thereby providing betterment over the existing brownfield situation. Therefore, in order to achieve this restriction, attenuation will be provided in the form of underground geocellular storage crates and permeable paving within proposed car parking spaces. Surface water runoff stored on-site will discharge to the existing private surface water sewer network. Foul flows generated by the development will discharge to the existing public foul sewer network.

- 5.75 The LLFA have reviewed the proposals from a surface water drainage perspective and are content with the drainage scheme, subject to conditions relating to detailed design and verification of the drainage installed. As such, these two conditions are recommended in relation to surface water drainage.
- 5.76 Southern Water have recommended an informative relating to foul drainage. Informatives cannot require the submission of details, therefore to ensure appropriate drainage, a detailed foul drainage scheme condition is recommended. Southern Water also advised that the proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate can be permitted if proven to be connected and there will be no overall increase in flows into the system. Advice has also been provided in relation to maintenance and implementation. These details can be required under a slightly amended LLFA condition as detailed above. Guidance relating to SuDS and foul drainage have also been provided by Southern Water, as such informatives are recommended to inform the applicant of this information.
- 5.77 I am therefore satisfied that, with the suggested conditions, the development would accord with the requirements of policies CC3 and SQ5 and the NPPF.

Ecology and Biodiversity:

- 5.78 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 5.79 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.
- 5.80 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.
- 5.81 These policies broadly accord with the policies of the NPPF. In particular, paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 5.82 Section 40 of the [Natural Environment and Rural Communities Act 2006](#) places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity.
- 5.83 The submission is supported by a Preliminary Ecological Appraisal (PEA). This report has been reviewed by KCC Ecological Advice Service, who advise the report contains sufficient ecological information.
- 5.84 The PEA advises that the site offers minimal suitable foraging and commuting habitat, as it comprises hardstanding and buildings, set within a residential location with light disturbance from street lamps. However, higher quality foraging and commuting habitat is present in the form of tree lines and open green space, approximately 30-40m to the west and south, beyond the residential properties. Therefore, the site itself is considered to have negligible value for foraging and commuting bats, with the habitats within the site's zone of influence considered to provide moderate suitability. The PEA goes on to advise that as artificial lighting can cause disturbance to bat activity, should any external lighting be required, it should incorporate bat sensitive lighting designs to ensure that light levels are not increased above existing levels. The Dusk Emergence Bat Survey notes that no bat roosts were identified within the garages, however the survey recommended any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors. Whilst it is acknowledged that street lighting must adhere to KCC requirements for highway lamps, lighting is proposed within the development on the houses, as such a condition requiring the incorporation of sensitive lighting design for biodiversity shall be necessary to mitigate against potential adverse effects on bats (and other nocturnal wildlife).
- 5.85 Policies NE2 and NE3, alongside paragraphs 180 and 186 of the NPPF all support and promote the enhancement of development sites for biodiversity (as outlined above). Provision in the form of wildlife friendly landscaping, habitat features such as bat boxes and certain bird boxes can contribute to the provision of space for priority species. Therefore, to secure ecological enhancement, a condition is recommended requesting for details of how the development shall enhance biodiversity.
- 5.86 Overall, considering the results of the Ecological Appraisal and with the series of planning conditions attached, it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including policies NE2-NE4 of the MDE DPD and the NPPF.

Contamination:

- 5.87 Paragraph 189 of the NPPF states that planning policies and decisions should ensure that:

“a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation

including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

5.88 Paragraph 190 makes clear that “*where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*”.

5.89 A Preliminary Geo-Environmental Risk Assessment has been produced to support the planning applications. This study assesses the likely environmental issues associated with soil and groundwater conditions that may affect the proposed development of the plots. It found that widespread contamination has not been identified during the investigation. Based on the low concentrations of contaminants identified and the residential end use of the plots, the risk posed to future occupants on human health is considered to be low to moderate. The report recommended an intrusive investigation, an asbestos survey for existing garages prior to demolition and a post demolition watching brief during the construction works to further assess the areas beneath the existing garages footprint to assess potential contamination risks, which should inform a Remediation and Verification Strategy.

5.90 The Geo-Environmental Assessment presents the findings of the intrusive investigation. Widespread contamination was not identified; however, it was not possible to fully assess the site due to the current garage structures still being in place. Made ground was found in both borehole locations.

5.91 An asbestos survey has been provided, however access to the garages was not available, but this sets out appropriate measures to safely demolish the existing garages.

5.92 These reports have been agreed by the Council's Environmental Protection officer, who has recommended two conditions. The first condition was queried by the applicant. Environmental Health have advised that although the report does mention it was not possible to assess soils beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the remediation strategy proposals, the amended condition proposed by the applicant is considered acceptable, subject to an informative relating to contamination verification works.

5.93 Accordingly, a number of conditions have therefore been recommended to be imposed on any permission granted. With these conditions attached, the development would adhere to paragraph 189 and 190 of the NPPF.

Noise:

- 5.94 Paragraph 191 of the NPPF states planning decisions should ensure that new development is appropriate for its location. In doing so they should avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph 180 e) of the NPPF states planning decisions should contribute to and enhance the local environment by preventing new and existing development from being put at unacceptable risk from noise pollution.
- 5.95 The submission includes a Noise Impact Assessment. This is a revised Noise Impact Assessment to address previous comments by the Environmental Health Officer. The assessment has been undertaken to identify the key noise sources which may have the potential to impact upon the proposed residential development across all four plots. Accordingly, the assessment has used a measured baseline noise data to complete an assessment in line with BS8233 whereby glazing and ventilation has been specified to achieve guideline internal noise levels. For glazing and ventilation design, baseline noise measurements have been used to determine the amount of sound insulation required to meet BS8233:2014 guideline internal noise levels. Noise levels measured during a baseline survey have also been used to consider the noise exposure to future sensitive dwellings using World Health Organization (WHO) Guidelines for Community Noise 1999.
- 5.96 The soundscape around the sites is dominated by traffic on the neighbouring A20, other sources noted as being audible during the baseline survey were road traffic on the distant M20 and on local roads (Dickens Drive, Howard Road and Winterfield Lane) plus noise from distant aircraft. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.
- 5.97 The Baseline Noise Survey was completed on a typical weekday to quantify the existing day and night noise environment that could adversely impact the proposed development. It found that the measured baseline levels are equal to or lower than would be expected from examination of Defra strategic noise mapping. Therefore, to present a reasonable worst case, Defra strategic noise mapping levels were used where they are higher than measured levels. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.
- 5.98 An indicative façade mitigation strategy has been proposed to achieve guideline internal noise levels as such the façade mitigation strategy has been uprated by +3dB. The Noise Assessment shows that, the predicted level of noise across the sites can be mitigated to have no adverse impact providing good acoustic design is incorporated to the development.
- 5.99 Environmental Health advise that this report has addressed previous concerns raised in the withdrawn submission, and that they are therefore content with the conclusions of the report.

5.100 Overall, given the details of the submitted information and the comments from Environmental Protection, the development would accord with paragraphs 180 and 191 of the NPPF.

5.101 Environmental Health have advised regarding light, working hours and bonfires. As such, relevant planning informatives shall be attached to make the applicant aware of these issues.

Archaeology:

5.102 Paragraph 200 of the NPPF states that “...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

5.103 An Archaeological Assessment supports this planning application, which assesses the impact of the proposals on any potential archaeological remains. The Archaeological Assessment brings together the available archaeological, historical, topographical and land-use sources to assess the likely potential and significance of any heritage assets within, or in the vicinity of the Sites.

5.104 The site is within an Archaeological Notification Area, lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road following the alignment of the A20. The Archaeological Assessment considered that the sites lie in the agricultural field systems associated with the Iron Age and Roman settlement foci identified in the area, although the extent of the occupation is unknown and may include activity within the sites. Likewise in the Saxon and medieval periods the sites would have been in the common fields for strip farming or part of the manor. The sale of the manor in 1555 led to the enclosure of the park and associated landscaping, potentially destroying earlier features or preserving them beneath the newly established meadow. Lying at considerable distance to Bradbourne House (approx. 800m), this part of the park is unlikely to have been intensively used prior to its sale and the construction of Clare House. Features of the short-lived formal garden may survive towards the southern end of the site as these features were often simply covered with soil rather than removed. Remains associated with prehistoric or later activity may survive on site.

5.105 Therefore, given this archaeological potential KCC Archaeology have recommended a phased programme of archaeological work condition to be attached to the decision notice. This condition is considered justified given the likelihood of archaeological remains being present given the location of the site and that garages will not have been subject to deep excavations. A phased programme of archaeological work will be more a more suitable and robust mechanism to secure any archaeological remains than a watching brief.

5.106 Overall, to adhere to paragraph 200 of the NPPF, it is considered reasonable to attach the programme of archaeological work condition, safeguarding archaeological remains.

Other issues raised by public comments:

5.107 Concerns have been raised regarding impact upon mental health/reduced quality of life/sense of community. The concerns regarding parking are fully appreciated and addressed above, and the assessments demonstrate the parking proposals are acceptable in planning terms and therefore cannot be resisted. In relation to any other impacts upon mental health/quality of life/sense of community, it is considered the proposals would not have any other unacceptable impacts.

5.108 Concerns have been raised in relation to loss of a view, reduction in property value and issues within Clarion's maintenance. All of which have no bearing upon the acceptability of the proposal as these are not [material planning considerations](#).

5.109 Concerns have been raised with regards to the overpopulation of a densely populated area, with inadequate services/infrastructure. The density of the proposal has been demonstrated within the submissions to be similar to the existing estate and can be accommodated within the area without detriment to visual amenity (detailed above). In relation to impact upon services, the application does not reach the threshold for developer contributions and as such contributions to services cannot be sought and neither can the three separate applications be treated as one because the sites are not contained within one continuous red line site.

5.110 Comments have stated that affordable rented properties should be provided in new developments. Affordable rented provision is being sought in new developments as well as being within this application.

5.111 Concerns have been raised that existing residents should not be disadvantaged as a result of the development proposals. As detailed above, the proposals have been assessed and are considered to not result in an unacceptable impact upon existing residents. Some residents are concerned that benefits from EV points are not being directed towards existing residents. These concerns are understood, however this planning application cannot require the applicant to provide benefits to existing residents – the proposal must only ensure that it does not make the existing situation worse.

5.112 Comments suggesting amended schemes are noted, however as the current applications have been assessed as being acceptable, amendments cannot be sought. Amendments were previously sought, which have provided additional parking spaces across all four developments and to lower the eaves and ridge heights.

5.113 Comments state that that proposal is also contrary to policies CP7, CP15 and CP17, which are not detailed specifically above. Policy CP7 is not applicable to the development site, policy CP15 is a time expired policy (only lasted up until 2021) and

the development complies with policy CP17 as the development provides 100% affordable dwellings.

5.114 Comments have raised concerns regarding noise and air pollution from building works. These matters are addressed under Environmental Health legislation, however are also covered under the proposed Demolition and Construction Management Plan condition.

5.115 Comments state that resident's comments suggestions/ideas appear to have been ignored. As the applications are minor planning applications, there is no requirement for public consultation. Despite this, engagement has been undertaken as detailed within the Planning Statement (chapter 4).

Unilateral Undertaking:

5.116 Regulation 122 of the CIL Regulations (2010) sets out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

“(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development”

5.117 Paragraph 57 of the NPPF reflects this statutory requirement.

5.118 In order to secure the affordable rented units as such in perpetuity, the applicant has proposed a unilateral undertaking. This has been reviewed by the legal and housing teams and is considered appropriate and an acceptable means to secure the accommodation as affordable rented.

Planning Balance and Conclusions:

5.119 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.120 The proposed development would provide three affordable rented properties for occupation by people on the Council's Housing Register, helping contribute towards the recognised need within the Borough. The development would redevelop a series of rundown garages, improving the visual amenity of this section of the East Malling estate. It is acknowledged that the development will have some impact upon parking on the estate for the existing residents and the scale of the proposed terrace is larger than existing dwellings, however on balance the development is not considered unacceptably harmful, especially considering the housing proposed is affordable

rented, how the issues identified are not considered unacceptable for the reasons detailed within the report and the demonstrated acceptability of parking provision within the applicant's transport assessment, to warrant a refusal of planning permission.

5.121 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.

5.122 It is therefore recommended that planning permission be granted subject to the legal agreement (unilateral undertaking) securing the housing to be used as affordable rented only and various planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion.

6. Recommendation:

6.1 **Grant Planning Permission** subject to the following:

6.2 A unilateral undertaking to secure the affordable rented as such in perpetuity.

6.3 The following Planning Conditions:

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 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Wide - Location Plan - Plot 4 5209219-ATK-04-00-DR-AR-021531 P4
- Site Wide - Existing Site Plan - Plot 4 5209219-ATK-04-00-DR-AR-021532 P1
- Site Wide - Demolition Site Plan - Plot 4 5209219-ATK-04-00-DR-AR-021533 P1
- Site Wide - Existing Site Elevations - Plot 4 5209219-ATK-04-XX-DR-AR-022531 P1
- Site Wide - Existing Site Elevations - Plot 4 5209219-ATK-04-XX-DR-AR-022532 P1
- Site Wide - Proposed Site Plan - Plot 4 5209219-ATK-04-00-DR-AR-021534 P5
- General Arrangement - Block Type 3 - Typical Floor Plans 5209219-ATK-04-ZZ-DR-AR-011504 P5
- Site Wide - Proposed Site Elevations - Plot 4 5209219-ATK-04-XX-DR-AR-022533 P5
- Site Wide - Proposed Site Elevations - Plot 4 5209219-ATK-04-XX-DR-AR-022534 P5

- General Arrangement - Unit Type 1 - Typical Floor Plans & Sections 5209219-ATK-ZZ-XX-DR-AR-011511 P3
- Planning Statement (including Affordable Housing Statement and Parking Provision) 5216960-ATK-RP- 001 January 2024
- Design & Access Statement January 2024
- Air Quality Constraints and Opportunities Appraisal Statement 21-2202.02 December 2021
- Noise Impact Assessment 21-2202.03 May 2023
- Preliminary Ecology Appraisal 551918_Plot1_pwApr22FV01_PEA April 2022
- Dusk Emergence Bat Survey RT-MME-159081-01 October 2022
- Preliminary Geo-Environmental Risk Assessment 21-2202.01 December 2021
- Geo-Environmental Assessment 21-2202.01/GEA January 2022
- Drainage Strategy 21-2202.04 February 2022
- Transport Statement including traffic and collision data 5216960-TS02 January 2024
- Archaeological Desk-Based Assessment 2549 January 2022
- Asbestos Demolition Survey J260461 January 2022

Reason: To ensure the development is carried out in accordance with the approval, to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraphs 135 and 140).

- 3 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 4 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing

Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 5 The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved in writing by the Local Planning authority. 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. 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 6 No development shall take place until arrangements for the management of any and all demolition and construction works (a Demolition and Construction Management Plan) have been submitted to and approved in writing by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
- The days of the week and hours of the day when the demolition and construction works will be limited to and measured to ensure these are adhered to.
 - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to):
 - Routing of demolition, construction and delivery vehicles to/from site
 - Parking and turning areas for demolition, construction, delivery and site personnel/contractor's vehicles
 - Timing of deliveries
 - Provision of wheel washing facilities
 - Temporary traffic management/signage
 - How/where materials will be offloaded into the site
 - The management of all other construction related traffic
 - Measures to ensure these are adhered to

- The specific arrangements for any external storage of materials or plant throughout the demolition and construction phase.
- Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination.
- The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 7 The development hereby permitted shall not be occupied until the area shown on the Proposed Site Plan as vehicle parking and turning spaces have been provided, surfaced and drained. Thereafter they 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 2015 (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: To ensure that adequate parking is provided, maintained and retained, as development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 8 The development hereby permitted shall not be occupied until details of the cycle parking/storage sheds to serve the development have been submitted to and approved by the Local Planning Authority. The cycle parking/storage sheds shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 9 There shall be no discharge of surface water onto the public highway.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto the public highway and in

accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 10 Notwithstanding the electric vehicle charging points shown on the submitted proposed site plans, prior to the first occupation of the development hereby approved, car charging point infrastructure shall be provided at a ratio of 1 point per dwelling and shall thereafter be maintained and retained.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 11 No development, other than demolition, shall take place until a detailed remediation method statement informed by the approved site investigation report (21-2202-01/GEA), which details how the site will be made suitable for its approved end use through removal or mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

The development must then be carried out in accordance with the approved remediation scheme.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 12 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 13 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Strategy report (23rd February 2023- Report reference 21-2202.04). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The submission shall specify the responsibilities of each party for the implementation of the SuDS scheme and include a timetable for implementation.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including and proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water, to ensure that the development does not exacerbate the risk of on/off site flooding and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraph 173). These details and accompanying calculations are required prior to the commencement of construction of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 14 The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets

drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from the development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, to ensure that the development as constructed is compliant with and subsequently maintained and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraphs 173 and 175).

- 15 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: In the interests of pollution prevention, to ensure that adequate sewage infrastructure is present and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ5.

- 16 The development hereby permitted shall not be occupied until a lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: To ensure the protection of wildlife species and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraph 180) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 17 Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include retention of durable bat and/or bird boxes suitable for species of conservation concern. The biodiversity enhancement measures shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure the development provides net gains for biodiversity and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraphs 180 and 186) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 No development, other than the demolition of any buildings or removal of hardstanding, shall take place until the applicant, or their agents or successors in title have secured:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and in accordance with the National Planning Policy Framework 2023 (paragraphs 200, 203, 205, 209 and 211).

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the dwellings other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and the National Planning Policy Framework 2023 (paragraph 135).

- 20 The windows on the first floor of the north-west elevation serving the first-floor study within each dwellinghouse shall be fitted with obscure glass and, apart from:

- any top-hung light (at a minimum of 1.7 metres above floor level of the room it serves), and/or
- a solenoid latch or similar device which restricts the opening of the window except in the case of emergency,

shall be non-opening. This work shall be effected before the rooms are occupied and shall be retained thereafter.

Reason: In the interests of the residential amenity and privacy of the adjoining properties whilst maintaining a safe fire escape route and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and the National Planning Policy Framework 2023 (paragraph 135).

- 21 The first-floor study within each dwellinghouse shall not be used for sleeping accommodation.

Reason: To prevent the occupation of a room which does not meet minimum space standards as a bedroom for affordable rented properties and in accordance with the National Planning Policy Framework 2023 (paragraph 135).

6.4 The following informatives:

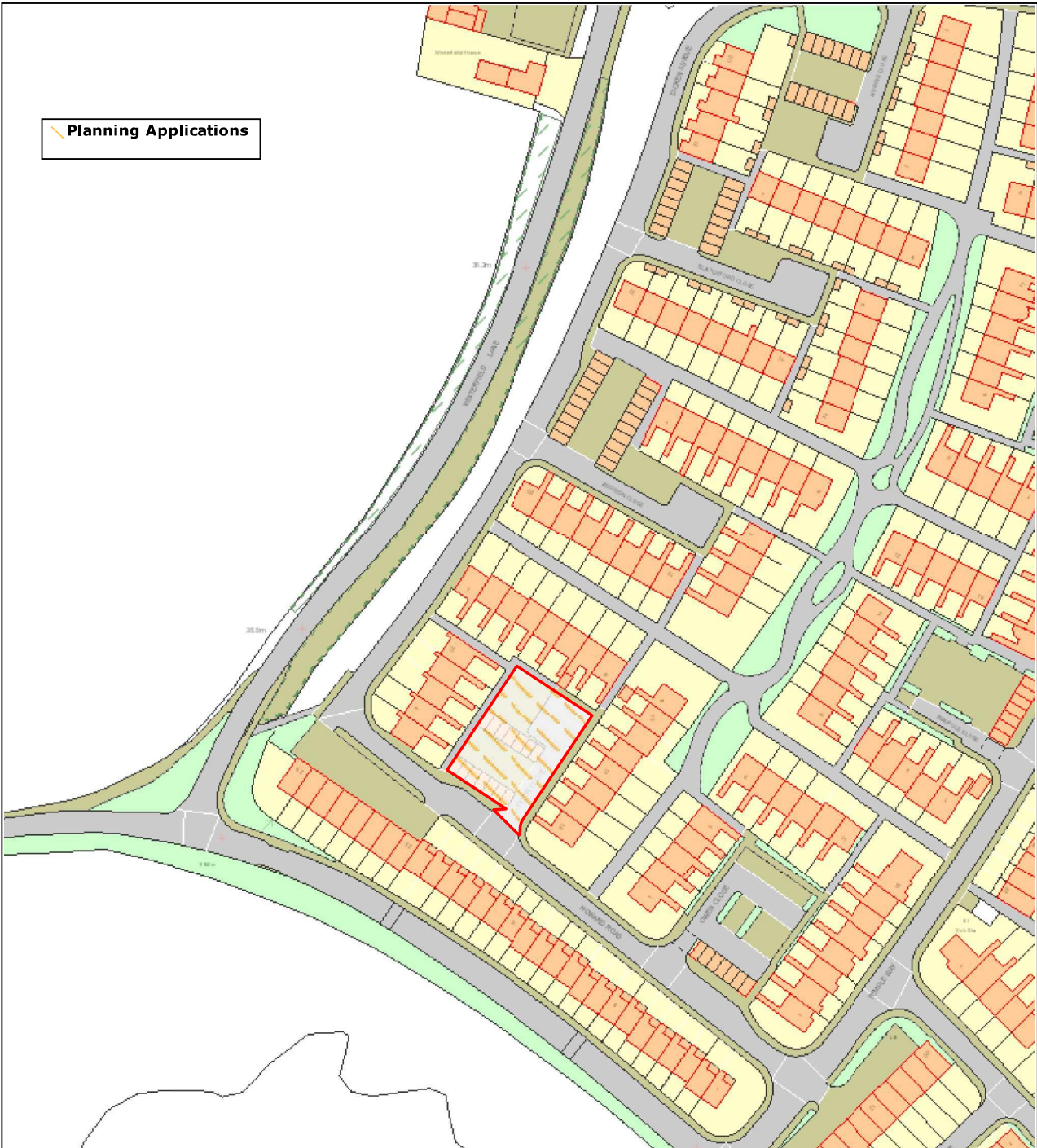
Informatives:

- 1 In the interests of good neighbourliness, the hours of construction, including deliveries, should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 2 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
- 3 To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with the National Planning Policy Framework 2023, it is recommended that the Bat Conservation Trust/Institute of Lighting Professionals' 'Guidance Note 8 Bats and Artificial Lighting at Night'¹ is consulted when designing any lighting design to serve the development.
- 4 Contamination verification works shall need to include sampling of the soils beneath the garages once formation levels have been achieved.
- 5 In relation to the sustainable drainage scheme, it is recommended that:
 - Non-return valves are installed within the last chamber prior to connection to prevent against backflows.
 - If existing blocked pipes are to be re-used, these should be cleansed and re-investigated to confirm their suitability for reuse.
- 6 Your attention is drawn to the comments available online by TMBC Waste Services in relation to the design and provision of refuse storage and collection.
- 7 Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC). Anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
- 8 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by KCC whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

- 9 Works on private land may also affect the public highway. These include works to retaining walls which support the highway or land above the highway, and to signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
- 10 It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 11 Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on KCC's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181
- 12 All Electric Vehicle chargers provided for residential properties should be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- 13 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 14 Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> Reference should also be made to the New Connections Charging Arrangements documents: <https://www.southernwater.co.uk/help-advice/connection-charging-arrangements>
- 15 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available at: <https://www.water.org.uk/sewerage-sector-guidance-approved-documents> <https://ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

Contact: Andrew Longman

Planning Applications



Planning Applications 23/01974/FL

Scale: 1:1250



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Agenda Item 12

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

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Agenda Item 14

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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