

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**Chief Executive**  
Damian Roberts

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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

24 March 2026

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 the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 1st April, 2026 **commencing at 6.30 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

DAMIAN ROBERTS

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).

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

4. Minutes 9 - 20

To confirm as a correct record the Minutes of the ordinary and extraordinary meetings of Area 2 Planning Committee held on 18 February 2026 and 9 March 2026 respectively.

5. Glossary and Supplementary Matters 21 - 28

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.

### **Matters for Decision under Delegated Powers (In accordance with Part 3 of the Constitution)**

6. TM/25/00656/PA - Grove Farm, Maidstone Road, Hadlow 29 - 102

Redevelopment of student accommodation to provide 17 new homes.

7. TM/25/01725/FL - St Georges Court, West Street, Wrotham 103 - 154

Section 73 application to vary condition 22 (approved plans) of planning permission TM/18/02268/FL (as amended by ref. TM/23/00661/NMA, TM/23/00915/NMA and TM/25/01464/NMA) for alterations to the approved scheme to comprise of the removal of one home, layout and elevation changes, internal layout changes and confirmation of the final affordable housing mix.

### **Matters for Information**

8. Planning Appeals, Public Inquiries and Hearings 155 - 156

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

9. 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**

10. Exclusion of Press and Public

157 - 158

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**

11. 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](mailto: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](mailto: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

Wednesday, 18th February, 2026

**Present:** Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr S Crisp, Cllr S A Hudson, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor.

**In attendance:** Councillor R I B Cannon was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors C Brown (Vice-Chair), P Boxall, M A Coffin, Mrs T Dean, D Harman and J R S Lark.

### PART 1 - PUBLIC

#### **AP2 26/7 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **AP2 26/8 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 14 January 2026 be approved as a correct record and signed by the Chairman.

#### **AP2 26/9 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 Regulatory Services 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.

**MATTERS FOR DECISION UNDER DELEGATED POWERS  
(IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION)**

**AP2 26/10 TM/25/01412/FL - LAND NORTH OF DRAYHORSE MEADOW,  
FIELDS LANE, WATERINGBURY**

Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

Due regard was given to the determining issues, conditions, reasons and informatives as detailed in the report of the Director of Planning, Housing and Regulatory Services. The views of public speakers were also taken into account.

Members expressed concerns regarding the proximity of the development to the existing Air Quality Management Area (AQMA), the loss of Best and Most Versatile land, the harmful impact of the layout on the landscape character and views of the Medway Valley. Furthermore, Members considered the proposal to be an inappropriate development in the Green Belt.

Councillor R Betts proposed and Councillor S Hudson seconded that the application be refused, contrary to Officer's recommendation, for the following reasons:

- (1) The proposal by virtue of the proximity of the development to the existing Air Quality Management Area (AQMA) would lead to the worsening of the AQMA contrary to paragraph 199 of the National Policy Planning Framework and policy SQ4 of the Managing Development and the Environment Development Plan Document;
- (2) The proposal by virtue of the layout, loss of Best and Most Versatile land and loss of important views into and out of the Medway Valley would result in irreversible landscape harm to the detriment of this countryside location, contrary to paragraph 187 of the National Planning Policy Framework, policy CP14 of the Core Strategy and Maidstone Borough Council Landscape Character Assessment (Medway Valley); and
- (3) The proposal would constitute inappropriate development in the Green Belt contrary to paragraph 154 of the National Planning Policy Framework for which no very special circumstances have been demonstrated.

Following a formal vote, the proposal was supported by the majority of the Committee and on the grounds that the above refusal reasons were not considered could be substantiated at an appeal, the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.

**RESOLVED:** That consideration of the planning application be DEFERRED for a report from the Director of Central Services and Monitoring Officer on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health\* (as set out in Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution).

[Speakers: Councillor K Hutchinson (on behalf of Wateringbury Parish Council), Mr P Coulling, Mr J Etheridge, Mr D Mitchell-Moore (statement read by the Democratic Services Officer), Ms J Northern, Ms E Peacock and Mr J Tilthorpe (statement read by Mr P Coulling) (members of the public); and Ms H Becker (Agent on behalf of the Applicant) addressed the Committee in person.]

\*The post title of the Director of Planning, Housing and Environmental Health was renamed to the Director of Planning, Housing and Regulatory Services from 22 January 2026 and the relevant references within the Constitution were subsequently updated following approval by Full Council.

**AP2 26/11 TM/25/01596/PA - BLACK HORSE INN, TUMBLEFIELD ROAD, STANSTED**

Proposed change of use of part of the public house to form 2 x 1 bed and 2 x 2 bed apartments with associated parking, amenity space and use of existing access.

Due regard was given to the determining issues, conditions, reasons and informatives as detailed in the report of the Director of Planning, Housing and Regulatory Services. Members expressed concern regarding the significant reduction in floor space, which would impact the viability of the remaining parts of the public house as a community facility and the absence of a viability report to demonstrate the sustainability of the public house. Concern was also raised regarding the likely harm that the proposed development would have on the conservation area, and the loss of a landmark and heritage asset.

It was proposed by Councillor R Betts, seconded by Councillor M Taylor and unanimously supported by the Committee, that the application be refused.

**RESOLVED:** That planning permission be REFUSED for the following reasons:

- (1) The proposed development would result in the loss of part of the premises last used for the provision of community services and it had not been demonstrated to the satisfaction of the Council that the remaining facility was of an adequate scale to meet the identified significant need or of a size that was adequate to support the community facility contrary to Core Strategy Policy CP26; and

- (2) The proposal was contrary to Paragraph 98 (c) of the National Planning Policy Framework, in that the building provided a social recreation, cultural facility and service to the community.

[Speakers: Councillor Y Tisson (on behalf of Stansted Parish Council), Mr D Epps, Ms D Estrade (on behalf of Black Horse Project Steering Group), Mr T Seldon and Mr B Shaw and Mr G Whitaker (members of the public) and Mr P Nicholls (Agent on behalf of the Applicant) addressed the Committee in person.]

**AP2 26/12 TM/25/01771/PA - ALANS HECTARE, CEMETERY LANE, HADLOW, TONBRIDGE**

Change of use of land to a travellers caravan site consisting of 6 additional residential caravan plots to rear of existing site.

Due regard was given to the determining issues, conditions, reasons and informatives as detailed in the report of the Director of Planning, Housing and Regulatory Services. The views of public speakers were also taken into account.

During deliberation, Members took into consideration the Gypsy and Traveller and Travelling Show-person Accommodation Assessment 2025 (GGTA) which set out an identified need for 33 additional Gypsy and Traveller pitches across the Borough. Concern was raised regarding the landscaping and boundary treatment and to ensure that there was a level of control over the fencing, it was proposed by Councillor W Palmer (Chair), seconded by Councillor R Betts, and the Committee unanimously

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions and reasons and informatives set out in the report of the Director of Planning, Housing and Regulatory Services, subject to consultation with the Chair of the Area 2 Planning Committee and the local Ward Members on the details of the scheme of landscaping and boundary treatment to be submitted by the Applicant pursuant to Condition 9.

[Speakers: Councillor O Baldock (on behalf of Hadlow Parish Council) and Dr A Murdoch (Agent on behalf of the Applicant) addressed the Committee in person.]

**AP2 26/13 TM/25/01509/PA - ALLENS OAST, 4B OLD ROAD, EAST PECKHAM, TONBRIDGE**

Retrospective permission for the unauthorised erection of a summerhouse outbuilding.

Further to Minute AP2 26/4 of the meeting held on 14 January 2026, the Committee considered the above application with the report of the

Director of Central Services and Monitoring Officer set out in Part 2 of the agenda (Minute AP2 26/16 refers).

On the grounds of Member's continued concerns regarding the impact of the proposal on the adjacent Grade II listed building, wider heritage impacts and landscaping, it was proposed by Councillor S Hudson and seconded by Councillor M Boughton, that retrospective permission be refused, contrary to Officer's recommendation, for the following reason:

- (1) That the unauthorised erection of a summerhouse outbuilding with flat roofed projection further towards the Grade 2 Listed building at Strettitt Place was contrary to Policies CP24 (design), S66 of the Planning (Listed Building and Conservations Areas) Act 1990 and 213A of the NPPF and created additional harm to the setting of the historic asset.

Following a formal vote, the proposal was carried with seven Members voting in favour and two Members voting against. One Member abstained from voting. On the grounds that the above refusal reason was not considered could be substantiated at any appeal and there was likely to be a risk of significant costs being awarded against the Council at any appeal, the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.

**RECOMMENDED\*:** That consideration of the planning application stand ADJOURNED with the recommendation to refuse the planning application being referred for determination by Council in accordance with Council and Committee Procedure rule 15.24, Part 4 (Rules) of the Constitution.

**\*Recommended to Council**

## **AP2 26/14 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

Members received a verbal report detailing the Planning Inspectorate's appeal decision regarding the site at Land north-east and south of 161 Wateringbury Road, East Malling. The appeal was allowed, and outline planning permission was subsequently granted. All matters were reserved except for access, with approval for the erection of up to 52 residential dwellings. The development included affordable housing, open space and landscaping, roads, parking facilities, drainage and earthworks, and a new access to be formed from Wateringbury Road, in accordance with application TM/22/01570/OA. The permission was subject to specified conditions.

The Planning Inspectorate considered the effect of the proposed development on:

- the setting of listed buildings, including Huntley Cottage, Ivy House Farm and Barn, and the on-designated heritage asset of Belvedere Oast.
- East Malling Conservation Area.
- the character and appearance of the landscape, including the 'historic landscape'
- highway safety
- ecology, in particular badgers; and
- the living conditions of the occupants of the adjacent No. 51 Wateringbury Road with particular regard to privacy and light intrusion.

In weighing up the proposal in the planning balance, the Inspector concluded that the proposal complied with numerous local policies, including the provision of affordable housing, the availability of sustainable transport and proximity to the local services, the protection of biodiversity, no harm to residential amenity and provision of open space.

The Inspector considered that the proposal would not cause a material increase in traffic or risk to highway safety and that it had been satisfactorily demonstrated that the development would have an insignificant effect on air quality including on the Wateringbury Air Quality Management Area.

The Inspector did identify some harm, specifically regarding the setting of the Conservation Area, local landscape character, and the loss of Grade II agricultural land. However, these harms were considered modest. Taking into account the Council's history of poor housing delivery and the very low five-year housing land supply, the Inspector concluded that any conflicts did not outweigh the benefits provided by the development.

#### **AP2 26/15 EXCLUSION OF PRESS AND PUBLIC**

The Chair moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information the following matters be considered in private.

#### **PART 2 - PRIVATE**

#### **MATTERS FOR INFORMATION**

#### **AP2 26/16 TM/25/01509/PA - ALLENS OAST, 4B OLD ROAD, EAST PECKHAM, TONBRIDGE**

At the meeting of the Area 2 Planning Committee held on 14 January 2026 consideration of the application was deferred for a report from the Director of Central Services and Monitoring Officer on the risks arising

from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in Council and Committee Procedural Rule 15.24, Part 4 (Rules) of the Constitution) (Minute AP2 26/4 refers). The report of the Director of Central Services and Monitoring Officer provided an assessment of the risks arising from a resolution to refuse planning permission and advised that any such resolution would be a recommendation only and the matter would stand adjourned to be considered and determined by Full Council (Minute AP2 26/13 refers).

**RESOLVED:** That the report be received and noted.

The meeting ended at 11.49 pm  
With an adjournment between 9.50 pm and 9.59 pm

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# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 2 PLANNING COMMITTEE**

### **MINUTES**

**Monday, 9th March, 2026**

**Present:** Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr S Crisp, Cllr S A Hudson, Cllr R V Roud, Cllr Mrs M Tatton and Cllr M Taylor

**In attendance:** Councillors D Thornevell, Mrs S Bell\* and R I B Cannon\* were also present pursuant to Council Procedure Rule No 15.21.

(\*participated via MS Teams)

Apologies for absence were received from Councillors C Brown (Vice-Chair), P Boxall, M A Coffin, Mrs T Dean, D Harman\*\*, J R S Lark and K B Tanner.

(\*\*apologies submitted for in-person attendance and participated via MS Teams)

### **PART 1 - PUBLIC**

#### **AP2 26/17 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **AP2 26/18 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 Regulatory Services 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.

**MATTERS FOR RECOMMENDATION****AP2 26/19 TM/24/00372/OAEA - LAND EAST OF KILN BARN ROAD AND WEST OF HERMITAGE LANE, AYLESFORD**

Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

Members were reminded that, in accordance with the Borough Council's Constitution, Committee Procedure Rule 15.25, the application fell within the areas of more than one Area Planning Committee and must therefore be considered independently by both of the Committees concerned, with the recommendations of both Committees to be reported to Council for decision, unless both Committees were agreed on their recommendations (including reasons for their recommendations and any conditions to be attached to a grant of permission), in which case the Director of Planning, Housing and Regulatory Services might proceed to determine the application in accordance with those recommendations. Members further noted that any discussion or outcome at the Area 3 Planning Committee did not bind the Area 2 Planning Committee.

Due regard was given to the consultation responses and determining issues detailed in both the main and the supplementary reports of the Director of Planning, Housing and Regulatory Services, as well as representations made by the speakers.

Members expressed concerns regarding highways and traffic impacts, affordable housing provision, the Sustainable Movement Corridor, heritage and landscape effects, public transport provision and sustainability, loss of best and most versatile agricultural land, mineral considerations, local primary care capacity, and the adequacy of potable water supply and infrastructure capacity.

The Committee had an in-depth discussion in relation to highways modelling and cumulative impacts; the design, operation and enforceability of the Sustainable Movement Corridor; the bus gate at the nearby Chapelfield Way, Maidstone, and whether further evidence could be sought from Kent County Council Highways regarding its operation, long-term management and effectiveness; potential sterilisation of high-quality ragstone reserves and mineral extraction viability; and the

potential to strengthen a specific condition to ensure it adequately defined the permitted users of the Sustainable Movement Corridor.

Following debate, a motion was proposed and seconded to defer consideration of the application to allow further information to be obtained, including in relation to potable water supply, mineral extraction considerations, the operation of the bus gate at Chapelfield Way, Maidstone, and the wording and enforceability of Condition 7 as set out in the main report of the Director of Planning, Housing and Regulatory Services. On being put to the vote, the motion was carried with the Committee voting in favour unanimously.

**RESOLVED:** That consideration of the application be DEFERRED, to enable further information to be obtained and investigated in respect of the following areas, and for the matter to be reported back to a future meeting of the Area 2 Planning Committee:

- (1) potable water supply and related infrastructure capacity;
- (2) clarification on mineral extraction and whether this could be extracted prior to the development of housing;
- (3) assessment of impact of the bus gate at Chapelfield Way, Maidstone and its effectiveness; and
- (4) strengthening of the wording and enforceability of Condition 7 relating to the definition of permitted users of the Sustainable Movement Corridor to secure future consistent use of the road as designed.

[Speakers: Ms K Moore, Cllr S Jeffery and Cllr P Coulling (members of the public) and Mr G Evans (Agent on behalf of the Applicant) addressed the Committee in person.]

#### **AP2 26/20 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 11.27 pm  
having commenced at 8.35 pm

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## **GLOSSARY of Abbreviations used in reports to Area Planning Committees**

This glossary includes both current planning terms and legacy terminology which may appear on historic planning applications. Where legislation has changed, terms are retained for reference only and should not be treated as current application types.

### **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**

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
DPHRS	Director of Planning, Housing & Regulatory Services
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)
FLEA	Full Application with Environmental Impact Assessment

**G**

GMPO	Town & Country Planning (General Management 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
KCCPS	Kent County Council Parking Standards
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)
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
MHCLG	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)
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
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)
PDVSDR	Permitted development storage/distribution to residential (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 substantially amended by the 2020 reforms introducing Classes E, F1 and F2

UMIDB Upper Medway Internal Drainage Board

## **W**

WAS Waste Disposal Planning Application (KCC determined)

WTS Waste Transfer Station

(Version 3/2026)

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**East Peckham**  
East & West Peckham  
Mereworth and Watringbury

**01 APRIL 2026**

**TM/25/00656/PA**

**Location:** Grove Farm, Maidstone Road, Hadlow

**Proposal:** Redevelopment of student accommodation to provide 17 new homes.

**Go to:** [Recommendation](#)

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## **1. Description of Proposal:**

1.1 The application proposes the demolition the existing buildings on the site to create 17 private residential properties.

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

2.1 This application was presented to Area 2 committee on 03 December 2025, where Members voted to grant planning permission subject to a Section 106 agreement in relation to Developer Contributions and subject to conditions. (The original committee report can be found at Appendix 1).

2.2 The S106 agreement is ready for endorsement and for the decision to be subsequently issued (See Appendix 2 for S106 agreement).

2.3 However, as Members are aware the representations made by South East Water in response to the emerging Local Plan in regard to capacity, are now a material consideration. Therefore, this application is being referred back to Committee for members to consider this specific element. There have been no other material changes.

## **3. Determining Issues:**

3.1 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for development which increases the demand for off-site water and sewerage infrastructure where:

- a) sufficient capacity already exists; or
- b) extra capacity can be provided in time to serve the development.

3.2 The application for 17 dwellings replaces student accommodation, that student accommodation comprised 55 x 1 bedroom units all with ensembles.

3.3 The proposals will provide a mix of eight x 1 bed units, four x 2 bed units and 5 x 3 bed units comprising a total of 53 people (see table below).

No of units	Size of units	No of persons per unit	Total
Eight	1 bedroom	2 person	16
Four	2 bedroom	3 person	12
Five	3 bedroom	5 person	25
			<b>53</b>

3.4 Therefore, in this specific case, it is considered that sufficient capacity already exists and as such the application would not result in any additional draw on potable water.

3.5 The proposal would therefore be in accordance with Policy SQ5 of the MDE DPD.

**4. Recommendation: Approval subject to S106 and conditions.**

Contact: Susan Field

**East Peckham**  
East & West Peckham  
Mereworth and Watlington

**03 DECEMBER 2025**

**TM/25/00656/PA**

**Location:** Grove Farm, Maidstone Road, Hadlow

**Proposal:** Redevelopment of student accommodation to provide 17 new homes.

**Go to:** [Recommendation](#)

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## **1. Description of Proposal:**

- 1.1 The application proposes the demolition the existing buildings on the site to create 17 private residential properties. The development would largely retain the existing layout, scale and built form at the site. The submission indicates the extent of residential curtilage for each individual dwelling, including parking arrangements and associated hard and soft landscaping which involves provision of a communal amenity space.
- 1.2 Block A is an elongated single storey building located in the western part of the site. The existing building comprises 18 student bedrooms, together with a communal lounge, kitchen and plantroom. This application seeks to demolish this building and erect a similar, albeit larger, elongated single storey building over the existing footprint. This building would provide eight 1 bed (2 person) units.
- 1.3 The submission proposes to demolish Block B, which is the rectangular shaped building located adjacent to Block A currently comprising 9 student bedrooms, and a kitchen/lounge area. It is proposed to erect two single storey buildings. The replacement buildings would be positioned on the footprint of this existing building and the partially implemented Social Club that was granted planning approval under application reference number:15/03658/FL. The resulting buildings would accommodate four units (2 pairs of semis), comprising four 2-bedroom (3 person) units. The units would all have a bathroom and open plan kitchen, living and dining areas.
- 1.4 The large two storey building (Block C) located in the north-eastern part of the site close to the site entrance is also proposed to be demolished. The existing building comprises 18 student bedrooms split over two floors, with a communal lounge and kitchen on both levels. This is to be replaced with two 2 storey detached 3 bed dwellings. These units (excluding the garage) would sit within the footprint of the existing building. One of the units proposed would have an attached single storey garage.
- 1.5 Block D relates to a large two storey building formerly two workers cottages positioned in the south-eastern corner of the site. This building would be demolished

and replaced with three 2 storey detached 3 bed (5 person) units. One unit would benefit from an attached single storey garage.

- 1.6 The scheme includes provision of communal amenity space together with a landscape enhancement area to the southern end of the site. The proposal also includes parking areas together with a designated turning area.

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

- 2.1 The application is referred to committee by Councillor Matt Boughton due to the sites complex planning history, including previous refusal and dismissed appeal and the nature of the development outside of the settlement confines within the Green Belt.

**3. The Site:**

- 3.1 The application site comprises a large, converted house, a two-storey semi-detached former workers cottage and two large single storey buildings. The site lies on the western side of the A26 (Maidstone Road), outside the built confines of Hadlow, in the open countryside and the Metropolitan Green Belt. The loose collection of buildings at the site has been used previously as living accommodation for approximately 55 students, from Hadlow College.

- 3.2 The southwest site boundary adjoins a series of fishing lakes used by Hadlow College as part of their fisheries management courses. To the north of the site is open agricultural land and a block of wooded area characteristic of the surrounding countryside. The site's front boundary is enclosed by a short picket fence allowing open views into the site from the A26 (Maidstone Road). A Flood Zone 2 and 3 is located further to the south beyond the site boundaries. Access from the A26 (Maidstone Road) is gained via a gated entrance. The A26 (Maidstone Road) is a classified road.

**4. Planning History (relevant only):**

24/00373/PA - Application Withdrawn - 03 December 2024

Change of use of existing student accommodation to house of multiple occupancy (HMO)

23/00329/FL - Application Withdrawn - 16 May 2024

Demolition of existing buildings and redevelopment of site to form 16 private residential dwellings with associated hard and soft landscaping (Revision of refused application 22/01691/FL)

22/01691/FL - Refuse - 31 January 2023 - Appeal dismissed 30 January 2024

Demolition of existing buildings and redevelopment of site to form 17 private residential dwellings with associated hard and soft landscaping

- 4.1 As noted above planning permission was refused and subsequently dismissed on appeal for a similar scheme. This application seeks to address those previous concerns.
- 4.2 The 2022 application was refused for two reasons, the first related to inappropriate development in the Green Belt, the second in relation to the failing to provide provision of affordable housing.
- 4.3 In regard to reason 1 - inappropriate development, the previous scheme would have resulted in a significant increase in volume and in so doing, have a greater impact on the openness of the Green Belt than the existing development. Owing to this, it was considered that this would further erode the visual and spatial aspects currently experienced at the site. To this extent, and in principle, the proposal was considered to be inappropriate development within the Green Belt in conflict with the aims of paragraph 149 of the NPPF (2021).
- 4.4 In regard to reason 2 – affordable housing, whilst the application was supported by a viability statement, it was considered that the viability statement presented did not satisfy the minimum requirements as set out in the Council’s Affordable Housing Protocols. These minimum requirements are material factors relevant to the determination of the viability, or otherwise, of the proposed development to contribute towards the provision of Affordable Housing required in policy CP17 of the TMBCS. Thus, in failing to provide a viability justification, the Council considered the scheme would cause harm to the wider interest of local affordable provision and would be contrary to the terms of development plan policy CP17 of the TMBCS paragraph 63 of the NPPF (2021).
- 4.5 When considering the appeal, in regard to the Green Belt, the Inspector noted, overall, while the proposal would improve openness in some limited respects, the proposal as a whole would cause a considerable reduction in both the spatial and visual aspects of the Green Belt’s openness. As such the proposal would have a greater impact on the openness of the Green Belt than the existing development, and would not conform to the NPPF set out above.
- 4.6 In regard to the viability of the site in relation to affordable housing provision the Inspector noted that the Council did not specifically dispute the need for a site specific viability appraisal here and the matter in dispute related to establishing a benchmark land value for the site. Concluding *“I appreciate that the appellant sought an alternative methodology given the unusual circumstances of the appeal site. Nonetheless, I am required to assess the proposal based on the evidence put before me and the lack of cooperation does not provide reason to find the proposals acceptable in this regard. On this basis it cannot be established with the necessary degree of certainty that the proposal would deliver an appropriate contribution to affordable housing. This presents conflict with Policy CP17 of the LP as well as the objectives of the Framework relating to the delivery of mixed communities and meeting identified housing needs”*.

4.7 Since the appeal decision was issued there has been a fundamental change to the NPPF in December 2024. Of particular importance to this application, is the amended wording to paragraph 154 criteria g).

4.8 In 2021 the then relevant paragraph 149 stated that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this included:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.9 This has since been amended and the current NPPF at paragraph 154 states “development in the Green Belt is inappropriate unless one of the exceptions applies (a to h). This includes:

g) limited infilling or the partial or complete redevelopment of previously developed (PDL) land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause ‘substantial’ harm to the openness of the Green Belt

4.10 Therefore the test now to be applied when determining the application is whether the proposal would cause ‘substantial’ harm and not just whether it would have a ‘greater impact’ on the openness of the Green Belt.

**Consultees:**

4.11 Whilst some comments have been summarised for the purpose of this report, all statutory and third-party comments have been reviewed in full. Moreover, comments may not have been specifically referred to within the assessment, but all planning related/relevant comments have been taken into account prior to the preparation of the committee report.

4.12 East Peckham Parish Council: No objections

4.13 Planning Policy: No comments received

Housing Services: I note viability information has been submitted to evidence policy compliant 40% affordable housing provision is not viable, and a financial contribution is proposed. The amount of on-site provision that is viable needs to be established before a financial contribution can be considered. The submission is not supported as currently proposed with no on site affordable housing provision.

#### 4.14 Leisure Services:

The development appears quite isolated from any existing open space provision in the area. Open space should, in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces.

- Children's play space in the form of a LAP, LEAP and a contribution towards a MUGA should be provided on site and details should be provided and meet the latest British standards.
- LAPs and LEAPs should be fenced off as per guidance if they are located close to roads
- Contributions sought for this development should total £45,728

Open space demand generated by the development 2175 (net, sq. m):

In accordance with the methodology and sequential approach outlined in Annex D to the MDE DPD, and taking into account onsite provision of Amenity Open Space, initial consideration should be given to further on-site provision in areas of quantitative deficiency, though given the nature of the development proposal it is presumed that this may not be feasible. If provision is not made on-site, consideration should then be given to the developer providing off-site open space in accordance with the quantity standards set out in Policy Annex OS3 (translated to a standard of open space per person in Figure 4 in Annex D to the MDE DPD).

Parks & Gardens – £14,668

Amenity Green Spaces – N/A

Outdoor Sports Facilities - £27,278

Children's and Young People's Play Areas - £3582

Natural and Semi Natural Green Spaces – N/A

If provision is not made on or off-site, a sum total contribution of £45,728 should be sought.

#### 4.15 Environmental Health Protection: First response

*Construction management plan* - There is no reference to the banning of fires during the clearance and development stage. This needs to be included.

*Noise* - I would recommend that a Condition be included with any approval requiring the applicant to submit a noise report detailing the current noise climate at the proposed site due to the close proximity of the A26.

*Foul drainage* - A package treatment plant is proposed to be used to deal with the foul water drainage installed for this development. Details in regard to the package

treatment plant should be secured via a condition. Standard informative also required.

*Contaminated land* - Based on the review of Preliminary Contamination Risk Assessment (Environmental Assessment Services Ltd, April 2022)

The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Potential sources of contamination have been identified which require further investigation. These include the use of road plantings as a surface cover, historic farm activities, and potential asbestos containing materials within the buildings. I therefore recommend standard conditions:

Second response – 6 May 2025

Updated Construction Management Document – No further comments

*Acoustic report* - The applicant has provided a noise assessment produced by Anderson Acoustics reference 8184 dated 23 April 2025 which considers the noise environment of the site and makes acoustic design recommendations. The report's contents have been assessed and it is advised a condition be placed requiring noise mitigation measures (including mechanical ventilation with heat recovery system and protection of amenity areas) to be incorporated into the development prior to first habitation that are no worse acoustically than that laid out in Anderson Acoustics report and that these details are provided to the local planning authority at the time.

4.16 Waste Services: Standard information regarding collection and bin sizes.

4.17 West Kent PRow: I can confirm that I do not have any objections to the above planning application at Grove Farm. Public Right of Way Footpath MR363 lays to the south of the proposed site and should be unaffected by the application. General Informative's regarding PRow consents suggested.

5.8 Southern Water Services: No comments received

5.9 Kent Wildlife Trust: No comments received

5.10 Kent Police: Standard information regarding crime prevention and designing out crime.

5.11 Kent Highway Services: Having considered the development proposals and the effect on the highway network, no objection is raised on behalf of the local highway authority subject to a Construction Management Plan condition, and conditions relating to the provision and permanent retention of the cycle parking, completion and maintenance of the access as shown on the submitted plans. Provision and maintenance of the visibility splays as shown on the submitted plans and standard informatives.

5.12 KCC Heritage Conservation: No comments received

5.13 KCC Developer Contributions: KCC would reasonably expect that any resolution from the LPA to grant planning approval must be subject to a satisfactory s106 legal agreement to ensure KCC’s planning obligations are secured appropriately. An opportunity to comment on any draft agreement would be welcomed if a resolution to grant permission is given. A summary of the projects serving the development and proportionate contributions requested is set out in Table 1.

**Table 1 – Contribution Request Summary**

	<b>Per Applicable House (17)</b>	<b>Total (based on applicant’s mix)</b>	<b>Project</b>
<b>Primary Education</b>	While a primary education place pressure is created by this development, it is minimal and can be accommodated elsewhere in the education planning group or neighbouring planning groups. This decision also recognises the development site’s viability concerns.		
<b>Secondary Education</b>	£5,587.19	£94,982.23	Towards the establishment of a new 6 FE Secondary School as identified at Broadwater Farm <b>OR</b> An alternative new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells non-selective education planning groups.*
<b>Secondary Land</b>	£4,785.97	£81,361.49	Towards the land acquisition cost for the new 6 FE Broadwater Farm Secondary School, or alternative site land for a new secondary school in either the Malling non-selective and Maidstone & Malling selective, and Tonbridge & Tunbridge Wells non-selective education planning groups.
*The flexibility required across education projects and education planning groups is in accordance with the DfE Guidance on Securing Developer Contributions for Education dated August 2023 (Para 47).			
<b>Special Education Needs &amp; Disabilities (SEND)</b>	£559.83	£9,517.11	Towards the provision of additional SEND places within new and existing facilities, including at Nexus Foundation Special School in Tonbridge to serve the needs of the Development

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

	<b>Per Dwelling (17)</b>	<b>Total</b>	<b>Project</b>
<b>Community Learning and Skills</b>	£34.21	£581.57	Towards additional equipment and resources for adult education centres serving the development, including outreach provision.
<b>Integrated Children's Services</b>	£74.05	£1,258.85	Towards additional equipment and resources for the Integrated Children's Services in the borough including outreach provision
<b>Library, Registrations and Archives Service</b>	£62.63	£1,064.71	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Hadlow Library
<b>Adult Social Care</b>	£180.88	£3,074.96	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	<b>All Homes built as Wheelchair Accessible &amp; Adaptable Dwellings in accordance with Building Regs Part M 4 (2)</b>		
<b>Waste</b>	£194.13	£3,300.21	Towards Household Waste Recycling Centre and Waste Transfer Station capacity serving the development, including at North Farm Depot, Tunbridge Wells
<i>Highways, PRow, SUDS, Ecology, Heritage Conservation &amp; Minerals.</i>	<i>Please note other KCC Service areas may respond separately</i>		

5.14 Medway IDB - The site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

5.15 The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

5.16 As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application. The Board will only consider the proposals in detail on receipt of an application for Land Drainage Consent. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

5.17 KCC Local Lead Flood Authority: First response dated 29 April 2025

Kent County Council as Lead Local Flood Authority have reviewed the Drainage Strategy prepared by Environmental Assessment Services Ltd (April 2022) and have the following comments:

a) Page 6 of the Drainage strategy states that "The layout of the proposed redevelopment is yet to be confirmed, and it is not feasible to provide a suggested drainage arrangement, beyond the suggested location of the attenuation storage pond, at this time." At this stage, we would expect a full drainage strategy for the proposed development including:

- A drainage proposal schematic or sketch with an agreed layout that includes the drainage provision.
- Details of any drainage features such as depth, permanent water level, side slopes, freeboard provision etc.
- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic

b) Could the applicant clarify whether the foul drainage from the proposed development is being treated and discharged into the watercourse? If the foul drainage is indeed being treated and discharged into the watercourse, the total combined discharge rate, including both surface water and treated foul water, should be taken into account.

c) At the detailed design stage we would expect the 'upper end' climate change allowance, for both the 30 (3.3%) and 100 (1%) year storm scenarios, to be applied within the necessary hydraulic modelling.

d) We note that rainfall model FSR data rather than FEH data is used. We would expect to see the drainage system modelled using 2022 FeH rainfall data in any appropriate modelling or simulation software. Where 2022 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).

e) As part of the hydraulic calculations, we note that the percentage runoff is set to 95%. Given the total drained area is for the impermeable area, we require this to be set at 100%. We would seek for this to be updated and be provided.

Unless the above information is provided, Kent County Council as Lead Local Flood Authority does not recommend approval of the application at this time.

Second Response dated 16 June 2025

An updated drainage strategy has been provided for the proposals, which includes a limited amount of detail on the proposed surface water drainage proposals. It sets out that a swale / basin could be accommodated within the landscape enhancement area, although we would note that this is shown indicatively and does not feature on the site plan for the development. No detailed plans of the swale are provided in the strategy.

We also note that the proposed site plan referred to use of permeable block paving within areas of the development, which is considered within the drainage strategy but not referred to in detail.

Point (e) within our previous response does not appear to have been addressed. This requested that, as part of the hydraulic calculations, the percentage run-off for the impermeable area be set at 100%, rather than the 95% utilised, in order to reflect the impermeable nature of these surfaces.

Whilst the principles of the drainage strategy are accepted, this proposal is for a full planning permission and we would highlight the lack of consistency between the drainage strategy and wider site plans for the development, as well as the limited level of detail provided to demonstrate the drainage strategy can be adequately accommodated within the proposed layout. The LPA should consider these matters to ensure that the proposals would be deliverable in conjunction with any other planning requirements for the site.

Notwithstanding the above, technical matters for the drainage scheme could be dealt with during detailed design phases and secured by condition, if the LPA was minded to grant permission for the development. We would request conditions relating to sustainable surface water and verification reports are attached to any consent.

5.18 KCC Ecological Advice Service: We advise that additional information is required prior to determination of the planning application regarding the BNG assessment and the potential for GCN and barn owl to be present.

*Protected/Notable Species*

We have reviewed the ecological information submitted with this application and application 23/00329/FL and we are satisfied that that it is unlikely that reptiles and roosting bats are present. However further information is required on GCN and barn owl.

The surveys submitted with application 23/00329/F concluded that it is unlikely that roosting bats or reptiles are present within the site but there are at least 3 species of bats foraging/commuting within the site and there is potential for breeding birds

(including barn owl), badger, hedgehog and GCN to be present within the site. The ecological survey for this application detailed that it was unlikely that GCN were present and did not consider the potential for barn owls to be present. We are satisfied with the conclusions of the current submission that the results of the bat and reptile surveys are likely to be valid.

As the buildings may be used by barn owls and therefore the recommended internal surveys of the buildings to assess if barn owls are likely to be present must be carried out prior to determination of the planning application. There is a need to ensure that if present appropriate mitigation can be implemented for barn owls. This is in alignment with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

We advise that information must be submitted clarifying why the current ecologist dealing with this application considers it unlikely that GCN are present. We highlight that there may be a need for further surveys or information demonstrating the site has been accepted on to the District Level Licencing scheme for Great Crested Newts.

We advise that sufficient information has been provided with regard to mandated BNG.

The submitted information has detailed that a BNG of over 10% can be achieved through the creation of a large area of scrub within the south of the site.

We advise that if this area becomes dense scrub it will not be usable as recreational space for residents. Therefore we advise that TMBC must be satisfied that this is appropriate and if it is not we recommend that the proposed habitat plan and BNG assessment is updated.

If the updated metric demonstrates that the site will not achieve a BNG of 10% additional units will have to be purchased from an off site provider.

5.19 Interested Parties: Only letters of support have been received in response to the application.

- From what I've seen in the drawings, the plans clearly represent a significant improvement on what is currently there. It's good to see that bungalows are included too, offering a variety of housing options.
- It doesn't make sense for sites like this to sit empty and neglected while new houses continue to be built on green fields. The current state of the site reflects poorly on the surrounding area—many people pass by and see a run-down, abandoned space.

- The proposed design looks strong to me. As long as quality materials are used and the landscaping is well done, I believe this will be a positive development that benefits the wider community
- Very much support this application, and it is long overdue to resolve the issues over the site. Let's new buildings into occupation - they are very much needed in this area. The applicant seems to have responded to T & M's concerns re over-development, and is ensuring that the number and height of the dwellings suit this rural site. T & M's desire to provide smaller sized homes could be partly met by these homes, and the parking provision seems reasonable. Given that car use is essential for future residents, and even the smaller units may need two cars per home to get to work, 34 spaces for residents and all their visitors seem right. A four bedroom house these days usually has four cars outside it (I know, as I live in such a group of homes). Although there is a good bus service along the road, leading to Maidstone or Tunbridge Wells, there is currently no bus stop along this East Peckham stretch. I see passengers having to brave speeding traffic to hail a bus at various points from Stanford Lane to Seven Mile Lane, which is not satisfactory. (Note the work being undertaken at Kent Street to alleviate this.) There is also no paved footpath along this part of the A26 and no bicycle lane, so car ownership is vital.
- A vital provision, of course, is true full-fibre broadband for homes all along this stretch of the A26, as far as Hadlow.
- This new housing initiative has the potential to address the growing demand for affordable housing options. Furthermore, the housing development project promises to improve the run down state of the site.
- The site has been sitting unused for quite a long time, and it's felt like a bit of a wasted opportunity in an area where well-designed homes are so needed. I really like that this proposal focuses on a mix of smaller bungalows for first-time buyers and downsizers, along with some more traditional family houses. It seems like a thoughtful approach that could help create a more balanced and welcoming community.
- As someone who lives nearby, I also appreciate that most of the homes are single-storey — not only do they blend in better with the area, but they're also more accessible for older residents or those with mobility issues. It's also good to see that they've considered parking properly; in rural areas like ours, it's realistic to expect most households will need at least one car.
- After reading the current planning application/design I can only believe this will be a huge positive for the local area and bring a current derelict run down site to a practical and tasteful construction, not only serving a massive housing issue we have currently but, also improving the area hugely that it so badly needs. A positive this development all round, we believe.

- As a local resident, I think it is important that the Grove Farm site is redeveloped and starts being used again. It has been left for too long and has deteriorated year on year. I consider the proposed design is attractive, sympathetic to the greenbelt location and addresses the need for smaller, rural homes for first-time buyers in the Tonbridge area. The plans show careful consideration has been given to the parking requirements to ensure parking is adequate for the proposed redevelopment.

## **6. Determining Issues:**

### Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF 2024”) the associated National Planning Practice Guidance (“PPG”) and National Design Guide are important material considerations.

### Emerging Local Plan

- 6.4 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council’s cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025.
- 6.5 The emerging Local Plan sets out how the Council will meet the government’s objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.

### Principle of development

- 6.6 Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to certain criteria (a to i) the proposal does not fall within one of the categories listed in Policy CP14. Notwithstanding this, the Council acknowledge that this policy is not consistent with the ‘language’ of the NPPF and so carries significantly diminished weight in the overall planning balance.

- 6.7 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations, which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”.
- 6.8 It is not disputed that the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council’s latest published position (December 2024) indicates a 2.89 year supply of housing.
- 6.9 As a consequence, the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) would need to be considered when assessing any development for housing. In this case for decision taking, this means:
- 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 6.10 In relation to Paragraph 11d (i), footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, this includes Green Belt. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a ‘strong’ reason for refusing the development.

#### Green Belt Assessment

- 6.11 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.
- 6.12 As set out in the history section, there has been a fundamental change in national policy since the refusal and dismissed appeal for a similar scheme.
- 6.13 Paragraph 153 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds, when considering any planning application,

Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) 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.

6.14 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). This includes:

g) limited infilling or the partial or complete redevelopment of previously developed (PDL) land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause 'substantial' harm to the openness of the Green Belt.

6.15 The definition of PDL is defined in Annex 2: Glossary to the NPPF as:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape"*

6.16 The site comprises various permanent structures and associated fixed surface infrastructure as such the site would constitute PDL.

6.17 Therefore, the test to be applied in terms of Green Belt is whether the proposal would cause 'substantial' harm to the openness of the Green Belt.

#### Assessment on Openness

6.18 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.19 With regard to openness, the leading court cases of Turner [2016] and Samuel Smith [2020] and numerous subsequent appeal decisions have confirmed that Green Belt openness has a spatial dimension and a visual dimension. Moreover, it must not be forgotten that these dimensions work in tandem and not in isolation, and in context, a synergy that is not always transparent in assessments of effects on openness, which can appear heavily weighted towards the spatial aspect.

6.20 Therefore, when assessing whether the proposal would cause 'substantial' harm to the openness of the Green Belt. It is necessary to look at the wider implications of the proposal and to consider it within its context. The impact on openness will vary

according to factors such as size and scale, and the prominence from public and private viewpoints.

6.21 As set out in the introduction, the majority of the new buildings will be sited on the footprint of the existing buildings on the site, see figure 1 below: It is noted that one of the three detached dwellings sits outside of the current built form. However, whilst extending the built form further to the south, the proposal also sees the built form set back further from the eastern boundary (front boundary) and therefore arguably both the spatial and visual effect overall on the openness of the Green Belt would be minimal.



Figure 1: - Proposed layout – red dots denotes existing buildings.

6.22 Furthermore, whilst there would be a new internal access road created, overall the proposal would result in a reduction in hard surfacing across the site due to the formation of residential curtilages (see figure 2).

6.23 In regard to bulk and height, there would be no overall increase in height for Block A albeit there would be an increase in length of the building, which would add additional bulk. Block B would see a slight reduction in overall height, which would be offset the increase in depth. Block C sees a significant reduction in overall height and

bulk. This reduction would compensate for the garage element, which would see the built form spread further to the north.

6.24 Block D is where the most significant change takes place as previously noted. Whilst there would be no increase in overall height, the spread of development would be greater than that which currently exists, with one unit being closer to the southern boundary than the existing building. However as already noted the three detached dwellings would be set further back from Maidstone Road, which will reduce the visual impact of those three units.

6.25 The application is accompanied by supporting figures. Figure 2 below, sets out the existing and proposed comparisons in terms of footprints, volume and hard surfacing.

	Existing Footprint (m <sup>2</sup> )	Proposed Footprint (m <sup>2</sup> )	Footprint net difference (m <sup>2</sup> )	Change (%)
Block A	424	588	164	
Block B	434	326	-108	
Block C	216	170	-46	
Block D	179	150	-29	
Outbuilding	23	0	-23	
<b>TOTAL</b>	<b>1276</b>	<b>1234</b>	<b>-42</b>	<b>-3.29%</b>

	Existing Volume (m <sup>3</sup> )	Proposed Volume (m <sup>3</sup> )	Volume net difference (m <sup>3</sup> )	Change (%)
Block A	1744	2403	659	
Block B	1453	1078	-375	
Block C	1810	1869	59	
Block D	954	1793	839	
Outbuilding	58	0	-58	
<b>TOTAL</b>	<b>6019</b>	<b>7143</b>	<b>1124</b>	<b>18.67%</b>

	Existing area (m <sup>2</sup> )	Proposed area (m <sup>2</sup> )	Area net difference (m <sup>2</sup> )	Change (%)
Hard surfacing inc house footprints	3273	3101	-172	-5.26%

Figure 2: comparison figures

6.26 These figures demonstrate that overall, there would be a reduction in footprint and hard surfacing when compared to the existing development. Whilst there would be a 19% increase in volume, it is not considered that this results in a 'significant'

increase, as such, it is considered that the proposal would not cause 'substantial' harm to the openness of the Green Belt.

- 6.27 The proposal would therefore comply with paragraph 154 NPPF criterion g) and as such would be appropriate development in the Green Belt.

#### Grey Belt

- 6.28 As it has been concluded that the site would not cause substantial harm to openness of the Green Belt in compliance with criterion g) of paragraph 154 NPPF as "limited infilling or the partial or complete redevelopment of previously developed land" it is not considered necessary to consider the site against Grey Belt policy.
- 6.29 Furthermore, whilst paragraph 153 (NPPF) states when considering any planning application. LPA's should ensure that substantial weight is given to any harm to the Green Belt, including harm to openness, footnote 55 (NPPF) is clear that this weight is not afforded in the case of development on previously developed land or Grey Belt Land where development is not inappropriate as in this case.

#### Affordable housing

- 6.30 Paragraph 64 (NPPF) notes where a need for affordable housing is identified planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required) and moreover this should be provided on site unless off site provision or a financial contribution can be justified.
- 6.31 With regard to affordable housing provision, Policy CP17 of the TMBCS states that in the urban areas, affordable housing provision will be sought on all sites of 15 dwellings or above or 0.5ha or above at a level of 40% of the number of dwellings in any scheme. The supporting text confirms that this will be the starting point for negotiations on a site-by-site basis and is subject to viability considerations. This Policy is elaborated further through the Affordable Housing Supplementary Planning Document adopted in July 2008.
- 6.32 Further guidance on the Council's strategy is set out in the Affordable Housing Protocol (Annex 1 Section 7 November 2021) which recognises that the impact planning obligations can have, when coupled with other policy requirements, may affect the viability of some development proposals.
- 6.33 In such exceptional circumstances. the Council will consider whether the benefits of the proposed development would outweigh the disadvantages of a more limited planning obligation, or no planning obligation at all. This will only be possible, however, where the developer provides evidence of the likely impact of the proposed planning obligation(s) on the viability of their development. Within this context, if a reduced percentage of affordable housing is being offered, the Affordable Housing Statement must explain why. If the reason for no provision, or for provision below the Council's adopted policy position is proposed, then a detailed financial viability

assessment (FVA) must be provided as part of the Affordable Housing Statement/Financial Viability Assessment.

6.34 In this case, the proposed scheme comprises all market housing, meaning there is no affordable housing either provided on site or off site or the relevant commuted sums contributing towards the Council's affordable housing programme. The application is supported by a FVA that indicates that the site would not be able to provide policy compliant affordable housing. The Appraisal identifies a range of factors contributing to the current viability position of the scheme. In accordance with the SPD, the Council has appointed an independent viability consultant to scrutinise the FVA.

6.35 There is a difference of opinion between the applicant and the independent assessors in regard to the current land value of the site. This is because the independent assessors consider that they have not been provided with a policy compliant Benchmark Land Value (BLV) assessment by the Applicant. In line with NPPG, the onus is on the applicant to evidence their position and not otherwise. In an attempt to negotiate, two scenarios have been considered by the independent assessors.

Scenario 1 – with a nil BLV would achieve a net profit of £244,808.

Scenario 2 with a provisional BLV of £200,000 (bases on a storage use) would achieve a net profit of £13,904.

6.36 The Independent assessors have therefore concluded that pursuance of the additional affordable housing contribution is, therefore, contingent on acceptance of the BLV assessment by the Council in this case.

6.37 However, whilst some differences remain on certain aspects of the FVA, both the Council's viability consultant and the applicant agree that the proposal, in its current form, is unlikely to generate sufficient profit to deliver the level of affordable housing required by policy. On this basis, the absence of an affordable housing contribution can be justified in this instance. However, as viability could improve or worsen over the course of construction and the amount of affordable housing contribution currently on offer falls substantially short of the relevant policy requirement, Officers suggest that a mechanism, secured via a Section 106 agreement, is put into place, that if the development is not built up to structural slab level within 12 months from the date of the S106, an updated FVA will be required to be submitted and independently reviewed.

#### Housing Mix

6.38 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The adopted development plan does not contain specific housing mix

policies, although Core Strategy Policy CP1 states that provision will be made for housing to meet the needs of existing and future residents of the borough.

6.39 The Housing Needs Study 2022 provides the most up to date evidence base to inform decision making, and sets out the broad requirements which identify how housing supply can assist in meeting the need profile. However, the figures vary considerably depending on the sub area.

6.40 The proposals will provide a mix of eight x 1 bed units, four x 2 bed units and 5 x 3 bed units. Whilst the Housing Needs Study 2022 identifies a need for larger housing, in this case given that the site replaces 55 1 bed student units, coupled with its location, officers are satisfied that the mix is appropriate for the site and acceptable in this case.

Standard of accommodation

6.41 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. All the proposed units would meet the national floorspace standards and provide sufficient and usable external amenity area as set out in figure 3 below:

Unit ref	Unit type	Bed no.s	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )
A1	Single storey end of terrace	1	61.7	663.892
A2	Single storey mid terrace	1	61.7	663.892
A3	Single storey mid terrace	1	61.7	663.892
A4	Single storey mid terrace	1	61.7	663.892
A5	Single storey mid terrace	1	61.7	663.892
A6	Single storey mid terrace	1	61.7	663.892
A7	Single storey mid terrace	1	61.7	663.892
A8	Single storey end of terrace	1	61.7	663.892
B1	Single storey semi detached	2	69.5	747.82
B2	Single storey semi detached	2	69.5	747.82
B3	Single storey semi detached	2	69.5	747.82
B4	Single storey semi detached	2	69.5	747.82
C1	Detached house	3	117.5	1264.3
C2	Detached house	3	121	1301.96
D1	Detached house	3	117.5	1264.3
D2	Detached house	3	117.5	1264.3
D3	Detached house	3	121	1301.96
<b>Total</b>		<b>31</b>	<b>1366.1</b>	<b>14699.236</b>

Figure 3 – NDSS table

6.42 All habitable rooms would have at least one reasonable sized window to ensure adequate natural light and ventilation would be provided to the future occupiers. All outside amenity space is also adequate for the size of units proposed and the number of intended occupiers.

Assessment on Character and Appearance

- 6.43 Paragraph 131 (NPPF) highlights the importance of creating high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.44 Paragraph 135 (NPPF) seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping, 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.
- 6.45 Paragraph 130 of the NPPF offers bespoke advice on density, requiring all developments to make optimal use of the potential of each site. In this case the density of the scheme would be just under 26dph, which could be argued does not make optimal use of the site however, given the sites location in this case it is considered that 26 dph is acceptable and reflective of the sites location.
- 6.46 Policy SQ1 Managing Development and the Environment Development Plan, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.
- 6.47 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that 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, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.48 As already stated, the proposal involves the demolition of all the buildings currently on site, and whilst the existing buildings are not derelict and are of a design appropriate for their lawful use, the replacement buildings will improve the visual appearance of the site and the immediate area. The redevelopment of the site will be more coherent from a landscape perspective too, pulling the mass back from the front boundary and into the site allows for meaningful planting and landscaping between the highway and built form within the site.
- 6.49 Each unit is provided with its own front garden and private rear amenity space. All the units will also benefit from the use of a communal amenity area, which the planning statement sets out will be co-owned by residences and maintained collectively. The management plan for the communal area will form part of the sales contract and will bind buyers and future occupants to ensure the continued upkeep of the area.
- 6.50 In regard to materials, these are annotated on the proposed plans: For Block A, it is proposed to use oak weatherboarding to the front and sides with oak corner post detailing and facing brickwork to the rear, all under a slate roof. For Block B, again it is proposed to use oak weather boarding with a clerestory roof. Blocks C and D,

propose facing brickwork at ground floor level with oak weatherboarding at first floor level with a hand formed clay tiled roof. Decorative features include brick corbelling, lead scalloping below windows and render infill panels.

- 6.51 A material schedule accompanies the application and this sets out the finer details of the materials, ie specification, colour. Officers consider that the design and appearance of the dwellings and the suggested materials are suitable and in keeping with the character and appearance of the area. Should permission be forthcoming then a condition is suggested for the materials to be in accordance with the submitted details.
- 6.52 To conclude on character and appearance, subject to the recommended planning conditions, it is considered that the proposal is of an appropriate scale, form, design and appearance and would not harm the overall character and appearance of the immediate area in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

#### Access and Parking

- 6.53 Policy CP1 of the TMBCS seeks the location of development which will reduce the need to travel, again highlighting the benefits of this edge of town centre location for new residential development. Policy CP2 (TMBCS) states that any new development that is likely to generate a significant number of trips should adhere to policy requirements including being “(d)...compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated”.
- 6.54 This policy is also supplemented by Policy SQ8 (MDE DPD) which states that before proposals for development are permitted, the applicant 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” and 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.”
- 6.55 Policy DC6 (MDE DPD) states: *“In consideration of development proposal which are in the vicinity of, or are served by, rural lanes, permission will only be granted where: (a) the development conserves and, where appropriate, enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety”.*
- 6.56 Given the proposal constitutes a major development, with potential of causing a wider implication on the local highway network, Kent County Council as the Local Highway Authority has been consulted, the application is also accompanied by a Transport Statement (TS).

- 6.57 The TS compares the previous use and specifically traffic generation and vehicle movements against the proposed scheme. The data within the TS suggests that there would be a net reduction in vehicle movements when compared to the proposed development.
- 6.58 In regard to the access, it is proposed to utilise the existing access from the A26 Maidstone Road. Drawing number 2022/6404/001 Rev P4 illustrates visibility of 2.4m x 151.4m north of access to the carriageway centre line on Maidstone Road (in accordance with DMRB minimum standards). The land within the visibility splay is within the applicant's control. It is material to note that the existing access has served 55 student accommodation and the adjacent agricultural fields in the past. It is also noted that the applicant has proactively engaged with KCC prior to the submission of the application.
- 6.59 In response, KCC Highways raise no objection to the proposal subject to conditions relating to the submission of a construction management plan, which will include the following:
- (a) Routing of construction and delivery vehicles to / from site.
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
  - (c) Timing of deliveries, avoiding network and school peaks where possible.
  - (d) Provision of wheel washing facilities.
  - (e) Measures to prevent the discharge of surface water onto the highway.
  - (f) Temporary traffic management / signage.
- 6.60 Together with conditions relating to:
- The provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
  - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
  - Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
  - Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
  - Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, prior to the use of the site commencing.
- 6.61 Turning next to parking, Kent County Council's Parking Standards (January 2025) sets out that for 1 and 2 bed houses, within a suburban area, 1 space is required per unit and in regard to 3 bed houses 2 spaces are required per unit. In this case each

unit will be provided with 2 allocated parking spaces and electric charging points. On site refuse storage is provided and shown on the site plan and would be conditioned to be provided prior to the occupation of the first dwelling.

- 6.62 On this basis 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 with Policy SQ8 of the MDE DPD or paragraphs 115-118 of the NPPF.

#### Assessment on Neighbour Amenity

- 6.63 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 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.

- 6.64 Paragraph 135 (f) of the NPPF advises that:

*“Planning policies and decisions should ensure that developments 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”.*

- 6.65 The nearest residential dwellings are those located to the north/northwest within Grove Close some 165m from the nearest proposed dwelling. To the south are farm buildings in connection with Grove Farm. Given the significant distances involved, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

#### Biodiversity and Ecology

- 6.66 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.67 Policy NE2 MDE DPD, outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 MDE DPD also states 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 an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate

management and monitoring and creating new or replacement habitats of enhanced ecological value.

6.68 The application is accompanied by a Preliminary Ecological Appraisal Part 1 and Part 2, BNG report, Biodiversity Gain Plan, Biodiversity metric calculation, and Biodiversity credit details.

6.69 KCC Ecological Advice Service initially reviewed the submitted information and subsequently confirmed that additional information was required prior to the determination of the application in relation to BNG assessment and the potential for Great Crest Newt and owls to be present. Further information was submitted in relation to owls (EAS Ltd letter dated 4 June 2025).

6.70 KCC in their subsequent response note that they are satisfied, with the exception of GCN, that sufficient information has been submitted to determine the planning application. However, in regard to GCN whilst no further information has been received, KCC Ecology reviewed the submitted information in more detail and now accept that this matter can be addressed within a site wide ecological mitigation strategy. Due to the habitat creation proposed, KCC are satisfied that appropriate mitigation can be implemented if required. If permission is forthcoming, then a condition is suggested that prior to works commencing on site an ecological mitigation strategy must be submitted to the LPA for written approval. It must include the following:

- Preliminary ecological appraisal
- Recommended species surveys
- Overview of mitigation required
- Detailed methodology to implement mitigation
- Timings of works
- Details of any licences required.

6.71 Turning next to BNG - Under section 40 of the NERC Act (2006) and paragraph 187 of the NPPF (2024), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 193 of the NPPF (2024), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

6.72 Under the Environment Act 2021, all planning applications for major development (unless exempt), will have to deliver at least a 10% biodiversity net gain. Having reviewed the proposal and submitted documents, KCC Ecology consider this application to fall under mandatory biodiversity net gain.

6.73 A statutory BNG metric has been submitted that shows over 10% can be achieved through the creation of a large area of scrub within the south of the site. KCC advise that if this area becomes dense scrub it will not be usable as recreational space for residents. Therefore, KCC advise that TMBC must be satisfied that this is

appropriate. The application includes a separate open space communal area to the north west of the site and therefore officers are satisfied that the onsite BNG is achievable. If permission is forthcoming, then KCC suggest a condition will be required for a Landscape and Ecological Management Plan (LEMP) to be submitted prior any habitat creation works taking place together with a further condition relating to lighting.

6.74 To conclude on ecology and biodiversity, subject to conditions it is considered that the development proposal accords with Local Policies, NE2, NE3 and the NPPF.

#### Flooding / Drainage

6.75 Paragraph 170 of the NPPF sets out the “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”.

6.76 Developments can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, Core Policy CP10 provides the framework for guiding development away from areas at high risk from flooding. Policy CC3 of MDE DPD relates sustainable drainage. This notes, “Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development”.

6.77 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for development which increases the demand for off-site water and sewerage infrastructure where: a) sufficient capacity already exists; or b) extra capacity can be provided in time to serve the development

6.78 The majority of the site is located within flood zone 1, however, due to the site location adjacent to the lake, a very small part of the western/southern boundary falls within flood zones 2 and 3.

6.79 The application is accompanied by a Drainage Strategy (eas Ltd dated May 2025). This sets out that the proposed development will change the extent of impermeable areas and it will be necessary to incorporate Sustainable Drainage System (SuDS) measures to ensure that surface water leaving the site would not exceed the Greenfield flow rate. Foul drainage from the proposed development will need to be treated and disposed of on site (as existing) as there is no public foul sewer within practicable reach. This report provides an evaluation of the SuDS options available in

respect of the site and an outline strategy for drainage of foul and surface water arising from the proposed development.

- 6.80 KCC Local Lead Flood Authority initial response required clarification on areas within the Drainage Strategy. An updated drainage strategy was subsequently submitted. However, whilst the principles of the drainage strategy are accepted by KCC LLFA they noted that the proposal is for a full planning permission and highlighted the lack of consistency between the drainage strategy and wider site plans for the development, as well as the limited level of detail provided to demonstrate the drainage strategy can be adequately accommodated within the proposed layout.
- 6.81 Notwithstanding the above, KCC LLFA go on to acknowledge that as the principles are acceptable, technical matters for the drainage scheme could be dealt with via conditions as such should permission be granted conditions have been suggested. These include a pre-commencement condition for detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority based upon the Drainage Strategy dated May 2025 by Environmental Assessment Services Limited.
- 6.82 In terms of foul drainage, the Councils Environmental Health Protection Officer notes that a package treatment plant is proposed to be used to deal with the foul water drainage installed for this development. Whilst connecting to mains drainage is the preferred option, as highlighted within the drainage strategy, there is no public foul sewer within practicable reach. Therefore, foul drainage from the proposed development will need to be treated and disposed of on-site (as existing). Details in relation to the package treatment plant can be secured via a suitably worded condition.
- 6.83 The site is also located near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.
- 6.84 The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works, which require Land Drainage Consent from the Board and an informative is suggested to bring this to the attention of the applicant should permission be granted.

#### Contaminated Land

- 6.85 Paragraph 196 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.

6.86 Paragraph 197 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.

6.87 The application is supported by a Preliminary Contamination Risk Assessment, (Environmental Assessment Services Ltd, April 2022. The Council's Environmental Health Protection Officer has reviewed the Preliminary Contamination Risk Assessment and notes the report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Potential sources of contamination have been identified which require further investigation. These include the use of road plannings as a surface cover, historic farm activities, and potential asbestos containing materials within the buildings. Standard contamination conditions are therefore recommended should permission be forthcoming.

#### Archaeological Matters

6.88 The site lies within an area of potential associated with activity from the prehistoric period onwards. The application is not accompanied by any archaeological evidence, and no comments have been received from the KCC Heritage Conservation Officer. However, due to the site's location and potential a standard condition is suggested.

#### Noise

6.89 Due to the location of the development adjacent to the A26 (Maidstone Road) a Noise Impact Assessment (Anderson Acoustics April 2025) has submitted with the application. The Council's Environmental Health Protection officer has reviewed the Noise Impact Assessment, which considers the noise environment of the site and makes acoustic design recommendations. The report's contents have been assessed and it is advised a condition be placed requiring noise mitigation measures (including mechanical ventilation with heat recovery system and protection of amenity areas) to be incorporated into the development prior to first habitation that are no worse acoustically than that laid out in Anderson Acoustics report and that these details are provided to the local planning authority at the time.

Open Space

- 6.90 Policy OS3 Managing Development and the Environment DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.91 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.
- 6.92 The proposal seeks to erect 17 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3.
- 6.93 Amenity space is provided for each dwelling, and the application also proposes a communal open space area comprising 1603sqm.
- 6.94 Open space should, in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces.
- Children's play space in the form of a LAP, LEAP and a contribution towards a MUGA should be provided on site and details should be provided and meet the latest British standards.
  - LAPs and LEAPs should be fenced off as per guidance if they are located close to roads
  - Contributions sought for this development should total £45,728
- 6.95 Open space demand generated by the development 2175 (net, sq. m):
- 6.96 In accordance with the methodology and sequential approach outlined in Annex D to the MDE DPD, and taking into account onsite provision of Amenity Open Space, initial consideration should be given to further on-site provision in areas of quantitative deficiency, though given the nature of the development proposal it is presumed that this may not be feasible. If provision is not made on-site, consideration should then be given to the developer providing off-site open space in accordance with the quantity standards set out in Policy Annex OS3 (translated to a standard of open space per person in Figure 4 in Annex D to the MDE DPD).

Parks & Gardens – £14,668

Amenity Green Spaces – N/A

Outdoor Sports Facilities - £27,278

Children's and Young People's Play Areas - £3582

Natural and Semi Natural Green Spaces – N/A

6.97 If provision is not made on or off-site, a sum total contribution of £45,728 should be sought. In this case whilst there is some open space provision to be provided on site the proposed vision does not meet the require contribution and falls short by 572 sqm. Therefore, offsite contributions would be required in this case.

Developer Contributions/Planning Obligations (other than Affordable Housing)

6.98 Policy CP25 of the Core Strategy requires new development to “*incorporate the infrastructure required as a result of the scheme or make provision for financial contributions and/or land to secure such infrastructure or service position at the time it is needed, by means of conditions or a planning obligation*”.

6.99 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests as set out in paragraph 122 of the CIL Regulations 2010 (as amended). These state that obligations must be

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

6.100 Paragraph 58 of the NPPF reflects this statutory requirement.

6.101 Requests for financial contributions towards open space as set out above are required. The request for these contributions meets the relevant policy tests and would need to be secured through the legal agreement.

6.102 KCC Strategic Development and Place (The County Council) has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

6.103 These contribution (as set out in the statutory responses above) relate to:

Secondary Education	£95,982.23
Secondary Land	£81,361.49
SEND	£9,517.11
Community Learning and Skills	£581.57
Integrated Children’s services	£1,258.85
Library	£1,064.71
Adult Social Care	£3,074.96

Waste	£3,300.21
Total	£195.141.13

- 6.104 As set out above the application is accompanied by a FVA, based on Scenario 1 – with a nil BLV it is considered that the development would achieve a net profit of £244,808.00. This would be sufficient to provide both the required open space contribution and the developer contributions required by KCC (Combined figure for both contributions £240,869.13).
- 6.105 The applicant is willing to pay these contributions, and these would be secured via a S106 along site the affordable housing mechanism that if the development is not built up to structural slab level within 12 months from the date of the S106, an updated FVA will be required to be submitted and independently reviewed.
- 6.106 However, notwithstanding the above the applicant has offered a ‘one off fixed’ financial contribution (i.e not index linked) of £307k. This would mean that after the developer contributions as set out above, there would be £66,130.87 surplus to contribute to affordable housing. Should this be an option to members then this could be secured via a Section 106 agreement and would run alongside the suggest mechanism for affordable housing that if the development is not built up to structural slab level within 12 months from the date of the S106, an updated FVA will be required to be submitted and independently reviewed.

#### Other Matters

- 6.107 Officers are aware that due to the location of the site, the site is heavily dependent on a motor vehicle. However, the site is PDL and as such any future use, whether that is residential or commercial the reliance on a motor vehicle would not change.

#### Public right of way.

- 6.108 Public Right of Way MR363 lays to the south of the proposed development. KCC Public Right of Way and Access Service team have reviewed the application and confirms that the Public Right of Way appears to be unaffected by the proposal.
- 6.109 No objection is therefore raised subject to an informative that no works can be undertaken on the Public Right of Way.

#### Public Sector Equality Duty – Equality Act 2010

- 6.110 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, and victimisation;

- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

6.111 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

6.112 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legalisation and the Council's obligations under the PSED.

6.113 Accordingly, the adopted planning Framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.114 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.

6.115 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report

#### Planning Balance

6.116 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for housing.

6.117 Consequently, permission should be granted unless as the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed.

6.118 The proposal would be appropriate development under Paragraph 153 (NPPF) utilising PDL and proposing a development which would not cause sustainable

harm to openness of the Green Belt, (also having regard to footnote 55 NPPF) and as such there would be no strong reason to refuse the proposal under paragraph 11 d i) in relation protected areas.

- 6.119 Therefore paragraph 11 d ii) is engaged and planning permission should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taking as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.120 In weighing the proposal in the overall planning balance required by 11 d (ii) the Council acknowledged that the scheme would provide 17 dwellings, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, this attracts substantial weight in favour of the proposal even acknowledging that the provision is only for 17 dwellings.
- 6.121 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.
- 6.122 It has been concluded that that there would be no unacceptable impact on character and appearance, neighbouring properties, ecology, highway safety or parking provision subject to conditions and the proposal would be acceptable in terms of design and living conditions. However, absence of harm in relation to these matters is not a benefit of the scheme, but rather, weighs neutrally in the planning balance.

#### Conclusion of Planning Balance

- 6.123 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval subject to conditions and S106 agreement either:

option a - affordable housing mechanism and developer contributions (indexed linked) or

option b - affordable housing mechanism and a one off fixed financial contribution of £307k and conditions.

### **7. Recommendation: Approval subject to S106 and conditions**

#### **Heads and Terms Section 106**

**Option 1: - Affordable housing mechanism**

(suggested/wording along the lines of)

If the Development is not built to Structural Slab Level within 12 (twelve) months of the date of this Deed the Owner shall notify the Council in writing within 5 (five) Working Days.

Should the Owner have notified the Council pursuant to paragraph 1.1 of this schedule they shall then submit the Viability Information to the Council within 40 (forty) Working Days of such notification.

The Council shall assess the Viability Information submitted pursuant to paragraph 1 of this Schedule and shall apply the following formula to calculating whether or not the Developer Contribution is payable.

**Developer Contributions Open space and KCC contributions (index linked)**

Parks & Gardens	£14,668
Outdoor Sports Facilities	£27,278
Children's and Young People's Play Areas	£3582
Total	<u>£45,728</u>

Secondary Education	£95,982.23
Secondary Land	£81,361.49
SEND	£9,517.11
Community Learning and Skills	£581.57
Integrated Children's services	£1,258.85
Library	£1,064.71
Adult Social Care	£3,074.96
Waste	£3,300.21
Total	<u>£195,141.13</u>

**Option 2: - Affordable housing mechanism**

(Suggested wording along the lines of)

If the Development is not built to Structural Slab Level within 12 (twelve) months of the date of this Deed the Owner shall notify the Council in writing within 5 (five) Working Days.

Should the Owner have notified the Council pursuant to paragraph 1.1 of this schedule they shall then submit the Viability Information to the Council within 40 (forty) Working Days of such notification.

The Council shall assess the Viability Information submitted pursuant to paragraph 1 of this Schedule and shall apply the following formula to calculating whether or not the Developer Contribution is payable.

**One Off Fixed Contributions of £307k (not index linked) payable at commencement of development (or to be agreed)**

Open space and KCC contributions

Parks & Gardens	£14,668
Outdoor Sports Facilities	£27,278
Children's and Young People's Play Areas	£3582
Total	£45,728

Secondary Education	£95,982,23
Secondary Land	£81,361.49
SEND	£9,517.11
Community Learning and Skills	£581.57
Integrated Children's services	£1,258.85
Library	£1,064.71
Adult Social Care	£3,074.96
Waste	£3,300.21
Total	£195.141.13

Surplus – towards affordable housing. £66,130.87

**Conditions**

**Standard 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 produced 10 April 2025

Site Location Plan – Drawing no. P093 – 001

Existing Site Plan – Drawing no. P093 - 002

Proposed Site Plan - Drawing no. P093 – 101

Block A Existing Plans and Elevations - Drawing no. P093 – A – 001

Block A Proposed Plans and Elevations - Drawing no. P093 – A – 301  
Block B Existing Plans and Elevations - Drawing no. P093 – B – 001  
Block B Proposed Plans and Elevations - Drawing no. P093 – B – 301  
Block C Existing Plans and Elevations - Drawing no. P093 – C – 001  
Block C Proposed Plans and Elevations - Drawing no. P093 – C – 301  
Block D Existing Plans and Elevations - Drawing no. P093 – D – 001  
Block D Proposed Plans and Elevations - Drawing no. P093 – D – 301  
Construction Management and logistics plan by Opus Magnum dated March 2025  
Preliminary Ecological Appraisal by eas Ltd dated April 2022 updated Feb 2025  
Preliminary bird/owl survey by eas Ltd dated 4 June 2025  
Biodiversity Net Gain by eas Ltd dated February 2025  
BNG Baseline habitat map drawing no. P093 – 101  
BNG Habitat plan existing drawing no. P093 – 002  
BNG Metric calculations  
Drainage Strategy by eas Ltd dated May 2025  
Noise Impact Assessment by Anderson Acoustics dated April 2025  
Tree Planting Report received 7 April 2025  
Material Schedule received 7 April 2025  
Design and Access Statement by Magnum Opus dated March 2025  
Preliminary Contamination Risk Assessment by eas Ltd dated April 2022  
Addendum Transport Statement document ref 2022/6406/TN03 Dated February 2025

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 document reference Material Schedule received 7 April 2025 .

Reason: In the interest of visual amenity.

### **Highways**

4. No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries

(d) Provision of wheel washing facilities prior to commencement of works on site and for the duration of the construction.

(e) Temporary traffic management / signage

(f) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

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

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

The Construction Management Plan shall thereafter be implemented in accordance with the approved details throughout the course of construction.

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

5. Prior to the first occupation of the dwellings the access shall be implemented as shown on the approved plans. No obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, and thereafter retained and maintained as such.

Reason: In the interests of general amenity and highway safety.

6. Material used for the first 5 metres of the access from the edge of the highway shall comprise of a bound surface.

Reason; In the interest pedestrian and driver safety in compliance with policy DC4 of the Managing Development and the Environment DPD.

7. The development hereby approved shall not be occupied until the parking spaces shown on the Proposed Site Plan - Drawing no. P093 – 101 have been constructed for use of the proposed dwellings. Thereafter 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 and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking space without the approval of the Local Planning Authority.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards

8. Prior to the first occupation the secure cycle storage and refuse facilities as shown on the Proposed Site Plan - Drawing no. P093 – 101 hereby approved shall be provide and thereafter maintained and retained.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

9. Prior to the first occupation the provision and permanent retention of the turning facilities shown on the submitted plans shall be provided and thereafter maintained and retained.

Reason: In the interests of general amenity and highway safety.

### **Contamination**

10. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority: a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. 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. (b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework

11. 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.

### **Landscaping**

12. Prior to the first occupation of the development hereby approved a scheme of landscaping and boundary treatment shall be submitted to and approved 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

### **Archaeological Heritage**

13. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

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

iii programme of post excavation assessment and publication

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

### **Drainage/Flooding**

14. Development shall not begin in any phase 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 Drainage Strategy dated May 2025 by Environmental Assessment Services Limited. The submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall 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 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 any 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 and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement 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.

15. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall 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 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 development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 182 of the National Planning Policy Framework.

### **Ecology**

16. Prior to works commencing on site an ecological mitigation strategy must be submitted to the LPA for written approval. It must include the following:

- Preliminary ecological appraisal
- Recommended species surveys
- Overview of mitigation required

- Detailed methodology to implement mitigation
- Timings of works
- Details of any licences required.

The plan must be implemented as approved.

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

17. No habitat creation works shall take place (including any ground works, site, or vegetation clearance), until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority addressing:

1. Creation and enhancement of habitats in accordance with the Biodiversity Gain Plan;
2. Management of on-site habitats to achieve biodiversity net gain in accordance with the Biodiversity Gain Plan;

The content of the LEMP shall include the following:

- a) Habitat Plan
- b) Purpose and conservation objectives for the proposed ecological design works;
- c) Detailed design(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation, including the planting of the screening hedgerow prior to first use of the development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare;
- i) Aims and objectives of management;
- j) Prescriptions for management actions;
- k) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- l) Habitat monitoring provisions; and
- m) Details of the individual, body or organisation(s) responsible for implementation of the plan.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

18. Prior to occupation, a lighting plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels.

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 avoid adverse impacts on nocturnal species, including bats and owls.

### **Noise**

19. None of the dwellings shall be occupied until full details of acoustic protection and mechanical ventilation for the dwellings have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any of the units to which it relates and shall be retained at all times thereafter.

The report should also specifically detail any mitigation/attenuation measures needed to attain the abovementioned noise levels which shall be fully implemented as approved.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

### **Foul Drainage**

20. Development shall not begin in any phase until details of the package treatment plant to deal with foul water for the site has been submitted to (and approved in writing by) the local planning authority. 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 foul waste and to ensure ongoing efficiency of the drainage provisions.

### **Informatives**

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and  
b) the planning authority has approved the plan.

(ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

(iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan ([www.gov.uk](http://www.gov.uk)).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

2. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

3. 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 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

4. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is recommended that no bonfires are undertaken at the site.

5. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

6. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

7. Your attention is drawn to the comments within Upper Medway Internal Drainage Board response dated 20 June 2025.

8. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming

& Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

9. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

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

10. Your attention is drawn to the comments within TMBC Waste Services response dated 10 April 2025.

Contact: Susan Field

**DATED**

**2026**

**TONBRIDGE AND MALLING BOROUGH COUNCIL (1)**

**AND**

**MAGNUM PARTNERSHIP (BRENCHLEY) LIMITED (2)**

**PLANNING OBLIGATION**

**BY WAY OF AGREEMENT**

pursuant to Section 106 of the  
Town and Country Planning Act 1990 (as amended)  
relating to land at Grove Farm, Maidstone Road,  
Hadlow, Tonbridge, TN11 0JL

Head of Legal & Democratic Services  
Tonbridge and Malling Borough Council  
Gibson Building, Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ

**PLANNING REF: 25/00656/PA**

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**THIS DEED** is dated the

day of

2026

**BETWEEN**

- (1) **TONBRIDGE AND MALLING BOROUGH COUNCIL** of Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ (**“the Council”**)
- (2) **MAGNUM PARTNERSHIP (BRENCHLEY) LIMITED** incorporated and registered in England and Wales with company number 12851215 whose registered office is at The Meadows, School House Lane, Horsmonden, Tonbridge, TN12 8BW (**“the Owner”**)

**BACKGROUND**

- (A) The Owner is the freehold owner of the Land with title absolute registered with at HM land Registry under title number K945008.
- (B) The Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- (C) The County Council is a local planning authority for the purposes of the 1990 Act and is a principal council within the meaning of section 270(1) of the Local Government Act 1972 and is the statutory authority responsible for the education, local highways, libraries, Integrated Children’s services, community learning, adult social care, and waste services for the area in which the Land is situated.
- (D) The Application has been made by the Owner to the Council pursuant to the Act for planning permission to carry out the Development.
- (E) The Council having regard to all material considerations resolved at its meeting of its Area 2 Planning Committee on 3 December 2025 that Planning Permission should be granted for the Development subject to the prior completion of this Deed and to the conditions to which the Planning Permission is expressed to be subject.
- (F) The Owner has agreed to enter into this Deed to give the following obligations in the manner hereinafter appearing and agree that the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) are met

**NOW THIS DEED WITNESSES AS FOLLOWS:**

**OPERATIVE PART**

**1. INTERPRETATION AND DEFINITIONS**

1.1. In this Deed the following expressions shall unless the context otherwise requires have the following meanings:

<b>Act</b>	means the Town and Country Planning Act 1990 as amended;
<b>Adult Social Care Contribution</b>	means the sum of £3,074.96 (three thousand and seventy four pound and ninety six pence payable towards the provision of specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places within the Borough;
<b>All Requisite Consents</b>	means all requisite consents orders agreements authorisations licences and permissions required to implement a scheme/the Scheme;
<b>Application</b>	means the application for full planning permission for the Development which was received by the Council on 7 April 2025 and allocated reference 25/00656/PA;
<b>Borough</b>	means the administrative area of Tonbridge and Malling Borough Council
<b>Commencement of the Development</b>	means the carrying out of a material operation pursuant to the Application as defined in section 56(4) of the Act and all references to <b>Commence</b> , <b>Commenced</b> and <b>Commencement</b> shall be construed accordingly;
<b>Commencement Notice</b>	means the written notice confirming the Commencement of Development referred to in clauses 4.1 and served in accordance with clause 15;
<b>Community Learning and Skills Contribution</b>	means the sum of £581.57 (five hundred and eighty one pounds and fifty seven pence) towards additional equipment and resources for adult education centres serving the Development, including outreach provision;

<b>County Council</b>	means the Kent County Council of Sessions House County Hall, Maidstone, Kent, ME14 1XQ;
<b>County Council Contributions</b>	means the Secondary Education Contribution, the Secondary Education Land Contribution, the Special Education Needs & Disabilities Contribution, the Community Learning and Skills Contribution, the Integrated Children’s Services Contribution, the Library Services Contribution, the Adult Social Care Contribution and the Waste Contribution;
<b>Deed</b>	means this agreement;
<b>Default Interest Rate</b>	means 4% per annum above the Base Rate of the Bank of England and <b>Interest</b> shall be construed accordingly;
<b>Development</b>	means the development of the Land by redevelopment of Student accommodation to provide 17 new homes as set out in the Application and authorised by the Planning Permission;
<b>Dwelling</b>	means a dwelling (including a house, flat or maisonette) to be constructed pursuant to the Planning Permission or a Section 73 or section 73A Permission comprised in the Development and “ <b>Dwellings</b> ” shall be construed accordingly;
<b>First Occupation Date</b>	means the date on which the Occupation of any Dwelling begins;
<b>First Occupation Notice</b>	means the written notice confirming the First Occupation Date referred to in clause 4.3 and served in accordance with clause 15;
<b>Head of Planning</b>	means the Head of Planning appointed by the Council;
<b>Homes England:</b>	means the executive non-departmental public body known as Homes England or its statutory successors or agent or its successor statutory body for the relevant function
<b>Index Linked</b>	means that the Public Open Spaces Contribution and County Council Contributions payable under this Deed shall be increased in accordance with the provisions of clause 18

<b>Integrated Children's Services Contribution</b>	means the sum of £1,258.85 (one thousand two hundred and fifty eight pounds and eighty five pence) towards the provision of additional equipment and resources for the Integrated Children's Services in the Borough including outreach provision
<b>Land</b>	means the land against which this Deed may be enforced known as Grove Farm, Maidstone Road, Hadlow, Tonbridge, TN11 0JL which is registered at HM Land Registry under title number K945008 and is shown for identification purposes only edged red on the Plan;
<b>Library Services Contribution</b>	means the sum of £1,064.71 (one thousand and sixty four pounds and seventy one pence payable towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the Development including Hadlow Library;
<b>Occupation</b>	means occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations and <b>Occupied</b> and <b>Occupy</b> shall be construed accordingly;
<b>Open Market Dwellings</b>	means all of the Dwellings for sale on the open market;
<b>Payment Notice</b>	means a payment notice in the form attached at Appendix 2
<b>Plan</b>	means the proposed Site plan with drawing number P093 – 001 dated June 2022 and annexed to this Deed at Appendix 1
<b>The Planning Permission</b>	means the planning permission granted by the Council pursuant to the Application and shall include any planning permission granted or obtained in respect of the Planning Permission pursuant to an application relating to the Planning Permission

under sections 73 or 73A of the 1990 Act in accordance with clause 6 of this Deed;

**Practical  
Completion**

means the issue of a certificate of practical completion by the Owner or their architect or in the event that the Development is constructed by a party other than the Owner the issue of a certificate of practical completion by that other party or their architects;

**Public Open Spaces  
Contribution**

means the sum of £45,728 (forty five thousand seven hundred an twenty eight pounds) payable in the following proportions for the purposes set out below:

- a) Parks & Gardens - £14,668 (fourteen thousand six hundred and sixty eight pounds towards Haysden Country Park
- b) Outdoor Sports Facilities - £27,278 (twenty seven thousand two hundred and seventy eight pounds) towards William Field recreation ground
- c) Children's and Young People's Play Areas - £3,582 (three thousand five hundred and eighty two pounds) towards William Field recreation ground

**RPI Index**

means the Retail Prices (All Items) Index as published by the Office for National Statistics or (if such index is at the relevant time no longer published) such other comparable index or basis for indexation as the Council may specify and **RPI Indexed** shall be construed accordingly;

**Secondary  
Education  
Contribution**

means the sum of £94,982,23 (ninety four thousand nine hundred and eighty two pounds and twenty three pence) towards the establishment of a new 6 FE Secondary School as identified at Broadwater Farm or in the alternative an alternative new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells non-selective education planning groups;

<b>Secondary Education Land</b>	means land to be acquired by the County Council for the new 6 FE Broadwater Farm Secondary School or the alternative site land for a new secondary school in either the Malling non-selective and Maidstone & Malling selective, and Tonbridge & Tunbridge Wells non-selective education planning groups;
<b>Secondary Education Land Contribution</b>	means the sum of £81,361.49 (eighty one thousand three hundred and sixty one pounds and forty nine pence) towards the land acquisition cost for the new 6 FE Broadwater Farm Secondary School or alternative site land for a new secondary school in either the Malling non-selective and Maidstone & Malling selective, and Tonbridge & Tunbridge Wells non-selective education planning groups;
<b>Special Education Needs &amp; Disabilities Contribution</b>	means the sum of £9,517.11 (nine thousand five hundred and seventeen pounds and eleven pence) towards the provision of additional Special Educational Needs and Disabilities (“SEND”) places within new or existing facilities including at Nexus Foundation Special School in Tonbridge to serve the needs of the Development;
<b>Spend</b>	means for the purposes of the paragraph 2.2 of Schedule Two including facilitating the delivery of or applying or spending or allocating or committing or using for the purpose for which the relevant contribution was paid;
<b>Waste Contribution</b>	means the sum of £3,300.21 (three thousand three hundred and twenty one pounds) towards household Waste Recycling Centre and Waste Transfer Station capacity serving the development, including at North Farm Depot, Tunbridge Wells;
<b>Working Day</b>	means any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

1.2. Clause and schedule headings shall not affect the interpretation of this Deed.

1.3. A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).

- 1.4. A reference to a company shall include any company, corporation or other body corporate, whether and however incorporated or established.
- 1.5. Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6. Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7. Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.8. References to clauses and Schedules are the clauses and Schedules of this Deed.
- 1.9. Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.
- 1.10. References to the Council and the Owner shall include the successors in title and assigns of each party including any local authority successor.
- 1.11. Any obligation on a party not to do something includes an obligation not to allow that thing to be done.

## **2. LEGAL BASIS**

- 2.1. This Deed is made pursuant to section 106 of the Act, section 1 of the Localism Act 2011, section 111 of the Local Government Act 1972 and all other enabling powers.
- 2.2. The obligations contained in this Deed are planning obligations for the purposes of section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by those persons in the Land and their respective successors and assigns.
- 2.3. The obligations contained in this Deed are enforceable by the Council in accordance with section 106 of the Act.
- 2.4. Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council or the County Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.

## **3. CONDITIONALITY**

This Deed shall come into effect immediately upon completion of this Deed save for the provisions of clauses 4 and 5 which are conditional upon the grant of Planning Permission.

#### **4. COVENANTS TO THE COUNCIL**

The Owner covenants with the Council:

- 4.1. to give the Commencement Notice to the Council not less than 10 Working Days before the anticipated Commencement of Development;
- 4.2. to provide evidence to the Council that Commencement of the Development has occurred within 5 Working Days of the actual Commencement of the Development
- 4.3. to give the First Occupation Notice to the Council not less than 10 Working Days before the First Occupation Date; and
- 4.4. to observe and perform the covenants, restrictions and obligations contained in this Deed including the Schedules hereto.

#### **5. COVENANTS BY THE COUNCIL**

The Council covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in the Second Schedule.

#### **6. SECTIONS 73 AND 73A PERMISSIONS**

In the event that an application is made by the Owner to the Council under Section 73 or Section 73A of the Act and consent has been granted for any variation or release of any condition contained in the Planning Permission (or a subsequent permission to which this clause relates) or if any such condition is varied or released (or a subsequent permission to which this clause relates) following an appeal by the Owner under Section 78 of the 1990 Act this Deed (including the Schedule(s) hereto) shall also apply to any development carried out pursuant to such varied planning permission granted pursuant to Section 73 section 73A or 78 of the 1990 Act and the covenants or provisions in this Deed shall be deemed to be accordingly modified to correspond to any such varied permission unless the Council considers that a separate deed pursuant to section 106 and/or s106A of the 1990 Act is required to secure the relevant planning obligations in relation to the new permission.

#### **7. RELEASE**

No person shall be liable for any breach of any of this Deed after parting with all of its interest in the Land, except in respect of any breach subsisting prior to parting with such interest.

#### **8. LOCAL LAND CHARGE**

This Deed is a local land charge and shall be registered as such by the Council

## **9. COSTS**

- 9.1. The Owner shall pay to the Council on or before the date of this Deed the Council's reasonable legal costs together with all disbursements incurred in connection with the preparation, negotiation and completion of this Deed and the sum of £460 (four hundred and sixty pounds) as a contribution towards the Council's costs of monitoring the implementation of this Deed and the sum of £300 (three hundred pounds towards the County Council's costs of monitoring costs).
- 9.2. For the avoidance of any doubt the costs referred to in this clause 9 do not constitute or purport to constitute planning obligations for the purposes of Section 106 of the Act and are payable pursuant to the other statutory provisions referred to in clause 2.

## **10. INTEREST ON LATE PAYMENT**

If any sum or amount has not been paid to the Council by the date it is due, the Owner shall pay the Council interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

## **11. OWNERSHIP**

- 11.1. The Owner warrants that no person other than the Owner has any legal or equitable interest in the Land.
- 11.2. The Owner agrees to give the Council immediate written notice of any change in ownership of any of its interests in the Land occurring before all the obligations under this Deed have been discharged, such notice to give details of the transferee's full name and registered office (if a company, or usual address if not) together with the area of the Land or unit of occupation purchased by reference to a plan.

## **12. NO FETTER OF DISCRETION**

Nothing (contained or implied) in this Deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

## **13. WAIVER**

No failure or delay by the Council to exercise any right or remedy provided under this Deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

## **14. AGREEMENTS AND DECLARATIONS**

The parties agree that:

- 14.1. nothing in this Deed constitutes a planning permission or an obligation to grant planning permission;
- 14.2. insofar as any clause or clauses of this Deed are held (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed;
- 14.3. this Deed shall cease to have effect (insofar only as it has not already been complied with) if:
  - 14.3.1. the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to the Commencement of the Development PROVIDED THAT in circumstances where a planning permission has been granted under Sections 73 and/or 73A of the Act in respect of the Development and that new planning permission has not been revoked or modified pursuant to s.97 of the Act or quashed or otherwise withdrawn (without the consent of the Owner) or expired prior to its implementation then this Deed shall continue to have legal effect in relation to such new planning permission subject to the provisions in clause 6;
- 14.4. nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission including any new permission granted pursuant to an application by the Owner under Section 73 or 73A of the Act) granted (whether or not on appeal) after the date of this Deed;
- 14.5. Notwithstanding the Third Schedule to this Deed, if the Owner fails to give the notice required by clauses 4.1 and 4.3 above then the Council shall be entitled in its absolute discretion to determine the date of Commencement of Development and the First Occupation Date and shall give notice to the Owner of the Council's determination;
- 14.6. All financial contributions due under the terms of this Deed shall be accompanied by a fully completed Payment Notice.
- 14.7. The obligations contained in this Deed shall not be binding on any statutory undertaker which has acquired part of the Land for purposes connected to their statutory functions necessary for the Development provided always that such statutory undertaker shall not themselves carry out any part of the Development.
- 14.8. The obligations in this Deed shall not be binding upon any person whose interest in the Land is restricted to being an individual purchaser occupier or tenant of any individual Dwelling and their successors in title or their mortgagee provided always that such individual purchaser, including their successors in title or their mortgagee, shall not themselves carry out any part of the Development.

## **15. NOTICES**

- 15.1. Any notice required by this Deed shall be in writing and shall be served on the relevant party at the address set out at the head of this Deed and in the case of the Council shall be marked for the attention of the Head of Planning and quoting the Application reference 25/00656/PA or such other address for service as shall have been previously notified in writing.
- 15.2. Any notice may be given by one of the following means and shall be deemed to be served as described unless the actual time of receipt is proved:
- (a) by recorded delivery, at the time delivery was signed for;
  - (b) by hand deemed served on signature of a delivery receipt provided that if delivery occurs before 9.00am on a Working Day, the notice will be deemed to have been received at 9.00am on that day, and if delivery occurs after 5.00pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00am on the next Working Day;
  - (c) For the avoidance of doubt, where proceedings have been issued in an English Court the provisions of the Civil Procedure Rules must be complied with in respect of the service of documents in connections with those proceedings.

## **16. THIRD PARTY RIGHTS**

It is agreed that nothing in this Deed shall be construed as expressly providing a right for any third party within the meaning of the Contract (Rights of Third Parties) Act 1999 and nothing in this Deed is intended to confer on any third party (whether referred to herein by name class description or otherwise) any benefit or any right to enforce any provision of this Deed.

## **17. FORWARD FUNDING**

If the County Council forward-funds any project facility infrastructure or other expenditure for which a County Council Contribution is payable pursuant to this Agreement from its own resources and/or enters into a commitment to a third party to repay any similar forward-funding provided by that third party (whether in cash and/or in kind) in anticipation of receipt of a County Council Contribution then on receipt of such County Council Contribution the County Council may credit such contribution or payment (including any indexation element and/or interest received thereon) to its own resources and/or repay such third party accordingly and in either case the receipt shall be treated as being immediately expended by the County Council for the purpose for which the forward-funding was expended.

## **18. INDEXATION**

- 18.1. The Public Open Spaces Contribution payable under this Deed shall be increased in accordance with: the following formula:

Amount Payable = Relevant Amount x (A/B)

Where:

Relevant Amount = the payment to be RPI Indexed

A = the figure for the RPI Index which applied when the RPI Index was last published prior to the date that the Relevant Amount is paid under this Deed

B = the figure for the RPI Index which applied when the RPI Index was last published prior to the date hereof

- 18.2. The County Council Contributions payable under this Deed shall be increased in the same proportion as the percentage increase in the All in Tender Price Index between the quarterly index for quarter 1 of 2022 and the quarterly index figure for the date of actual payment

## **19. DISPUTES**

- 19.1. If in connection with this Deed there shall arise a claim or dispute or difference (including unreasonable delay in providing approval, authority, consent or direction or some other decision or payment required by this Deed) the relevant parties shall first attempt to negotiate a solution.

- 19.2. If matters remain unsolved (as evidenced by the service of a written notice by one party on the other(s)) the parties shall refer the matter as follows:

19.2.1. where the difference or dispute relates to the construction or interpretation of this Deed, be referred to the determination (as an expert and not as an arbitrator) of an independent leading conveyancing/planning counsel agreed upon by the parties in dispute but in default of such agreement appointed by the President of the Law Society of England and Wales on the application of any of the parties in dispute;

19.2.2. where the difference or dispute relates to the carrying out of works or construction be referred to the determination (as expert and not as an arbitrator) of an independent Chartered Surveyor or Civil Engineer as appropriate being a partner or director practising in a leading firm of surveyors or civil engineers based in the South East of England or London and experienced in the matter in dispute agreed upon by the parties in dispute but in default of that agreement appointed by the President of the Royal Institution of Chartered Surveyors or the Institution of Civil Engineers as appropriate on the application of any of the parties in dispute PROVIDED that where a contract for the relevant works has been let and provides that the dispute or difference under it shall be referred to arbitration or the court any such dispute or difference which may arise between the parties in connection with those works shall be determined likewise.

- 19.3. If the parties in dispute shall fail to agree on the nature of the difference or dispute between them then any of them may apply to the President of the Law Society to appoint an independent solicitor being a partner in a leading firm of solicitors practising in the South East of England or London to decide (as expert and not as arbitrator) in relation to any such matter which of clauses 19.2.1 or 19.2.2 hereto is applicable.
- 19.4. Except as aforesaid any expert appointed pursuant to clauses 19.2.1 or 19.2.2 or any other person shall:
- (a) on their appointment serve written notice thereof on the parties in dispute;
  - (b) consider any written representations by or on behalf of those parties which are received by them within twenty working days of such service and immediately forward a copy of the written representation of one party to the other party;
  - (c) allow both parties to the dispute an opportunity of commenting in writing on the other party's representations within twenty working days of receipt by the other party thereof;
  - (d) have an unfettered discretion to determine the reference to them;
  - (e) serve notice of their determination as soon as they have made it;
  - (f) give full and clear reasons for their decision;
  - (g) be paid their proper fee and expenses in connection with such reference by the parties in dispute in equal shares or in such shares as they may determine and their determination shall be final and binding on the parties in dispute (save in the case of manifest error) PROVIDED THAT if any such expert shall die become insolvent or of unsound mind or if either of the parties in dispute shall serve on them written notice in their opinion they have unreasonably delayed making their determination they shall be ipso facto discharged and be entitled only to their reasonable expenses prior to such discharge and another person shall be appointed in their place as such expert.
- 19.5. The provisions of this clause shall not affect the ability of the Council to apply for and be granted any of the following: declaratory relief, injunction, specific performance, payment of any sum, damages, any other means of enforcing this Deed and consequential and interim orders and relief.

## **20. DELIVERY**

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

**21. GOVERNING LAW**

This Deed shall be governed by and interpreted in accordance with the law of England.

**IN WITNESS** whereof the parties hereto have duly executed this Deed on the day and year first before written.

**FIRST SCHEDULE**  
**COVENANTS BY THE OWNER**

The Owner covenants with the Council as follows:

**1. Contributions to the Council**

- 1.1. To pay to the Council prior to first Occupation of the Development the Public Open Spaces Contribution and such sums shall be Index Linked.
- 1.2. Not to Occupy the Development unless and until the Public Open Spaces Contribution have each been paid to the Council pursuant to paragraph of this Schedule .
- 1.3. If the Public Open Spaces Contribution are not paid to the Council on or before the relevant payment date, to pay to the Council in addition Interest from the relevant payment date until the actual date of payment pursuant to clause 10 and any such interest shall be treated as part of the Public Open Spaces Contribution.

**2. Contributions to the County Council**

- 2.1. To pay to the Council prior to the first occupation of the Development the County Council Contributions and such sums shall be Index Linked.
- 2.2. Not to Occupy the Development unless and until the County Council Contributions have each been paid to the Council pursuant to paragraph 2.1 of this Schedule.
- 2.3. If the County Council Contributions are not paid to the Council on or before the relevant payment date, to pay to the Council in addition Interest from the relevant payment date until the actual date of payment pursuant to clause 10 and any such interest shall be treated as part of the County Council Contributions.

**SECOND SCHEDULE**  
**COVENANTS BY THE COUNCIL**

**1. Covenants by the Council regarding the Public Open Spaces Contribution**

The Council covenants with the Owner as follows:

- 1.1. To use Public Open Spaces Contribution for their stated purpose and for no other purpose.
- 1.2. In the event that the Public Open Spaces Contribution (or any part of it) has not been spent or committed for expenditure by the Council within 10 (ten) years of the date of payment of the Public Open Spaces Contribution, the Council shall upon written request by the person who paid the Public Open Spaces Contribution return such part of the Council Contributions which has not been spent or committed for expenditure to the person who paid the contribution, together with any interest accrued thereon.

**2. Covenants by the Council regarding the County Council Contributions**

The Council covenants with the Owner as follows:

- 2.1. To use each of the County Council Contributions for their stated purpose and for no other purpose.
- 2.2. To transfer the County Council Contributions (or any part thereof) to the County Council if the Council is satisfied that the County Council will Spend the County Contributions on the purposes stated in this Deed or for such other purposes for the benefit of the Development as the Owner and the Council in consultation with the County Council may otherwise agree and the Council further covenants with the Owner (hereinafter in this paragraph deemed to refer to the person who made the relevant payment) to upon written request return to the Owner any part of the County Council Contributions which have not been so transferred to the County Council within ten (10) years from the date of payment.

## THIRD SCHEDULE

### Updated Viability Assessment

The parties to this Deed agree that this Third Schedule will only apply where Commencement of the Development has not occurred within 12 months from the date of this Deed.

Unless the context otherwise requires the terms and expressions used in this Schedule shall have the meanings defined in clause 1.1 of this Deed where necessary and also in the Definitions section below:

#### **Definitions**

<b>Affordable Housing</b>	means housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)
<b>Developer Contributions</b>	means the a financial contribution payable pursuant to paragraph 1.6.2 and which shall be put toward to provision of Affordable Housing within the administrative area of the Council
<b>External Consultant</b>	means the external consultant(s) appointed by the Council to assess the information submitted pursuant to paragraph 1.4 of this schedule
<b>Updated Viability Assessment</b>	means a financial viability assessment that is prepared using the same methodology as the financial viability assessment as submitted with the Planning Application but updated respectively to reflect accurately the financial viability position as at the time of its preparation

The Owner covenants with the Council as follows:

1. Submission and assessment of the Viability Information
- 1.1 Following the Owner's notification pursuant to clause 4.2 of this Deed, the Owner shall afford the Council access to the Land to inspect and assess whether or not the Development has

been Commenced PROVIDED ALWAYS THAT the Council shall:

- (a) provide the Owner with reasonable written notice of its intention to carry out such an inspection;
- (b) comply with relevant health and safety legislation; and
- (c) at all times be accompanied by the Owner or its agent.

- 1.2 If the Council notifies the Owner that the Council considers that the Commencement has not been achieved then clause 4.2 and paragraph 1.1 of this schedule shall continue to apply mutatis mutandis until the Council has notified the Owner that Commencement has been achieved
- 1.3 Where Commencement has not occurred before the expiry of 12 months from the date of this Deed (the Target Date) as determined by the Council or pursuant to dispute resolution in accordance with clause 19 of this Deed or if so notified by the Owner then the Owner shall submit the Updated Viability Assessment within 40 Working Days of being notified by the Council or of being notified by of the Expert pursuant to clause 19 or of the Owner's own notification under this paragraph 1.3, as the case may be .
- 1.4 The Council may appoint an External Consultant to assess the Updated Viability Assessment pursuant to paragraph 1.3 of this schedule
- 1.5 In the event that the Council and/or any External Consultant requires further information or supporting evidence to make the assessment pursuant to paragraph 1.4 of this schedule then the Owner shall provide any reasonably required information to the Council or the External Consultant (as applicable and with copies to the other parties) within 10 Working Days of receiving the relevant request and this process may be repeated until the Council and/or any External Consultant (as applicable) has all the information it reasonably.
- 1.6 When the Council or its External Consultant has completed its assessment of the information submitted pursuant to paragraph 1.3 of this schedule, the Council shall notify the Owner in writing of the Council's decision as to whether a Developer Contribution is required.
- 1.6.1 Where the Owner disagrees that a Developer Contribution is required the Owner may seek a determination by the Expert pursuant to clause 19 of this Deed.
- 1.6.2 If the Council or its External Consultant or the Expert determines (as the case may be) that the Developer Contribution is payable the Owner shall pay the Developer Contribution to the Council no later than 10 Working Days of receipt of a written request for payment.
- 1.7 The Owner shall pay the Council's costs which are reasonably and properly incurred in assessing the Updated Viability Assessment and any information pursuant to paragraph 1.5

of this schedule and which shall include those of the External Consultant within 10 Working Days of receipt of a written request for payment.

**APPENDIX 1**  
**THE PLAN**

**APPENDIX 2**  
**PAYMENT NOTICE**

## PAYMENT NOTICE

Payment of monies due under a Section 106 Planning Obligation

Payment to be made by/on behalf of: .....

Development at: .....

Agreement dated: .....

Planning application reference number: .....

Obligation in Agreement (Please continue on a separate sheet if necessary):

(a) Description of Contribution(s) and clause no(s):	
(b) Amount of Contribution(s) due:	
(c) Amount of interest due on Contribution(s) :	
(d) If applicable, the amount of interest due on Contribution(s):	
(e) Date upon which the Contribution(s) became due:	
(f) Method of Payment:	

THE COMMON SEAL of  
**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
was affixed to this Deed  
in the presence of:-

Authorised Officer .....

Executed as a deed by  
**MAGNUM PARTNERSHIP (BRENCHLEY) LIMITED**  
acting by a director in the presence of:

Signature of Director:.....

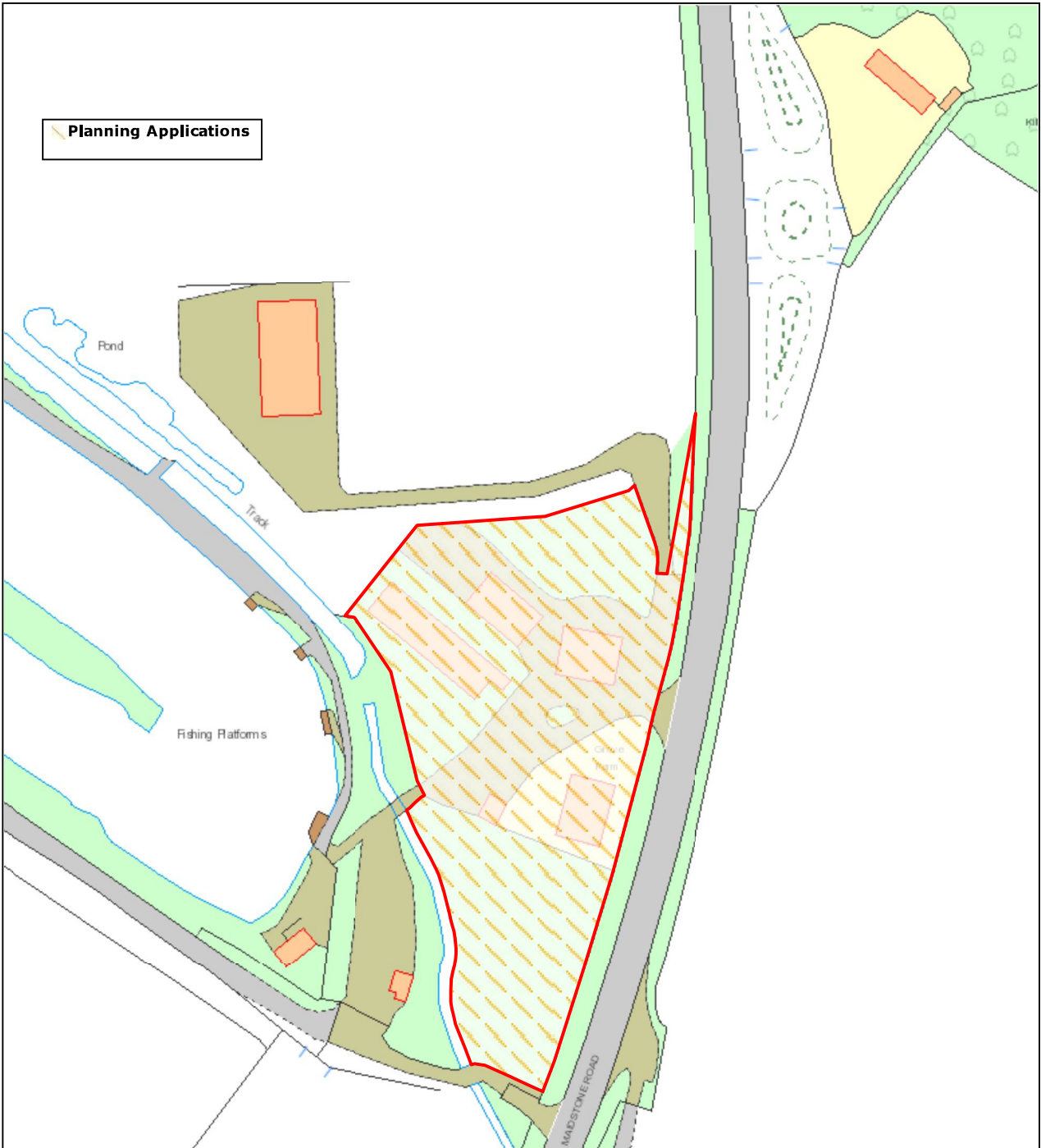
Name of director:.....

Signature of witness:.....

Name (in BLOCK CAPITALS):.....

Address:.....

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**Planning Applications 25/00656/PA**

**Scale: 1:1250**



Tonbridge & Malling Borough Council  
Gibson Building, Gibson Dr  
Kings Hill, West Malling  
ME19 4LZ  
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Date: 18/11/2025 11:48

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**Wrotham**  
Pilgrims With Ightham

**1 April 2026**

**TM/25/01725/FL**

**Location:** St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN

**Proposal:** Section 73 application to vary condition 22 (approved plans) of planning permission TM/18/02268/FL (as amended by ref. TM/23/00661/NMA, TM/23/00915/NMA and TM/25/01464/NMA) for alterations to the approved scheme to comprise of the removal of one home, layout and elevation changes, internal layout changes and confirmation of the final affordable housing mix

**Go to:** [Recommendation](#)

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## 1. Description of Proposal:

- 1.1 Planning permission was granted under application TM/18/02268/FL for the demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage.
- 1.2 Application TM/23/00661/NMA amended the wording of condition 20 (SuDS) to allow the demolition of buildings, removal of hardstanding and ground investigations/site survey works prior to the submission and approval of the sustainable drainage scheme.
- 1.3 Application TM/23/00915/NMA amended the wording of condition 19 (archaeology) to allow the demolition of buildings to the existing ground/slab level prior to the implementation, submission and approval of a programme of archaeological work in accordance with a written scheme of investigation.
- 1.4 Application TM/25/01464/NMA added a further planning condition to list all of the approved plans and documents (condition 22):

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

*Existing Location Plan 18-067 L(00)-001*

*Site Plan 18-067 L(00)-010*

*Site Landscape Plan 18-067 L(00)-011*

*Site Plan - Existing and proposed building comparison 18-067 L(00)-012*

*Site Plan - Separation Distances 18-067 L(00)-013*

*Flat Block - Ground Floor Plan 18-067 L(20)-100*

*House Block 01.1 - Ground Floor Plan 18-067 L(20)-101*

*House Block 01.2 - Ground Floor Plan L(20)-102*

*House Block 02 - Ground Floor Plan 18-067 L(20)-103*

*House Block 03 - Ground Floor Plan 18-067 L(20)-104*

*House Block 04.1 - Ground Floor Plan 18-067 L(20)-105*

*House Block 04.2 - Ground Floor Plan 18-067 L(20)- 106*

*House Block 04.3 - Ground Floor Plan 18-067 L(20)-107*  
*House Block 05.1 - Ground Floor Plan 18-067 L(20)-108*  
*House Block 05.2 - Ground Floor Plan 18-067 L(20)-109*  
*House Block 05.3 - Ground Floor Plan 18-067 L(20)-110*  
*Flat Block - First Floor Plan 18-067 L(20)-200*  
*House Block 01.1 - First Floor Plan 18-067 L(20)-201*  
*House Block 01.2 - First Floor Plan 18-067 L(20)-202*  
*House Block 02 - First Floor Plan 18-067 L(20)-203*  
*House Block 03 - First Floor Plan 18-067 L(20)-204*  
*House Block 04.1 - First Floor Plan 18-067 L(20)-205*  
*House Block 04.2 - First Floor Plan 18-067 L(20)-206*  
*House Block 04.3 - First Floor Plan 18-067 L(20)-207*  
*House Block 05.1 - First Floor Plan 18-067 L(20)-208*  
*House Block 05.2 - First Floor Plan 18-067 L(20)-209*  
*House Block 05.3 - First Floor Plan 18-067 L(20)-210*  
*Existing Site Elevations 18-067 L(21)-001*  
*Site Elevations 18-067 L(21)-010*  
*Elevation ABCD 18-067 L(21)-011*  
*Elevations EF 18-067 L(21)-012*  
*Site Elevations Colour 18-067 L(21)-020*  
*Elevation ABCD Colour 18-067 L(21)-021*  
*Elevations EF Colour 18-067 L(21)-022*  
*Site Boundary Sections 18-067 L(22)-010*  
*Site Sections - Existing and proposed comparison 18-067 L(22)-020*  
*Flat Types F\_1.0 & F\_2.0 18-067 L(23)-101*  
*House Type H\_1.0\_SO 18-067 L(23)-110*  
*House Type H\_1.1 18-067 L(23)-111*  
*House Type H\_2.0\_AR 18-067 L(23)-112*  
*House Type H\_3.0 18-067 L(23)-113*  
*House Type H\_4.0 18-067 L(23)-114*  
*House Type H\_4.1 18-067 L(23)-115*  
*House Type H\_5.0 18-067 L(23)-116*  
*House Type H\_6.0 18-067 L(23)-117*  
*House Type H\_1.0\_AR 18-067 L(23)-118*  
*House Type H\_2.0\_SO 18-067 L(23)-119*  
*Tree Protection Plan 15\_1116\_TPP\_NT\_Rev\_D*  
*Phase 1 Desk Study 15/10432/JM May 2015*  
*Phase 2 Report On A Site Investigation 15/10432/A/JM November 2015*  
*Tree Survey Report 15\_1116\_Report\_NT\_GB-V3 22nd June 2018*  
*Transport Statement September 2018*  
*Planning Statement September 2018*  
*Preliminary Ecological Appraisal 15\_1116\_ReportX02\_MF\_GB-V2 22nd June 2018*  
*Design and Access Statement rev A November 2018*  
*Covering Letter 21 September 2018*

*St George's Court Revised Scheme 18-067 Accommodation Schedule S(20)-001  
20.09.2018*

*St George's Court Revised Scheme 18-067 Plot Types Schedule S(20)-002  
26.11.2018 rev A*

*St George's Court Revised Scheme 18-067 Plot Schedule S(20)-003 26.11.2018  
rev A*

*Letter in response to letters 17 January 2019*

*Email from Enya MacLiam Roberts received 28.11.2018*

*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."*

1.5 This application seeks to vary the wording of condition 22 by substituting amended plans and documents to allow changes to the scheme, detailed fully within the cover letter, Planning Statement Addendum and Design & Access Statement Addendum, comprising of:

- Removal of one dwellinghouse, being the end of terrace dwellinghouse (plot 1) in the south-east corner of the site due to the existence of a mains water pipe
- External layout and elevation changes, including:
  - Level changes, including stepped site levels and raised patios for apartments 3 and 4
  - Alterations to windows and doors, including height reduction to windows and doors to account for Building Regulations and replacement of two windows with a single window on house type 2.0
  - Switch to air source heat pumps
  - Altered building roofs, being lower and of a stepped design
  - Introduction of roof eaves
  - Removal of low-level porch walls and porch posts
  - Reduced scale dormers
  - Re-siting of central proposed tree and removal of adjacent verge
  - Hardstanding and building changes to safeguard the health of existing trees
- Internal layout changes to homes to improve energy efficiency
- Amended housing mix, switching from 28 shared ownership and 10 affordable rent units, to 11 shared ownership and 26 affordable rent units.

1.6 Members should note that this is not an application for planning permission, but an application for a variation of condition/minor material amendment under [Section 73 of the Town and Country Planning Act 1990](#). The Act sets-out the following at Section 73 'Determination of applications to develop land without compliance with conditions previously attached.':

*"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”*

- 1.7 Also of relevance to the determination of a Section 73 application is the [National Planning Practice Guidance](#), which sets-out that:

*“An application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.*

*Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.”*

*“Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.”*

- 1.8 A Section 73 application cannot be used to amend the description of the development, as such a Section 96A (non-material amendment) application TM/25/01724/NMA has been submitted and is currently under consideration to amend the description of development from:

*'Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage'*

to:

*'Demolition and redevelopment of existing buildings to provide 37 residential units with associated parking, refuse and cycle storage'*

- 1.9 The non-material amendment application has not been called-in to planning committee and is therefore subject to a delegated decision.

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

- 2.1 The application is being reported to the Area 2 Planning Committee at the request of Councillor Betts to enable the committee to consider the impact of the proposals in relation to the affordable housing mix and external elevation changes.

**3. The Site:**

- 3.1 The site lies within the rural settlement confines of Wrotham. The site and Wrotham as a whole are washed over by the North Downs National Landscape. Wrotham Conservation Area is beyond the Courtyard Gardens development to the east; approximately 75 metres away.
- 3.2 The site is to the north of west street and it measures 0.94 ha. It used to accommodate 57 2-storey dwellings in use as sheltered housing, which have been subsequently demolished to slab level. The built form was concentrated in the centre of the site with grass banks, trees and hedges at the periphery, alongside 28 parking spaces.
- 3.3 The land generally slopes upwards towards the north-west. There are mature trees mainly on the southern frontage to West Street and on the western boundary. The majority are protected under a Tree Preservation Order (16/00011/TPO) confirmed on 19 September 2016.
- 3.4 Residential properties adjoin the site to the east and north, with public footpath MR235 adjoining the site to the west, with residential properties and amenity space to the other side of the public footpath.

**4. Planning History (relevant):**

TM/74/11677/OLD      Local Government Review Transfer      1 April 1974

Planning papers transferred to file TM/74/86 on 1/4/74.  
Proposed wardens scheme comprising 45 flats

TM/74/12780/OLD      No Objection      5 December 1974

Proposed wardens Scheme comprising 45 flats.  
(previous application MK/4/73/847)

TM/76/11067/FUL      No Objection      30 April 1976

Warden scheme comprising of 35 no. 1 person flatlets, 9 no. 2 person flatlets, 4 no. 2 person bungalows, wardens house and communal facilities.

TM/77/10525/FUL      Grant With Conditions      5 October 1977

Wardens Scheme of 17 one person flatlets, 9 two person flatlets, and one five person house, common room, laundry, 23 two person, 9 three person flats.

TM/96/01451/FL      Grant With Conditions      19 November 1996

installation of new lift and shaft in existing boiler room with new lean-to boiler room extension and pump room

TM/15/03051/FL      Refuse      18 November 2016

Demolition of the existing housing to be replaced with new residential flats and houses, with associated ancillary buildings, parking and amenity space: 5 apartment blocks 2-3 storeys in height consisting of 9 X 1 bed and 43 X 2 bed units; 6 X 2 bed houses and 2 X 3 bed houses with private garden amenity space

TM/18/02268/FL      Approved      21 June 2021

Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00229/RD      Approved      6 June 2023

Details of condition 9 (Contamination) 10 (Site Investigation) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00353/RD      Approved      12 July 2023

Details of condition 17 (Demolition and Construction Management Plan) submitted pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00582/RD      Approved      24 April 2023

Details of condition 14 (Ecology Mitigation Strategy) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00661/NMA      Approved      29 March 2023

Non-Material Amendment to planning permission TM/18/02268/FL: Amend the wording of condition 20 (SuDS)

TM/23/00915/NMA      Approved      16 May 2023

Non-Material Amendment to planning permission TM/18/02268/FL: Amend the wording of condition 19 (archaeology)

TM/25/00051/RD      Approved      18 February 2025

Details of Condition 19 (Archaeology) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/25/00230/RD      Approved      7 April 2025

Details of Condition 4 (Site Contour & Full Slab levels plan) pursuant to planning permission 18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/25/00652/RD      Approved      3 September 2025

Details of Condition 20 (Surface water drainage) (as per Non-Material Amendment TM/23/00661/NMA to planning permission TM/18/02268/FL: Amend the wording of condition 20 (SuDS)) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/25/01464/NMA      Approved      28 October 2025

Non- Material Amendment to planning application TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage. To Add Condition 22 (Approved Drawings and documents)

TM/25/01724/NMA      Under Consideration

Non-Material Amendment to planning permission TM/18/02268/FL (as amended by ref. TM/23/00661/NMA, TM/23/00915/NMA and TM/25/01464/PA) to amend the description of the development from 'Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage' to 'Demolition and redevelopment of existing buildings to provide 37 residential units with associated parking, refuse and cycle storage'

TM/25/02042/RD      Under Consideration

Details of condition 5 (Materials) Pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

**5. Consultees:**

5.1 All consultee comments are set out below, apart from appendices and standard advisories. Full copies of comments can be found on the Council's website.

5.2 Environment Agency:

*Response 1:*

No additional comments to make on the latest submission.

*Response 2:*

No additional comments to make on the latest submission

5.3 KCC Highways:

*Response 1:*

Raise no objection.

*Response 2:*

Raise no objection.

5.4 KCC LLFA:

*Response 1:*

We note that this Section 73 submission relates to minor material amendments to the approved scheme and variation of Condition 22 (Approved Drawings). The approved drainage strategy under Condition 20 has already been discharged and, based on the information provided, the proposed amendments do not affect the previously agreed SuDS or drainage arrangements.

It is proposed to manage the surface water for the site through infiltration, utilising permeable paving, an attenuation tank and the existing soakaways on site. These measures remain unchanged as part of this application.

Therefore, the LLFA has no further comments to make on this application.

*Response 2:*

We have no further comment to make on this proposal and would refer you to our previous response dated 11 November 2025.

5.5 KCC PROW:

Public Right of Way MR236 lies to the west of the proposed development, outside of the boundary, and will remain unaffected by the application. I enclose a copy of the Public Rights of Way network maps showing the line of the path for your information.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of eight weeks' notice is required to process any applications for temporary closures.

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

#### 5.6 Kent Downs National Landscape Unit:

*Standard guidance relating to National Landscapes provided*

The Kent Downs National Landscape team has seen a recent uplift in the number of consultations on planning applications. In accordance with the agreed Kent Downs Planning Protocol, which sets out that the Kent Downs Landscape team will only have a limited land use planning role and will prioritise its involvement in planning to planning policy matters, we will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the proposal. If our input would be particularly valued in this instance, please get in touch and we endeavour to provide informal advice where our current planning capacity allows.

In determining the application, the local planning authority has a new statutory duty, as set out above, to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. Further advice on the new duty is provided in Appendix 2 of this letter. The Kent Downs National Landscape team recommends that to help fulfil the new statutory duty, the Local Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents. Further details of these are provided in Appendix 1.

*Standard guidance in appendix 1 and 2 relating to National Landscapes provided*

#### 5.7 Kent Fire & Rescue:

*Response 1:*

I can confirm that on this occasion, it is my opinion that the emergency access requirements under the above act appear to have been met.

Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

*Response 2:*

The most recent amendments do not appear to have an impact on the previous comments made within our letter dated 3 November 2025, therefore our original letter (CAS-333440) remains valid and we have no further comments at this stage.

5.8 Kent Police:

From reviewing the application, it appears the construction phase of this development is well underway and commenced before my time in this role. Therefore, I do not wish to provide an official response but if the applicant wishes to discuss site-specific security, please email me at [alistair.hendry@kent.police.uk](mailto:alistair.hendry@kent.police.uk).

5.9 Parish Council: Comments to follow by supplementary report.

5.10 Southern Water:

*Response 1:*

No objections.

*Response 2:*

No objections.

*Map of Southern Water assets provided.*

5.11 TMBC Environmental Health:

*Response 1:*

I would re-iterate my comments from the original application (18/02268/FL), namely:

Noise

I noted that the internal layout of the proposed development incorporated several instances of incompatible uses being adjacent to one another (e.g. bedroom adjacent to stairwell). This is contrary to the guidance in BS8233:2014 "Guidance on sound insulation and noise reduction for buildings – Code Of Practice", para 7.7.3.3, which advises that "precautions should be taken where practical to minimize noise transfer". I recommended that the applicant review the layout to remove any incompatible adjacent uses and that, in the alternative, he should be required as a condition of approval, if given, to submit a noise insulation scheme, together with appropriate cross-sections.

Informatives

During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (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.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires

could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

Air Source Heat Pumps.

I have noted that the Applicant now proposes to install Air Source Heat Pumps (ASHPs) to the proposed dwellings. An issue raised by this is noise. The Applicant should be required to identify any noise attenuation measures required as a result of impacts to both existing off-site receptors and future onsite receptors. This will need to consider individual and cumulative impacts from the proposed ASHPs. I would recommend that the current version of BS4142 be used for this assessment.

*Response 2:*

Contaminated land  
No comment.

Noise.

The Applicant has confirmed that they have considered the potential impact from adjacent incompatible uses within the proposed development (as per my previous comments) and that they will be providing enhanced acoustic measures that will provide 50dB attenuation (i.e. 5dB above Building Regulations requirement) to the party walls. I am content with this.

The Applicant has provided brief details of the Air Source Heat Pumps (ASHPs) proposed to be installed. I understand that further information will be provided on this in a submission for Condition 18 and I will comment upon this in due course.

*Response 3:*

Contaminated land  
No comment

Environmental Protection  
No additional comments

#### 5.12 TMBC Housing Services:

*On the information received on 19.01.2026:*

The proposal to deliver 37 homes, comprising of 26 affordable homes for rent and 11 for sale on a shared ownership basis is supported.

In line with the S106 a Local Lettings Plan (LLP) will be needed, to be agreed between the Council and the Registered Provider/applicant, which will include priority for households with a local connection to the Rural West area.

Given the previous affordable housing provision on this site was older peoples housing, the applicant may wish to consider setting a number of homes on this site

to be prioritised for older people, as I understand has been discussed by the applicant and Members. I suggest this is included in the LLP.

*On the deed of variation:*

The proposed changes in the submitted variation are acceptable.

#### 5.13 TMBC Waste Services:

*Response 1:*

No further comments.

*Response 2:*

No additional comments.

5.14 Private reps: 8 letters despatched originally (15 during re-consultation), site notices and press notice (consultation undertaken twice due to receipt of further information). No responses received.

## 6. **Determining Issues:**

### Policy and Other Considerations

6.1 The following assessment is based on the contents of the policies and guidance listed below:

- [National Planning Policy Framework \(NPPF\) 2024 \(December\)](#)
- [National Planning Practice Guidance \(NPPG\)](#)
- [Tonbridge and Malling Borough Core Strategy 2007 \(TMBCS\):](#)
  - Policy CP1 Sustainable Development
  - Policy CP2 Sustainable Transport
  - Policy CP7 Areas of Outstanding Natural Beauty
  - Policy CP13 Other Rural Settlements
  - Policy CP15 Housing Provision
  - Policy CP17 Affordable Housing
  - Policy CP24 Achieving a High Quality Environment
  - Policy CP25 Mitigation of Development Impacts

The Core Strategy is now time expired, however not all policies contained within it are out of date. The [Core Strategy Policies Document](#) sets out the weight of each policy based on relative conformity with the NPPF.

- [Managing Development and the Environment Development Plan Document 2010 \(MDE DPD\):](#)
  - Policy CC1 Mitigation - Sustainable Design
  - Policy CC2 Mitigation - Waste Minimisation
  - Policy CC3 Adaptation - Sustainable Drainage
  - Policy CC4 Adaptation - Winter Water Storage
  - Policy NE2 Habitat Networks

- Policy NE3 Impact of Development on Biodiversity
- Policy NE4 Trees, Hedgerows and Woodland
- Policy SQ1 Landscape and Townscape Protection and Enhancement
- Policy SQ4 Air Quality
- Policy SQ5 Water Supply and Quality
- Policy SQ6 Noise
- Policy SQ7 Health and Well-being
- Policy SQ8 Road Safety
- Policy SQ9 Crime and Disorder
- Policy OS3 Open Space Standards
- Policy OS4 Provision of Open Space
- Policy OS5 Green Infrastructure Network
- Policy OS6 Open Space Accessibility and Safety
- [TMBC Affordable Housing Supplementary Planning Document \(AH SPD\)](#)
- [TMBC Affordable Housing Protocol \(AHP\)](#)
- [Kent Downs AONB Management Plan](#)
- [Kent Design SPD \(Kent Design Guide\)](#)
- [Kent Design – Supplementary Guidance \(Parking Standards\)](#)
- [Kent Landscape Assessment](#)
- [TMBC Climate Change Strategy 2020 to 2030](#)
- [TMBC Corporate strategy 2023 to 2027](#)
- [KCC Drainage and Planning Policy Statement](#)
- [Kent and Medway Growth and Infrastructure Framework 2018](#)
- [TMBC Draft Local Plan Evidence Base](#)

6.2 The Council is in the process of developing a new Local Plan and is presently at the Regulation 18 stage. In line with Paragraph 49 of the NPPF, LPAs may give weight to relevant policies in emerging plans. As the plan progresses, the greater the weight that it may be given.

#### Introduction

6.3 As explained in the first section of the report, the purpose of a Section 73 application is to assess whether planning permission should be granted for a proposed variation or removal of a condition attached to a planning application. In this case it is proposed to vary the wording of condition 22 by substituting amended plans and documents to allow changes to the scheme, detailed fully within the cover letter, Planning Statement Addendum and Design & Access Statement Addendum, comprising of:

- Removal of one dwellinghouse, being the end of terrace dwellinghouse (plot 1) in the south-east corner of the site due to the existence of a mains water pipe.
- External layout and elevation changes, including:
  - Level changes, including stepped site levels and raised patios for apartments 3 and 4

- Alterations to windows and doors, including height reduction to windows and doors to account for Building Regulations and replacement of two windows with a single window on house type 2.0
  - Switch to air source heat pumps
  - Altered building roofs, being lower and of a stepped design
  - Introduction of roof eaves
  - Removal of low-level porch walls and porch posts
  - Reduced scale dormers
  - Re-siting of central proposed tree and removal of adjacent verge
  - Hardstanding and building changes to safeguard the health of existing trees
- Internal layout changes to homes to improve energy efficiency
  - Amended housing mix, switching from 28 shared ownership and 10 affordable rent units, to 11 shared ownership and 26 affordable rent units.

6.4 The main issues for consideration are therefore the impact upon and acceptability of visual amenity, highways safety, surface water drainage, protected trees, ecology/biodiversity, residential amenity, housing mix and aural environment, which should be considered in the context of policies in the Local Development Framework and NPPF, in the overall context of sustainable development as detailed at paragraph 8 of the NPPF:

*“8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

Design and impact upon visual amenities/landscape

6.5 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...”*

6.6 Policy SQ1 of the MDE DPD also relates to design and visual impact:

*“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.”*

6.7 Policy SQ7 advises that development proposals must by way of their design/layout maximise opportunities for healthy living and provide access to open spaces. Policy SQ9 sets out that development will only be permitted whereby it can be demonstrated that the design/layout will be suitable in deterring crime. Healthy and safe communities are further emphasised at chapter 8 of the NPPF.

6.8 Policy NE4 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.

6.9 The site is within the North Downs National Landscape, as such policy CP7 of the TMBCS applies, which states development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.

6.10 These policies within the LDF are broadly in conformity with those contained within the NPPF, including paragraph 135 of the NPPF that seeks to ensure developments:

*“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.”*

6.11 Paragraph 136 of the NPPF explains the importance of trees:

*“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

6.12 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.”*

6.13 Also of relevance is paragraph 96, which states:

*“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

*a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*

*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*

*c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

6.14 Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes 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 such areas. 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

6.15 Additionally, the [Countryside and Rights of Way Act 2000 \(as amended\)](#) at section 85 requires that relevant authorities in exercising functions related to land in areas of outstanding natural beauty (now National Landscapes) shall seek to further the purpose of conserving and enhancing the natural beauty of that area.

- 6.16 The first changes proposed includes removing the end of terrace dwellinghouse, to be replaced by a semi-detached dwelling. The semi-detached dwelling is shown to be of a similar appearance to other buildings on site. This change is therefore considered in-keeping with the street scene and locality. It is acknowledged that this would result in one less unit being provided on site, however it is considered that the density of the development is appropriate for the locality and given the characteristics of the site, which contains a range of protected trees.
- 6.17 The range of external elevation and layout changes, including level changes, amended windows and doors, air source heat pumps, amended roof designs and amended porches are generally minor in extent and would not result in an unacceptable impact upon visual amenity. The introduction of eaves and stepped roofs across the development site are considered to improve the visual appearance of the individual buildings and therefore would result in a more aesthetically appealing street scene and development site.
- 6.18 The internal changes and amended housing mix are considered to have no material impact upon visual amenity.
- 6.19 In relation to tree works, the trees along the front and west side of the site are subject to tree preservation orders. The original scheme included the removal of 20 trees and part of one tree group, with five trees containing no dig construction within their root protection areas. It is now proposed to remove 23 trees and part of the tree group, a further three trees, to enable the development to be delivered. The additional trees proposed to be removed, T58 (Norway maple) and T59 (cherry), are not subject to tree preservation orders, are both C grade trees and are sited inside the site, therefore their loss is considered not unacceptably harmful to visual amenity. Tree T63 (holly) is a U grade tree which is dead, and its removal is considered acceptable for arboricultural reasons. In relation to construction within root protection areas, the plans have been amended since re-consultation to reduce the extent of no-dig hardstanding around the front of the site. Due to the removal of one house, T60 and T65 are no longer affected by the siting of a house, with T8, T11 and T12 no longer subject to no-dig construction within root protection areas. T2 remains with 'no-dig' hardstanding within the root protection area, but to a lesser extent. Additional areas of 'no-dig' construction are shown for several bike stores and some hardstanding. A total of five trees are shown to be affected by no-dig construction within root protection areas. This is considered acceptable as the overall extent of 'no-dig' construction is reduced around the front of the site, with the works considered necessary to enable the housing to be constructed and the Tree Protection Plan now matches the site layout plan.
- 6.20 Due to these changes to tree and landscape works, it is permissible to review the tree and landscaping conditions attached to the extant consent. The conditions attached to the existing permission just required adherence to the approved high-level plans. These conditions are therefore considered not appropriate for detailed

design as they do not provide a specific landscape scheme, do not fully detail tree protection measures, and do not specify no dig construction methodologies. It is therefore recommended to attach a revised suite of planning conditions, including trees, landscaping and levels, alongside further conditions for details of no-dig construction methodologies and servicing routes in relation to trees, to ensure that the trees are safeguarded on site and a thorough landscaping scheme comes forwards to mitigate any losses and improve visual amenity. These conditions have been reviewed and accepted by the applicant, and by granting this consent, the LPA can have more control over the trees and landscaping on site. This represents a major benefit of this revised scheme.

- 6.21 Members should note that the Parish Council state in their second comment that 18 trees will be felled, however this is less than is actually proposed. It is also stated a Horse Chestnut tree is proposed for removal; however this is not the case as it is proposed for retention, with 'no-dig construction' undertaken within the root protection area, but to a lesser extent than that approved under the extant scheme. It is acknowledged that trees will be removed in the centre of the site, however their removal is already consented, and these trees are of a low value C or U grade, with better replacements being sought through the revised landscaping condition, which was not secured under the extant permission.
- 6.22 It is also noted that there has been no indication as to the appearance of the bike and refuse storage facilities. It is therefore recommended that these conditions are updated to require the submission of detailed designs to the Local Planning Authority for approval, including foundation and construction details, to avoid any unacceptable harm to adjacent trees. Minor changes are also recommended to the materials condition to ensure it meets the conditions tests.
- 6.23 Overall, the changes proposed, subject to the recommended amended planning conditions, would not be detrimental to the overall character of the area, the landscape and visual amenity, including the North Downs National Landscape. On this basis it is considered that the proposed development is in accordance with policy CP24 of the TMBCS, policies SQ1 and NE4 of the MDE DPD, paragraphs 124, 130, 135, 136, 139 and 189 of the NPPF and section 85 of the Countryside and Rights of Way Act 2000.

#### Residential amenity

- 6.24 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.
- 6.25 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. 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.

- 6.26 House 20 is shown to be approximately 0.1 metres closer to the neighbour to the north, however this reduction in separation is not considered to result in an unacceptable change to levels of overlooking, privacy, sunlight, daylight or outlook of the adjoining dwelling.
- 6.27 Houses 21-24 are shown to be approximately 0.6 metres closer to the neighbouring houses to the west, however the majority of these proposed houses would face towards a communal green space, with the nearest first-floor window from the neighbouring garden being approximately 21.8 metres away, which is an acceptable separation between dwellinghouses. These changes would not cause an unacceptable loss of sunlight, daylight or outlook.
- 6.28 Changes to levels across the site are proposed, however these generally reduce the height and massing of the built form, apart from the front of the site, which is furthest from neighbouring dwellings. There is sufficient separation with adjoining neighbours to ensure there would be no unacceptable impacts upon residential amenity from these levels and associated changes.
- 6.29 The alterations to windows and doors across the development are proposed in such a way that they would be similarly sited to their approved locations, with the re-located windows being considered to not result in an unacceptable level of overlooking and privacy of the adjoining dwellings.
- 6.30 All other changes proposed are considered not to have an unacceptable impact upon residential amenities.
- 6.31 Overall, the proposed amendments would not have an unacceptable impact upon the residential amenity of neighbouring properties in terms of daylight, sunlight, outlook, overlooking and privacy, and neither would they be overbearing and the development therefore complies with policies CP1 and CP24, alongside the NPPF.

#### Housing Mix

- 6.32 Policy CP17 of the TMBCS details that affordable housing provision will be sought at a level of 40% of the number of dwellings proposed. It also states that unless circumstances dictate otherwise, 70% of the affordable dwellings provided on each site should be social rented housing, with the remainder being intermediate housing. Policy CP17 is to be read alongside the Affordable Housing Protocol and the Affordable Housing Supplementary Planning Document.
- 6.33 The Council's [Strategic Housing Market Assessment](#) (SHMA), produced in support of the regulation 18b draft Local Plan, sets-out the housing needs and requirements of the borough, being the most up-to-date evidence available specifically for the Tonbridge and Malling Borough.

6.34 The Council's Corporate Strategy includes a priority for Improving housing options for local people whilst protecting our outdoor areas of importance. The strategy aims to bring forward plans to help people onto the housing ladder, improve standards in the rented sector and support those at risk of homelessness through ensuring a strong focus on affordable housing in the borough whilst protecting our outdoor areas of importance.

6.35 Paragraph 66 of the NPPF states:

*"Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures."*

6.36 Paragraph 71 of the NPPF then goes on to explain that:

*"Mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported). Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build."*

6.37 Paragraph 96 details that:

*"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

*a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*

*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*

*c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible*

*green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

6.38 Annex 2 of the NPPF defines affordable housing as:

*“Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

*a) Social Rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent; (b) the landlord is a registered provider; and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.*

*b) Other affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*

*c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

*d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”*

6.39 The tenure mix as approved under application TM/18/02268/FL was for 28 shared ownership properties and 10 affordable rent, with the accommodation mix as per table 1 below. The S106 legal agreement set out a minimum number of each type of property, being 15 affordable housing units, comprising of no less than 10

affordable rented homes and 5 shared ownership properties, representing a 40% policy compliant scheme, with the rest of the units being market units.

**Table 1: Accommodation mix as per approved application TM/18/02268/FL.**

	<b>2 bed/4-person flat</b>	<b>2 bed/4-person house</b>	<b>3 bed/5-person house</b>	<b>Total</b>
<b>Affordable rented</b>	0	10	0	10
<b>Intermediate/shared ownership</b>	12	5	11	28
				38

6.40 It is proposed to amend the tenure mix to comprise of 11 shared ownership properties and 26 affordable rent, with the accommodation mix as per table 2 below, being 70% affordable rented and 30% shared ownership. The amended mix includes the flats as affordable rent, rather than shared ownership, with the majority of 2 bed houses being shared ownership rather than affordable rented, with all 3-bedroom houses proposed as affordable rented. The S106 legal agreement will remain as drafted, i.e. 10 affordable rented homes and 5 shared ownership homes, but with the clear intention for the applicant to build-out the scheme as proposed within the Section 73 application.

**Table 2: Proposed accommodation mix.**

	<b>2 bed/4-person flat</b>	<b>2 bed/4-person house</b>	<b>3 bed/5-person house</b>	<b>Total</b>
<b>Affordable rented</b>	12	3	11	26
<b>Intermediate/shared ownership</b>	0	11	0	11
				37

6.41 The proposed development provides more than the 40% level of required affordable housing under Policy CP17, with the split of housing according with this policy (30% shared ownership and 30% affordable rented). The amended development therefore remains acceptable in regard to this policy.

6.42 The proposal will change the tenure mix of the site from being predominately shared ownership to mainly affordable rented. Concerns have therefore been

raised by the Parish Council regarding the development not resulting in a mixed, balanced, safe and cohesive community, with the resultant risk of exacerbated anti-social behaviour due to the experience of existing issues with anti-social behaviour in the area, claimed to be due to existing Clarion affordable residents. The Parish Council advise that currently 23.7% of Wrotham Village's housing stock comprises of Clarion-owned affordable rented properties, higher than the proportion of affordable rented tenure dwellings within the borough of 15.4%, with the proposal exacerbating this issue.

6.43 The NPPF at paragraph 71 sets-out that (emphasis included):

*“Mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported).”*

6.44 National policy is therefore clear that a scheme of solely/mainly affordable housing, including affordable rented, should not be precluded from being supported despite the promotion of mixed tenure sites. The proposed tenure of predominately affordable rented should therefore not be resisted. Nevertheless, it should be noted that it is not proposed for the development to be a single tenure, as it is proposed to comprise of both eleven shared ownership and twenty-six affordable rented properties, which represents a mixed-tenure development.

6.45 It is acknowledged that Wrotham has a higher number of affordable rented properties than the average for the borough, however it is common for there to be variation in tenure amounts between areas. The Tonbridge and Malling Borough is a borough with higher than average house prices and higher than average levels of home ownership, therefore the average levels for the Borough of affordable rented properties is not typical and representative of the national average. The addition of a further sixteen properties compared to the extant consent of ten, is considered not to be a significant increase in the context of Wrotham as a whole, increasing the percentage of affordable rented properties in Wrotham to around 26.3% (based upon the figures provided by the Parish Council). It cannot therefore be reasonably considered that the provision of a further sixteen affordable rented properties compared to the extant permission, would result in an unacceptable impact upon the existing community of Wrotham and achieving aims for diverse and healthy communities.

6.46 Furthermore, in relation to concerns raised by the Parish Council regarding anti-social behaviour, it should be noted that just because someone resides within an affordable rented property, does not mean that they will cause anti-social behaviour. It therefore cannot be argued that prospective residents of the affordable rented dwellings at St Georges Court would cause anti-social behaviour. Additionally, whilst there are reports of anti-social behaviour from

existing residents within Wrotham, the issues are not caused by all properties, with the issues only being as a result of a small minority of households, who are not all Clarion residents. It has been confirmed through liaison with the Council's Anti-Social Behaviour Officer, in liaison with Kent Police, that the level of anti-social behaviour in Wrotham is not considered high and the issues raised are a general issue, not specific to Wrotham. This is further considered to justify that there are no reasons to resist the development proposed in relation to healthy and balanced communities. The Parish's concerns regarding Clarion's dealing with tenants' behaviour is not a material planning consideration and cannot be used to determine the acceptability of this application.

6.47 Paragraph 66 of the NPPF expects the mix of affordable housing for major developments to meet identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures. Therefore, to ensure the proposed mix is suitable for the area, reference needs to be made to the most recent evidence of local needs, which is held within the Strategic Housing Market Assessment 2026 (SHMA) in support of the Regulation 18 Local Plan consultation:

*"The evidence indicates that there is an acute need for affordable housing in the Borough and a need in all sub-areas."*

*"The majority of need is from households who are unable to buy OR rent and therefore points particularly towards a need for affordable or social rented housing rather than affordable home ownership."*

*"The level of affordable need does suggest the Council should maximise the delivery of such housing at every opportunity."*

*"The analysis suggests there will be a need for both social and affordable rented housing – the latter will be suitable particularly for households who are close to being able to afford to rent privately and possibly also for some households who claim full Housing Benefit."*

*"Shared Ownership is likely to be a suitable Affordable Home Ownership (AHO) product for households with more marginal affordability (those only just able to afford to privately rent but not to buy outright) as it has the advantage of a lower deposit and subsidised rent."*

*"In deciding what types of affordable housing to provide, including a split between rented and home ownership products, the Council will need to consider the relative levels of need and also viability issues (recognising for example that providing AHO may be more viable and may therefore allow more units to be delivered, but at the same time noting that households with a need for rented housing are likely to have more acute needs and fewer housing options)."*

*“Overall, the analysis identifies a notable need for affordable housing, and it is clear that the provision of new affordable housing is an important and pressing issue in the area.”*

*“It does, however, need to be stressed that this report does not provide a definitive affordable housing target that should be proscribed by the Council on sites across Tonbridge and Malling. This is due to limitations in the amount of affordable housing that can viably be delivered on individual sites. The evidence does, however, suggest that affordable housing delivery should be maximised where opportunities arise.”*

6.48 In light of the SHMA, it can be seen that the Tonbridge and Malling Borough significant need for affordable properties in all sub-areas. There is a particular need for rented properties as opposed to affordable home ownership. The proposed amended development comprising of 26 affordable rented properties, as opposed to the ten as approved, will therefore deliver a much-needed housing product for residents on the Council’s housing register. In relation to home ownership, the most suitable affordable home ownership product according to the SHMA are shared ownership dwellings. The provision of eleven of these shared ownership properties within the development is therefore considered to be acceptable. As such, the resultant amended tenure mix, in particular due to the higher proportion of affordable rented, is substantially supported by the local housing needs evidence and is more aligned with the current needs of the Borough than the extant permission.

6.49 The SHMA confirms that the report does not provide a definitive affordable housing target for individual sites, which is caveated due to the consideration of individual site viability. On this scheme, the development is being proposed by Clarion Housing group, a registered provider, and no viability argument has been put forward. They hold a wide range of stock across the borough, being primarily rented provision. It is therefore considered that on this occasion, the evidence base can be considered in relation to this site, with the SHMA generally aligning with the proposed amended tenure mix as part of this application.

6.50 Within the NPPF, various types of affordable housing are defined. Social rent has not been proposed by Clarion on this occasion as it has been explained that this would not work financially, although this has not been viability tested by the Council as it is not considered warranted on this occasion. The development however includes the provision of affordable rent in accordance with the NPPF definition, which is considered acceptable in this instance as the SHMA shows a clear need for affordable rented dwellings. In relation to affordable home ownership, shared ownership is proposed, which given this is the preferred type of affordable home ownership in the SHMA, is considered appropriate. The SHMA does not show a need for discounted market sales or first homes, and neither were these forms of affordable housing proposed originally, therefore the non-inclusion of these forms of affordable housing is accepted. The provision of build

to rent were not proposed originally, and therefore their non-inclusion on this occasion is accepted. In relation to delivering housing for older people, in particular given how the previous affordable housing provision on this site was older peoples housing and points made by both the Parish Council and Housing Officer, it is recommended that a number of the houses are prioritised for older people, to be secured under the Local Lettings Plan under the S106 legal agreement.

- 6.51 As such, it is considered that the proposed tenure mix, with increased affordable rented dwellings and eleven shared ownership properties, would result in a mixed, healthy and balanced community, supported by and compliant with the NPPF and SHMA.
- 6.52 Within the mix of housing proposed, there would be more flatted provision within the affordable rented tenure and seven fewer two-bedroom properties. However, this is considered counter-balanced through the provision of eleven 3-bedroom family houses, which are of a priority need in the Borough, as demonstrated by the SHMA. Internal room sizes and layouts have been amended; however, these are judged as being appropriate. The revised mix of housing in relation to property types and sizes is therefore considered acceptable, complying with local and national policy and meeting local needs.
- 6.53 The application has been reviewed by the Council's Housing Team, who have reviewed the proposals and confirmed their support for the proposed amendments, particularly as it delivers more much-needed rented provision for residents on the housing register.
- 6.54 As with the approved development, to ensure that the homes come forwards with a priority for households with a local connection to the Rural West area, a Local Lettings Plan (LLP) will need be agreed between the Council and the Registered Provider/applicant as part of the S106 legal agreement.
- 6.55 The Parish Council has referred to paragraph 64 of the NPPF, however this is relevant to local plan and policy making and is not aimed at the assessment of development management planning applications.
- 6.56 Overall, the amended affordable housing provision at the site is considered to be greatly improved compared to the approved development, providing a mix of affordable housing that meets the identified local needs across affordable rented and affordable home ownership tenures, in particular, delivering much-needed affordable rented housing for residents of the Borough. It does this in a manner which will not conflict with achieving a strong, vibrant and healthy community in Wrotham. As such, the development adheres to policy CP17 of the TMBCS, the TMBC Corporate Strategy and paragraphs 66, 71 and 96 of the NPPF.

Access, highways and transport

6.57 Policy CP2 relates to sustainable transport and explains 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.”*

6.58 Policy SQ8 of the MDE DPD covers road safety and 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.”*

6.59 Paragraph 115 of the NPPF states that in assessing development applications, it should be ensured that

*“a) sustainable transport modes are prioritised taking account of the vision for the site, 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 through a vision-led approach.”*

6.60 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.

6.61 Paragraph 117 sets-out the context:

*“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.”*

- 6.62 Paragraph 118 then sets out that all developments that will generate significant amounts of movement should include a travel plan and be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.63 The application is supported by an updated Transport Assessment, updated for the amended scheme. As the development results in the reduction of one dwellinghouse, there would be a slight reduction in expected vehicle movements.
- 6.64 The levels of parking are proposed to remain as approved, therefore the amount of parking available on site per dwelling will increase slightly. Access is to remain as approved, apart from the removal of one pedestrian access, however this is considered justified to safeguard the health of existing trees.
- 6.65 KCC Highways have revised the amended development and raise no objection to the development proposals.
- 6.66 It has been noted that design of the bike storage have not been provided, therefore the cycle provision condition is recommended to be updated to require submission of details to the LPA for approval. Some of the cycle storage areas are within root protection zones and shown as being of a no dig construction, therefore details of the construction shall also be sought by planning condition to ensure no unacceptable effects occur to protected trees.
- 6.67 It is also proposed to merge the parking provision and turning facilities conditions together to enable the cycle parking condition, which is currently joined to the general parking condition, to be a separate condition.
- 6.68 In light of the above assessment and the lack of objections from KCC Highways, it is considered that the development would not result in an unacceptable impact on highway safety. The development would be sustainable in relation to transport. It would therefore not conflict with Policy CP2 of the TMBCS, Policy SQ8 of the MDE DPD or paragraphs 115-118 of the NPPF.

#### Ecology and biodiversity

- 6.69 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.
- 6.70 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.

6.71 These policies broadly accord with the policies of the NPPF. In particular, paragraph 187 a) and d) and paragraph 196:

*“187. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;...”*

*“193. When determining planning applications, local planning authorities should apply the following principles:*

*a) 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;*

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

6.72 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.

6.73 The changes proposed as part of this application are not considered to result in an unacceptable impact upon ecology. It is however noted that due to design

changes to the eaves, the location of the bat roost features as approved via the ecology condition would no longer exist. As such, the ecology mitigation condition shall need to be re-attached and re-discharged.

6.74 Overall, the development is anticipated not to result in any significant effects on ecology. As such it is considered that the proposals accord with all relevant national and local planning policy in relation to ecology, including policies NE1-NE3 of the MDE DPD and the NPPF.

Surface water drainage:

6.75 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.

6.76 Within the NPPF, paragraph 182 explains that:

*“Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:*

*a) take account of advice from the Lead Local Flood Authority;*

*b) have appropriate proposed minimum operational standards; and*

*c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.”*

6.77 KCC LLFA have raised no objection to the changes proposed as part of this application. It is however noted that the loss of a dwelling and due to the change in site levels, the surface water drainage scheme will need to be re-designed. It is therefore recommended that the surface water drainage conditions are re-attached but updated to meet current wording.

6.78 Overall, with this condition attached it is considered that the development would be acceptable in relation to surface water flood risk and drainage, complying with policy CC3 of the MDE DPD and paragraph 182 of the NPPF.

Aural environment

6.79 Paragraph 187 e) of the NPPF relates to pollution and details that:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;”*

6.80 Paragraph 198 of the NPPF states:

*“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

*b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

6.81 Policy SQ6 of the MDE DPD details that in considering the impact of noise from transport-related sources on proposals for new residential development, the Noise Exposure categories (NECs) identified in the policy annex will be applied. It also explains that proposals for noise-sensitive development will be required to demonstrate that noise levels are appropriate for the proposed use, and proposals for built development should incorporate design measures such that internal noise levels are demonstrated to meet the criteria levels in relevant guidance.

6.82 Environmental Health originally raised concerns with the potential impact from adjacent incompatible uses within the proposed development, however the applicant has confirmed that they will be providing enhanced acoustic measures that will provide 50dB attenuation. Comments were also made regarding Air Source Heat Pumps (ASHPs). The applicant provided details of the ASHPs, with the impact from the ASHPs considered not to be harmful due to their increased use across modern development sites, replacing traditional gas boilers in the interests of addressing climate change. To ensure an acceptable aural

environment for both existing and future residents, it is recommended that a revised planning condition is included to cover the submission of a noise report and any required acoustic attenuation measures, covering both on-site and off-site receptors.

6.83 Overall, given the details of the submitted information, the comments from Environmental Protection and the recommended planning condition, the development would accord with policy SQ6 of the MDE DPD and paragraphs 187e) and 198 of the NPPF.

Water supply

6.84 Policy SQ5 of the MDE DPD states:

*“1. 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.*

*Planning permission will only be granted for developments which increase the demand for offsite water and sewerage infrastructure where:*

*(a) sufficient capacity already exists, or*

*(b) extra capacity can be provided in time to serve the development.*

*3. When there is a water or sewerage capacity problem and there are no programmed off-site infrastructure improvements, planning permission will only be granted if the developer funds, under the relevant water supply legislation, appropriate infrastructure improvements which should be completed prior to occupation.”*

6.85 Members from the Area 2 Planning Committee are likely to be aware of comments from South East Water in relation to the Local Plan Regulation 18b consultation and subsequent water resources planning. In summary, their Local Plan representation sets-out their growth forecast for 2025-2042 as part of their ‘Water Resources Management Plan 2024’ which would not keep up with the anticipated growth across the borough within the draft Local Plan Infrastructure Delivery Plan.

6.86 The current Section 73 application is not a new application for planning permission, but an amendment to the existing permission approved under reference TM/18/02268/FL, with an alternative consent being granted should it be resolved to grant permission. The amended development would therefore not result in any additional water demands than that already approved. It should however be noted that the proposal will reduce potential water demand as the amendment includes the removal of one dwellinghouse. It has to also be noted that the applicant has an extant planning permission for the construction of 38 dwellings, which can be proceeded with irrespective of the decision on this

application. It is therefore considered that the current matters relating to South East Water do not prevent the determination of this application, and the approval of this application would result in a development with less water demand than that already consented.

- 6.87 Overall, given the extant permission for 38 dwellings, the current variation of condition application for 37 dwellings would reduce potential water demand and the applicant has a material fall-back position that could continue to be implemented. It is therefore considered that the development cannot be resisted and a refusal under policy SQ5 of the MDE DPD cannot be justified.

Other conditions for amendment

- 6.88 When considering a Section 73 application, the existing conditions on the original permission need to be considered as to whether they require amendment in light of the amendments proposed or subsequent application.
- 6.89 The application seeks to amend the plans list condition to reflect the revised plans to implement the proposed changes. This condition is therefore proposed as condition 1.
- 6.90 Several other conditions however require amending, as detailed throughout this report. In addition to these, it is proposed to amend the wording of the contamination condition to refer to the approved details under application TM/23/00229/RD as these details do not need to be re-submitted again as they remain unaffected by the proposed changes. In relation to construction management, although this condition has already been discharged, it will need to be re-attached again as the site layout has changed compared to that shown on the approved construction management plan. Archaeological matters were approved under conditions application TM/25/00051/RD, therefore the archaeology condition needs to be amended to refer to this application and to ensure ongoing compliance. The time limit condition does not need to be re-attached as the development has been implemented. All conditions previously attached did not reference specific policies and NPPF paragraphs, therefore these require adding, alongside minor corrections to wordings of conditions to ensure they meet the conditions tests. It is proposed to re-order the conditions into topic order, with those requiring submission soonest listed first, with those requiring ongoing compliance listed later, in accordance with government guidance.

S106 Agreement – deed of variation

- 6.91 To accompany the changes as part of the planning application, it will also be necessary to amend the S106 agreement. The changes proposed to this are as follows:
- 6.92 The definition of “Application” shall be deleted and the following definition inserted in its place:

*“Application” means “the planning application submitted by the Owner to the Council for planning permission for the Development and bearing LPA number 25/01725/FL”.*

6.93 The definition of “Development” shall be deleted and the following definition inserted in its place:

*“Development” means “Demolition and redevelopment of existing buildings to provide 37 residential units with associated parking, refuse and cycle storage”.*

6.94 A new clause (number 9) shall be inserted:

*“Section 73 permissions*

*In the event that the Council at any time hereafter grants a planning permission pursuant to an application made under section 73 of the 1990 Act (or section 73B of the 1990 Act when in force) in respect of any condition on the Permission, the Application and/or Permission and/or the Development shall be deemed to include any such subsequent application, planning permission and/or development granted in relation thereto and this Deed shall then take effect and be read and construed accordingly SAVE where the Council in its absolute discretion deems that a deed of variation, supplementary deed or other such document to secure relevant additional or alternative planning obligations pursuant to section 106 of the 1990 Act is required.”*

6.95 These proposed changes are considered acceptable, ensuring that the changes undertaken as part of this planning application are reflected in the legal agreement and to enable any future necessary changes to be undertaken without the need to amend the legal agreement administrative wording.

### Conclusion

6.96 Overall, the proposed variation in the wording of the conditions would not result in an unacceptable impact upon and is considered acceptable in relation to visual amenity, highways safety, surface water drainage, protected trees, ecology/biodiversity, residential amenity, housing mix and aural environment. The changes do not affect the fundamental principles established by planning permission TM/18/02268/FL.

6.97 It is therefore recommended that planning permission be granted subject to a deed of variation to the legal agreement, planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion and informatives to bring specific information to the attention of the applicant.

## **7. Recommendation:**

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

7.2 A deed of variation to secure:

- Variation to clause 2 definitions of "Application" and "Development".
- Addition of clause 9 "Section 73 permissions".
- Any other changes which are considered necessary during discussions with the Council's appointed consultant solicitor.

7.3 The following planning conditions:

**Conditions:**

Plans/document list:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Existing Location Plan 18-067 L(00)-001
  - Site Plan 18-067 L(00)-010 rev. F
  - Site Plan - Existing and Proposed Building Comparison 18-067 L(00)-012 rev. B
  - Site Plan - Separation Distances 18-067 L(00)-013 rev. B
  - Flat Block - Ground Floor Plan 18-067 L(20)-100 rev. C
  - Block B - Ground Floor Plan 18-067 L(20)-101 rev. B
  - House Block 01.2 - Ground Floor Plan 18-067 L(20)-102 rev. A
  - House Block 02 - Ground Floor Plan 18-067 L(20)-103 rev. A
  - House Block 03 - Ground Floor Plan 18-067 L(20)-104 rev. A
  - House Block 04.1 - Ground Floor Plan 18-067 L(20)-105 rev. A
  - House Block 04.2 - Ground Floor Plan 18-067 L(20)-106 rev. A
  - House Block 04.3 - Ground Floor Plan 18-067 L(20)-107 rev. A
  - House Block 05.1 - Ground Floor Plan 18-067 L(20)-108 rev. A
  - House Block 05.2 - Ground Floor Plan 18-067 L(20)-109 rev. A
  - House Block 05.3 - Ground Floor Plan 18-067 L(20)-110 rev. A
  - Flat Block - First Floor Plan 18-067 L(20)-200 rev. B
  - Block B - First Floor Plan 18-067 L(20)-201 rev. B
  - House Block 01.2 - First Floor Plan 18-067 L(20)-202 rev. A
  - House Block 02 - First Floor Plan 18-067 L(20)-203 rev. A
  - House Block 03 - First Floor Plan 18-067 L(20)-204 rev. A
  - House Block 04.1 - First Floor Plan 18-067 L(20)-205 rev. A
  - House Block 04.2 - First Floor Plan 18-067 L(20)-206 rev. A
  - House Block 04.3 - First Floor Plan 18-067 L(20)-207 rev. A
  - House Block 05.1 - First Floor Plan 18-067 L(20)-208 rev. A
  - House Block 05.2 - First Floor Plan 18-067 L(20)-209 rev. A
  - House Block 05.3 - First Floor Plan 18-067 L(20)-210 rev. A
  - Existing Site Elevations 18-067 L(21)-001
  - Site Elevations 01, 02, 03 & 04 18-067 L(21)-010 rev. B

- Site Elevations A-A, B-B, C-C & D-D 18-067 L(21)-011 rev. B
- Site Elevations E-E & F-F 18-067 L(21)-012 rev. B
- Proposed Site Boundary Sections 18-067-L(22)-010 rev. B
- Site Sections - Existing and Proposed Comparison 18-067 L(22)-020 rev. B
- Flat Types F\_1.0 & F\_2.0 18-067 L(23)-101 rev. A
- Flat Types F2.1 18-067 L(23)-101.1
- House Type H\_1.2 18-067 L(23)-110 rev. A
- House Type H\_1.1 18-067-L(23)-111 rev. B
- House Type H\_2.0 18-067 L(23)-112 rev. A
- House Type H\_3.0 18-067 L(23)-113 rev. A
- House Type H\_4.0 18-067 L(23)-114 rev. A
- House Type H\_4.2 18-067 L(23)-114.1
- House Type H\_4.1 18-067 L(23)-115 rev. A
- House Type H\_5.0 18-067 L(23)-116 rev. A
- House Type H\_6.0 18\_067 L(23)-117 rev. A
- House Type H\_6.1 18-067 L(23)-117.1
- House Type H\_1.0 18-067 L(23)-118 rev. A
- House Type H\_2.1 18-067 L(23)-119 rev. A
- Phase 1 Desk Study 15/10432/JM May 2015
- Phase 2 Report On A Site Investigation 15/10432/A/JM November 2015
- Transport Statement January 2026
- Planning Statement September 2018
- Planning Statement Addendum January 2026
- Preliminary Ecological Appraisal 15\_1116\_ReportX02\_MF\_GB-V2 22nd June 2018
- Design and Access Statement rev. A November 2018
- Design and Access Statement Addendum rev. D January 2026
- Accommodation Schedule 18-067 S(20)-001 rev. A
- Types Schedule 18-067 S(20)-002 rev. B
- Plot Schedule 18-067 S(20)-003 rev. D
- Covering Letter 21 September 2018
- Covering letter 16 January 2026
- Email to Environmental Health 20 November 2025

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.

Design:

2. a) No above ground development shall take place until details of materials to be used externally have been submitted to and approved in writing by the Local Planning Authority.

b) 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 area or the visual amenity of the locality, including the North Downs National Landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1, the National Planning Policy Framework 2024 (paragraphs 135 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

3. a) No further development shall take place until details of the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels (including roads, footpaths and landscaping) in relation to the existing ground levels of the site, adjoining land and highways, and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the character of the area and visual amenity of the locality, including the North Downs National Landscape and the health of any trees or vegetation and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

4. a) Within six months of the date of this permission a scheme of hard and soft landscaping and boundary treatments, including details of existing trees to be retained and size, species/cultivar, planting heights, densities and positions of any new soft landscaping including details of proposed new tree planting to replace Tree Preservation Order trees which are being removed as part of the development hereby approved, shall be submitted to the Local Planning Authority for its formal written consent. The scheme shall be based on and expand upon the Site Landscaping Plan 18-067 L(00)-011 rev. E, updated to relate to the final construction details.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

5. a) No excavations for services shall be undertaken until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

6. a) No further development shall take place until a dimensioned tree protection plan in accordance with Section 5.5 of BS5837: 2012 (Trees in relation to design, demolition and construction – Recommendations) and a site specific arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. These documents shall be based on and expand upon the principles and methodologies in the Tree Survey Report 15\_1116\_Report\_NT\_GB-V7 18th March 2026 and Tree Protection Plan 15\_1116\_TPP\_NT\_Rev\_J, updated to relate to the final construction details.

b) No further site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

7. a) No works in relation to the proposed 'no dig' surfaces shown on Tree Protection Plan 15\_1116\_TPP\_NT\_Rev\_J or any subsequently approved plans showing no dig surfaces shall take place until details of the no-dig design and construction techniques, including plans and sections showing the proposed no dig construction in relation to the existing site levels and adjacent trees have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

8. a) Prior to the installation of the refuse storage facilities, a scheme for the storage, screening and collection of refuse shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans and elevations, method/s of installation/construction, foundation details and proposed levels for the building/s and adjoining land in relation to existing land levels and trees.
- b) The development shall thereafter be implemented in accordance with the approved details. No dwelling hereby approved shall be occupied until the storage and screening of refuse to serve that dwelling has been provided in accordance with the approved details and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse, to ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality, including the North Downs National Landscape, to safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

Highways/transport:

9. a) No dwelling within the development hereby permitted shall be occupied until the areas shown on the submitted layout (Site Plan 18 - 067 L(00) – 010 rev. B) as vehicle parking and vehicle turning areas to serve that dwelling have been provided, surfaced and drained.

b) Thereafter, the vehicle parking and turning areas 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 the land so shown or in such a position as to preclude vehicular access to the reserved parking spaces and turning area.

Reason: To ensure that adequate parking is provided, maintained and retained and 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 2024 (paragraphs 115-117).

10. a) Prior to the installation of the cycle storage, a scheme of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans and elevations, method/s of installation/construction, foundation details and proposed levels for the building/s and adjoining land in relation to existing land levels and trees.

b) The development shall thereafter be implemented in accordance with the approved details. No building hereby approved shall be occupied until the cycle storage area to serve that building has been provided in accordance with the approved details and shall be retained at all times thereafter.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards, to safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1, SQ8 and NE4, the National Planning Policy Framework 2024 (paragraphs 115-117, 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

11. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans (Site Plan 18-067 L(00)-010 rev. F).

Reason: To ensure the safe and free flow of traffic, in the interests of highways safety and in accordance with Tonbridge and Malling Borough Core Strategy 2007

policy CP2, Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 115-117).

Contamination/lighting/noise

12. The development shall be carried out in accordance with the contamination and site investigation details approved under ref: TM/23/00229/RD (Phase 2 Report on a Site Investigation received 01.02.2023, Letter received 23.03.2023, email - arrangements for dealing with unforeseen contamination received 06.04.2023 and email - response to Environmental Health received 05.05.2023).

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2024 (paragraphs 187, 196 and 197).

13. a) 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 these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

b) 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 2024 (paragraphs 187, 196 and 197).

14. a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless first agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority.

b) The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2024 (paragraphs 187, 196 and 197).

15. a) No external lighting shall be installed within the application site until details of the location, design, mounting, intensity and shielding of the lighting have been submitted to and approved in writing by the Local Planning Authority.
- b) The external lighting works shall be carried out in accordance with the approved details and maintained and retained at all times thereafter.

Reason: In the interests of 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 2024 (paragraph 198).

16. a) No dwellings within the development hereby permitted shall be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority.

The report shall set-out any noise attenuation measures required to ensure an acceptable aural environment for future onsite receptors.

In relation to the Air Source Heat Pumps, the report shall set-out any noise attenuation measures required to ensure an acceptable aural environment for existing off-site receptors and future onsite receptors, considering both individual and cumulative impacts from the proposed development. The submission shall also include specifications of the proposed Air Source Heat Pumps.

- b) The development shall be carried out in accordance with the approved details, with the sound insulation/attenuation measures installed prior to occupation of the dwelling they serve and prior to occupation of the development for mitigation measures for offsite receptors. The mitigation measures shall be maintained and retained at all times thereafter.

Reason: To safeguard the aural amenity of existing residents and the occupiers of the dwellings hereby approved and in accordance with the Managing Development and the Environment Development Plan Document 2010 policy SQ6 and the National Planning Policy Framework 2024 (paragraphs 187 and 198).

Construction Management:

17. a) No further development shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work have been submitted to and approved in writing by the Local Planning Authority.

The plan shall specify access routes into the site for construction traffic and contractors' vehicles, and maximise contractor parking within the site. The plan shall specify protection of listed buildings at the High Street/West Street junction and pedestrian safety measures across and adjoining the site.

b) The development shall be carried out in strict accordance with the approved details.

Reason: To maximise safety and minimise disruption during the demolition and construction period, in the interests of general amenity and highway safety and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2024 (paragraphs 115-117 and 198).

Surface Water Drainage:

18. a) No drainage 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 submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall 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 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 any proposed arrangements for future adoption by any public body or statutory undertaker.

b) 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 2024 (paragraphs 181, 182 and 187).

19. 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 an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from 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 2024 (paragraphs 181 and 182).

Ecology/biodiversity:

20. a) Within a month of the date of this permission an Ecology Mitigation Strategy shall be submitted to the Local Planning Authority for its formal written consent. The strategy shall set out method statements for protecting bats, birds and reptiles during and subsequent to development.
- b) The Ecology Mitigation Strategy shall be carried out as approved.

Reason: In the interest of minimising the impacts of the development on local wildlife and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3 and the National Planning Policy Framework 2024 (paragraphs 187 and 193).

Archaeology:

21. The development shall be carried out in accordance with the archaeology details approved under ref: TM/25/00051/RD (Written Scheme of Investigation for an Archaeological Evaluation received 14.01.2025, Covering Letter received 16.01.2025 and email confirming implementation of WSI received 10.02.2025).

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and in accordance with the National Planning Policy Framework 2024 (paragraph 207).

**Informatives:**

1. 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 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.

2. The disposal of demolition 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. 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).

Anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees are 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 KCC 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 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.

KCC has introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on the website below: <https://www.kent.gov.uk/roads-and-travel/highway-permits-andlicences/highways-permissionsand-technical-guidance>.

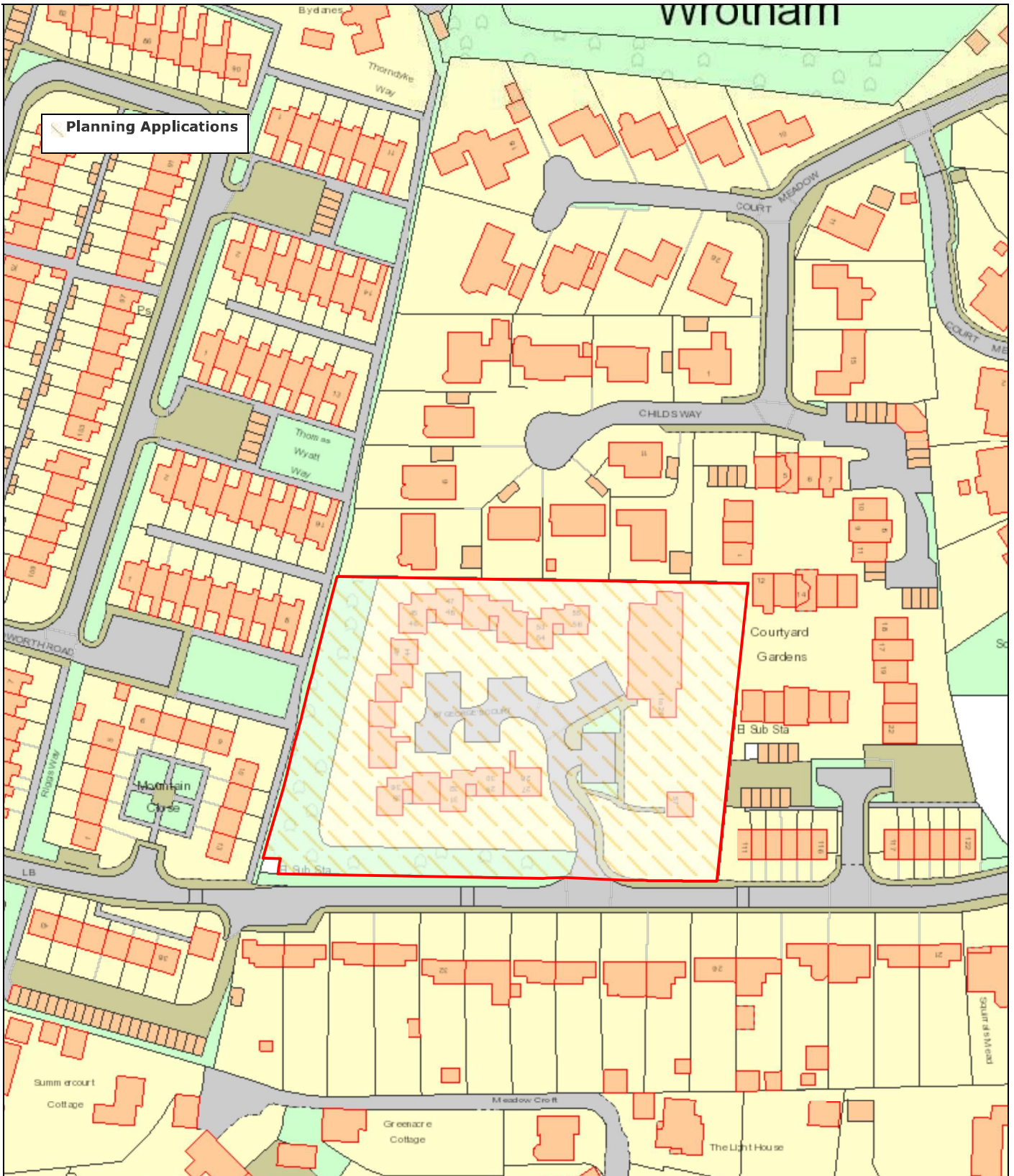
It is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must 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 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

4. It is recommended that there be provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
5. Drainage shall be provided within the site such that surface water from the vehicular access, turning areas and parking does not drain into the public highway. Surfaces shall be porous or shall discharge run off to permeable areas within the curtilage or to a soakaway.
6. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
7. The Public Right of Way (footpath MR236) must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.
8. Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.
9. If the applicant wishes to discuss site-specific security measures, including Secured By Design, please contact Kent Police: [alistair.hendry@kent.police.uk](mailto:alistair.hendry@kent.police.uk)
10. In line with the S106 Legal Agreement, a Local Lettings Plan (LLP) will be needed, to be agreed between the Council and the Registered Provider/applicant, which will include priority for households with a local connection to the Rural West area.
11. Given the previous affordable housing provision on this site was for older peoples housing, the applicant should consider setting a number of homes on this site to be prioritised for older people. It is strongly recommended that this is included in the LLP.
12. If further works are required to trees covered by Tree Preservation Order, other than those specified within the Tree Survey Report 15\_1116\_Report\_NT\_GB-V7 13th March 2026 and Tree Protection Plan 15\_1116\_TPP\_NT\_Rev\_I, a Tree Preservation Order Consent application would be required in accordance with the tree regulations.

Contact: Andrew Longman

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**Planning Applications 25/01725/PA**

**Scale: 1:1250**



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Date: 23/3/2026 13:12

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# Agenda Item 8

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 10

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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