



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

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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

23 July 2025

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 31st July, 2025 commencing at 7.30 pm.

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

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

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for Absence
3. Declarations of Interest

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

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

4. Minutes 9 - 10

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 22 May 2025

5. Glossary and Supplementary Matters 11 - 18

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/25/00195/PA - 6 Half Moon Lane, Hildenborough, Tonbridge 19 - 38

Demolition of existing dwelling and construction of two replacement detached properties. Associated landscaping alterations.

Matters for Information

7. Planning Appeals, Public Inquiries and Hearings 39 - 40

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

8. 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

9. Exclusion of Press and Public

41 - 42

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

10. 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 M A J Hood (Chair)
Cllr D W King (Vice-Chair)

Cllr L Athwal
Cllr K Barton
Cllr G C Bridge
Cllr J Clokey
Cllr A Cope
Cllr F A Hoskins

Cllr A Mehmet
Cllr R W G Oliver
Cllr B A Parry
Cllr S Pilgrim
Cllr M R Rhodes
Cllr K S Tunstall

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-ugSzxiAPfw/featured>

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

Attendance:

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

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmhc.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 1 PLANNING COMMITTEE

MINUTES

Thursday, 22nd May, 2025

Present: Cllr M A J Hood (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr F A Hoskins, Cllr A Mehmet, Cllr R W G Oliver, Cllr B A Parry, Cllr Stacey Pilgrim, Cllr M R Rhodes and Cllr K S Tunstall

PART 1 - PUBLIC

AP1 25/13 DECLARATIONS OF INTEREST

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

AP1 25/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 27 March 2025 be approved as a correct record and signed by the Chairman.

AP1 25/15 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

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

AP1 25/16 TM/25/00424/PA - 100 HIGH STREET, TONBRIDGE

Proposed roof extension to accommodate one residential unit and external alteration to ground floor window to provide access to the flats previously approved under Prior Approval 24/01856/PA and the proposed additional flat on the roof.

Due regard was given to the determining issues, conditions, reasons and informatives as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention drawn to the significant concerns expressed by Members in respect of the materials proposed to be used for the roof extension and its suitability for the Tonbridge Conservation Area.

Councillor Mehmet proposed, seconded by Councillor Hoskins that consideration of the planning application be deferred to enable officers to engage with the Applicant to explore the possibility of amending the proposed materials to red brick, to ensure consistency with the existing building, and to incorporate white timber fenestration. It was also clarified that the scale and setback of the extension were considered acceptable. Following a formal vote, this proposal was supported with 10 Committee Members voting in favour and 4 voting against.

RESOLVED: That consideration of the planning application be DEFERRED to enable officers to engage with the Applicant to explore the possibility of amending the proposed materials to red brick, to ensure consistency with the existing building, and to incorporate white timber fenestration.

MATTERS FOR INFORMATION

AP1 25/17 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report setting out updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

AP1 25/18 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

K

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

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

L

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

M

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

MWLP Minerals & Waste Local Plan

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

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

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

PDV18 Permitted development - miscellaneous development (application suffix)

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

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

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

R

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

S

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

T

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan

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

U

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

W

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

(Version 2/2021)

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Hildenborough
Hildenborough

31 JULY 2025

TM/25/00195/PA

Location: 6 HALF MOON LANE HILDENBOROUGH TONBRIDGE TN11 9HU

Proposal: Demolition of existing dwelling and construction of two replacement detached properties. Associated landscaping alterations.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Permission is sought for the demolition of the existing dwelling, and the construction of two preplacement detached properties. The new dwellings would be of contemporary modern design using traditional materials. The new dwellings would have maximum heights of approximately 5.8m for Plot 1 and 6.3m for Plot 2, which are slightly lower than the maximum ridge height of the existing bungalow to be demolished of approximately 6.7m.
- 1.2 Two sheds are also proposed, one for each dwelling, along with hard and soft landscaping.

2. Reason for reporting to Committee:

- 2.1 Councillor Rhodes requests the application be heard at Planning Committee due to the proposed development being incongruous in the street scene, over-intensive, impact on neighbours, noise from heat pumps and poor orientation of Plot 1.

3. The Site:

- 3.1 The site is located off Half Moon Lane and lies within the settlement confines of Hildenborough. This part of Half Moon Lane is a very narrow cul-de-sac that serves four dwellings, including the application site. The existing property is a single storey bungalow, with an attached garage, and is sited at an angle within the centre of the plot.
- 3.2 The surrounding area is predominantly residential with properties of varying styles and design. Immediately to the south of the site is Hyllden Heights Care Home, a three storey building.

4. Planning History (relevant):

59/10139/OLD

Application Withdrawn - 20 April 1959

Erection of 3 bungalows and garages

5. Consultees:

5.1 TMBC Environmental Protection:

Recommends hours/bonfires informative.

Contaminated land

Due to the age of the property to be demolished and it's potential to contain asbestos, a condition is recommended regarding potential contamination.

5.2 Hildenborough Parish Council:

AGAINST. Out of character with rest of the area. Over development of the area adding to parking issues. Drainage has not been considered and will impact on neighbours. Despite trees in the immediate vicinity this has not been shown on the application.

5.3 Waste Services

Advise on bin requirements. (*Officer note: this can be dealt with by an informative*)

5.4 Upper Medway Internal Drainage Board

Advise that 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.

The Board has reviewed the documents submitted in support of the application. Although no consent is currently required from the Board, officers have noted a potential for conflict between the planning process and the Board's regulatory regime.

5.5 Kent Fire and Rescue Service

I note from plan drawing '8940-PD-05 Site location and proposed layout plan' that the access route and entrance to the proposed development is narrow and does not appear suitable for a fire appliance. Additionally, the turning provisions as provided in 'table 13.1: Typical fire and rescue service vehicle access route specification' Approved Document B do not appear to have been met.

As such, the emergency access requirements for the Fire and Rescue Service, under the above Act, do not appear to have been met for plots. Kent Fire and Rescue Service do support domestic sprinkler systems when designed and installed in

accordance BS 9251 which, will extend hose lay distances up to 90 metres. Alternatively, the clients design team can demonstrate that emergency access is feasible however, consideration should be given towards a lack of vehicular turning space and extended reversing distances.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

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.

Kent County Council Ecological Advice Services

- 5.6 “The BNG report (Native Ecology, Jan 25), indicates that a Preliminary Ecological Appraisal (PEA) was produced to accompany this application. We request that this is provided in order to inform any potential ecological constraints. There is particular concern for the potential presence of roosting bats, therefore if no Preliminary Roost Assessment (PRA) was conducted part of the PEA we request that one is undertaken. We therefore request that this information is received prior to determination.

BIODIVERSITY NET GAIN ASSESSMENT

There will be an overall loss of 0.01 habitat units onsite, equating to -7.36%, the BNG report indicates that this loss will be met through unit provision from a third party provider.

‘Offsite’ biodiversity gains are any BNG measures proposed outside of the red line boundary. The statutory Biodiversity Gain Plan (BGP) must contain the biodiversity gain site register reference number for any offsite units if these are used. BNG sites must be registered here: Register a biodiversity gain site - GOV.UK

If any offsite habitat creation/enhancement is proposed outside of the LPA boundary/National Character Area of the impact site these will be subject to spatial risk penalties.

Where offsite gains are secured on land owned by the developer (but outside the redline boundary), or on third-party land (but not through a ‘habitat bank operator’), the biodiversity net gain needs to be subject to a deed of conservation covenants or Section 106 (as appropriate). Section 106 agreement templates are available on the Planning Advisory Service website. It is generally inappropriate to rely solely on conditions to secure off-site biodiversity net gain. The following needs to be secured as part of the off-site biodiversity net gain:

- The submission of a habitat management and monitoring plan (HMMP);
- Notice of HMMP implementation and completion of the habitat creation and enhancement works;
- Timescales for completion of habitat creation, and the submission of a completion report;
- Submission of a monitoring report;
- A habitat monitoring fee to be paid to the local planning authority on every habitat management monitoring event.

Where off-site gains are to be secured through a 'habitat bank operator' (which has its own legal agreement and HMMP), no additional conditions or section 106 obligations are required, above a condition requiring biodiversity net gain to be delivered as set out in the planning application.

FUTURE CONSIDERATIONS

Post-determination, we will likely require the following, additional mitigation for bats may also be required pending the results of the PRA and any necessary further surveys:

- Sensitive lighting strategy
- Biodiversity Enhancement Plan
- Precautionary Works Method Statement

If you have any queries regarding our comments, please do not hesitate to get in touch.

This response was submitted following consideration of the following documents:

- Biodiversity Net Gain Assessment (Native Ecology, Jan 25)
- Design & Access Statement (Offset Architects, Jan 25)
- Biodiversity Net Gain Metric (Native Ecology, Jan 25)
- Site Location and Proposed Layout Plan (Offset Architects, Dec 24)"

5.7 Representations:

9 representations have been received raising the following concerns:

- Design not in keeping with existing character of the area
- Would significantly alter the visual appearance of the area

- Unsuitable access
- Loss of light
- Loss of privacy
- Overdevelopment
- Not aesthetically pleasing
- Not in keeping with surrounding architecture
- Will increase population of area
- Overbearing proximity
- Traffic generation
- Limited width to access road
- Parking
- Drainage and flooding concerns
- Noise disturbance from air source heat pumps
- Will set a precedent
- Site plan omits No. 17 Knowsley Way
- Site lies close to the conservation area
- Use of cladding is not in keeping

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:
- Saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP);
 - The Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007;
 - Development Land Allocations DPD (DLA DPD) adopted in April 2008;
 - Managing Development and the Environment DPD (MDE DPD) adopted April 2010;
 - Tonbridge Character Areas Supplementary Planning Document (TCA SPD);
 - The National Planning Policy Framework (NPPF 2024);
 - National Planning Practice Guidance (NPPG) and National Design Guide.

Principle of Development

- 6.3 The site lies within the settlement confines of Hildenborough and is previously developed land. There is no objection in principle to redevelopment of the site as set out under Policy CP12 of the TMBCS.
- 6.4 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year housing land supply. In January 2025, the Council issued an 'Updated Housing Land Supply Position Briefing Note'. The briefing note was prepared to provide an update of the current housing land supply position as a result of the publication of the new National Planning Policy Framework (NPPF) on 12 December 2024. As part of the review the supply position at Land at Aylesford Quarry was updated. Whilst still remaining in the 5 year housing supply for TMBC, the delivery phase for this site was pushed back by one year to 2026/27. Using the new NPPF housing requirement including the 20% buffer with the Aylesford Quarry phase pushed back until 2026/27 the current position indicates the 5 year Housing Land Supply as 2.89 years. This means that the Council has a shortfall and is not able to demonstrate the five year housing land supply requirement.
- 6.5 A shortfall in housing land supply means that when applications for housing come forward the 'presumption in favour of sustainable development' as set out in paragraph 11 of the NPPF (2024) must be applied, which in this context means that less weight is given to development plan policies to help resolve supply issues moving forward.
- 6.6 Paragraph 11 d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.7 In relation to the presumption in favour of sustainable development, regard must first be had as to whether any restrictive policies within the Framework as stated under paragraph 11 d) (i) (footnote 7), provide a strong reason to refuse the proposed development. In this case the site falls within the settlement confines of Hildenborough, and there are no restrictive policies within the Framework (under footnote 7) that would provide a strong reason to refuse the development.
- 6.8 Therefore, in this case paragraph 11 d) (ii) is engaged and an assessment of whether there is any adverse impact that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, needs to be undertaken.

Provision of Housing

- 6.9 Paragraph 61 of the NPPF sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and

variety of land can come forward where it's needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- 6.10 Paragraph 73 of the NPPF acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly. It adds that LPA's should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. To make effective use of land, Paragraph 125 d) of the NPPF requires planning decisions to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively
- 6.11 With regard to the above, it is acknowledged that the provision of two dwellings would be considered a 'small site', however, together with other windfall sites in the Borough, would still make a positive contribution towards the Council's housing supply.
- 6.12 The provision of a net increase of one additional dwelling, given the shortage of housing land supply in the Borough, is a matter that attracts positive weight in the overall planning balance, but this weight is scaled to the fact that only one additional dwelling is proposed in the context of the overall housing need in the Borough.

Assessment on Character and Appearance

- 6.13 Policy CP1 of the TMBCS states that all proposals for new development must result in a high quality sustainable environment. This is expanded upon in sub paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.
- 6.14 Policy CP24 of the TMBCS states, inter alia, that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must though its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. Furthermore, that development which by virtue of its design would be detrimental to the built environment, amenity or functioning character of a settlement or the countryside will not be permitted.
- 6.15 Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.16 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular, paragraph 135 of the

NPPF that requires proposals to be visually attractive as a result of good architecture, layout and effective landscaping. In addition, that developments 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).

- 6.17 Paragraph 139 of the NPPF states, inter alia, that development that is not well designed should be refused. Conversely significant weight should be given to, among other things, 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.
- 6.18 Third party comments have raised concerns over the impact of the proposed development on the character and appearance of the area and that it would not be in keeping with surrounding architecture. However, given the local context, including the care home adjacent, the proposals would not be incongruous or detrimental to the character of the area.
- 6.19 Whilst the proposed development would be of a contemporary modern design, it is considered that it would add to the eclectic mix of styles and designs in the locality and make a positive contribution to the area.
- 6.20 The overall height of the buildings would also be similar to the height of the existing dwelling to be demolished, albeit of a two storey height (with flat roof) rather than single storey (with pitched roof). It would also be of a domestic scale compared with the care home building to the south west which is 2 storeys with accommodation in the roof, and there are examples in the wider surroundings of Half Moon Lane of two storey buildings of different periods and designs.
- 6.21 It is considered that the development would achieve a high standard of design, and the positioning of the dwellings would provide an adequate amenity space and would not result in a cramped and discordant form of development.
- 6.22 As noted above, the Government attaches great importance to the design of the built environment. The assessment has to be weighed in favour of accepting sustainable development in light of paragraph 11 of the NPPF as a result of the tilted balance. Any concerns regarding the siting and design are not considered to represent reasons for refusing planning permission.
- 6.23 It is considered that the proposal, whilst of a contemporary design, would result in a scheme that would assimilate well with the overall form and layout of its surroundings, in compliance with paragraph 135 of the NPPF, Policy CP24 of the TMBCS and Policy SQ1 of the MDE DPD.

Residential Amenity

- 6.24 Paragraph 135 f) of the NPPF states 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.
- 6.25 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment and (inter alia) in determining planning applications residential amenity will be preserved and where possible enhanced.
- 6.26 Policy CP24 of the TMBCS outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.27 Third party comments have raised concerns that the proposal would result in loss of privacy and be overbearing.
- 6.28 The application site is in an urban setting, where existing houses cluster loosely together with each other. It is considered that there would be no adverse impact on surrounding properties as a result of the development by reason of loss of privacy and overbearing impact. The layout of the proposed dwelling has been designed to ensure that the first floor window in the north eastern facing elevation of Plot 1, which would be close to the shared boundary with neighbouring gardens, would serve a bathroom and therefore be conditioned to be obscure glazed with restricted opening. The south western elevation to Plot 2 which is in close proximity to the shared boundary with the care home would have no windows.
- 6.29 The remaining first floor windows to Plot 1 serving bedrooms would be in the south eastern and south western elevations. Those in the south eastern side elevation would overlook the property's proposed garden area and would be a sufficient from the shared boundary with the rear garden abutting the south eastern boundary. Those windows in the south western front elevation would face the boundary with the care home to the south west and overlook the parking area for the proposed dwelling. They are considered to be an acceptable distance from the south western boundary so as to protect privacy levels enjoyed by neighbouring properties.
- 6.30 The first floor windows to Plot 2 serving bedrooms would also be an acceptable distance from boundaries with properties to the north east, south east and north western. The smallest distance retained would be approximately 9m to the northern eastern boundary. These north eastern facing bedroom windows would have views towards the rear boundary of the garden to 15 Knowsley Way, and to some extent, the rear garden to this property is approximately 20m in length. Therefore the views from the first floor north eastern facing windows to Plot 2 would not be considered to result in overlooking that would be of a level as to be considered harmful to the residential amenities of surrounding properties.

- 6.31 The proposed new dwellings are also to be sited a sufficient distance away from adjacent properties. Therefore, whilst the two storey element of the proposal may lead to changes in light levels to parts of surrounding rear gardens or neighbouring windows at certain times of day, this would not be to such a degree as to be deemed so harmful that a refusal of permission could be substantiated.
- 6.32 Concern has also been raised by neighbouring properties regarding the new air source heat pumps by reason of noise. The Government issued a final report on a Review of Air Source Heat Pump Noise Emissions on 8 January 2023. Whilst this report was in connection with permitted development rights, that allows for Air Source Heat Pumps (ASHPs) to be installed without the need for planning permission, its findings are relevant.
- 6.33 One of the findings was regarding public perceptions of ASHP noise. It comments that where objections were made to planning applications on the grounds of noise, these were not specific but instead simply expressed a perception that ASHP's are 'noisy'.
- 6.34 In terms of plot 1, the air source heat pump would be sited on the north western side. There is, however, an intervening garage between plot 1 and the dwelling of No.4 Half Moon which would mitigate any potential noise disturbance. Other properties in Knowsley Way to the north are sited some distance away from plot 1. In terms of plot 2, the ASHP would be sited to the south western side adjacent to the boundary with the landscaped area to the adjacent care home. Other residential properties are sited some distance from plot 2. It is considered that there would be no adverse impact on nearby residential properties as a result of the ASHP installations.
- 6.35 The agent has commented that ASHP's can be installed under permitted development but should it be deemed necessary would be happy to agree to an acoustic report to confirm that these will have no material impact on the neighbours. This could be dealt with by a suitably worded condition, however, for the reasons stated above such a condition is not considered necessary.
- 6.36 Considering the proposals in this local context, whilst noting that the new dwellings would be sited nearer to the boundaries, it is considered that there would be no adverse impact on the residential amenities of neighbouring properties by reason of loss of privacy, loss of light or overbearing impact. As such, the proposals accord with Policy CP24 of the TMBCS and the NPPF.

Highway Safety and Parking provision

- 6.37 Policy SQ8 of the MDE DPD states, inter alia, that development proposals will only be permitted where they would not significantly harm highway safety. Furthermore, that development proposals should comply with parking standards.
- 6.38 Each dwelling will have 2 allocated parking spaces, which is in accordance with the KCC Parking Standards. The architect has confirmed that vehicles are able to turn

within the site and leave in a forward facing gear, and that there is a right of access over this shared drive/road leading to the site.

- 6.39 Concern has been raised from neighbouring properties regarding the limited width of the access road. The existing property is served by the shared access road, which is not being changed in any way. It is considered the access would be adequate to serve one additional dwelling.

Quality of Accommodation

- 6.40 The Nationally Described Space Standards (NDSS) state that a 5 person, 3-bed dwelling of 2 storeys should be a minimum of 93 sqm. Both units are 99.4 sqm so it complies with the NDSS. In addition, the bedrooms would also meet the NDSS minimum bedroom standard of 11.5 sqm for a double room and 7.5 sqm for a single room.
- 6.41 In addition to internal space standards, consideration also needs to be given to the provision of adequate and useable outside private amenity space. The proposed private gardens measure 10m x 12.6m and 10m x 12.6m. As such, these are comparable with surrounding gardens and considered acceptable for the size of dwellings proposed.

Biodiversity

- 6.42 Policy NE2 of the 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 of the 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.
- 6.43 Paragraph 187 of the NPPF advises that 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 that 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.
- 6.44 In regard to biodiversity, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain.

- 6.45 The scheme will result in a loss of habitat from the site as confirmed by the submitted details. As such, the proposal would be required to mitigate this loss. In this instance, the applicant is proposing to buy credits from an off-site provider. Subject to these credits being secured and a legal agreement being signed to confirm this, no objections are raised in this regard.
- 6.46 Furthermore, KCC Ecological Advice Service have requested post development details are required by way of condition to ensure that the proposal is acceptable in ecological terms. These measures are considered to be reasonable and necessary and can be secured by way of conditions. Therefore, subject to these conditions being secured, KCC Ecological Advice Service are not objecting to the application.
- 6.47 For the purposes of determining the planning application, details of the proposed habitats do not need to be provided up front and are required to be provided within the Biodiversity Gain Plan (this is a legal requirement if the LPA grants planning permission). Biodiversity Gain Plans are not required to be submitted with the application and are required to be produced under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) therefore an informative will be imposed to bring to the attention of the applicant that a biodiversity gain plan along with supporting information (e.g. legal agreement and habitat management and monitoring plan) is required to be submitted once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

Other Matters

Fire and Rescue service

- 6.48 As noted above, the Kent Fire and Rescue Service have made a number of comments; in particular, that the access route and entrance to the proposed development is narrow and does not appear suitable for a fire appliance. It also notes that the site would not allow the required turning for a fire service vehicle. However, KFR do support domestic sprinkler systems which if installed in accordance with BS 9251, would extend the hose lay distance to 90m. The access road to the site is approximately 44m long therefore with the installation of sprinklers would serve to meet this requirement from the Fire and Rescue Service.
- 6.49 The applicant has confirmed that sprinklers are being installed which means that all parts of the dwellings can be accessed within the 90m limit and therefore, fire engines do not need to utilise the shared access road. This will be secured by way of a condition.
- 6.50 It should however be noted that the 2010 Building Regulations will require emergency access to be established. Such access and facility provisions are a requirement under B5 of the Building Regulations 2010. Therefore, following any approval of planning permission, a full plans submission would be necessary to the relevant building control body who would in turn consult the Fire and Rescue Service.

An informative will be added to remind the applicant of this requirement under Building Regulations legislation.

Waste

- 6.51 The site plan shows ample space for storage of the required refuse bins. An informative to advise the applicant of what level of storage is required will be added.

Planning Balance

- 6.52 For the reasons set out above, the presumption in favour of development is engaged on this application. It has already been established that the proposal would not result in harm to any protected areas or assets and there is no strong reason to refuse the application in accordance with Paragraph 11 d) (i) of the NPPF.
- 6.53 Therefore, in this case paragraph 11 d) (ii) is applicable and the application 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 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.
- 6.54 In weighing the proposal in the overall planning balance, as noted above, the council cannot currently demonstrate a 5 year housing land supply. Substantial weight should be attributed to all housing schemes even though it is noted that in this case the provision of only one additional dwelling.
- 6.55 It is considered that no unacceptable impacts arising from the proposal have 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.

7. Section 106 Obligations:

- 7.1 A S.106 legal agreement is required to secure off-site Biodiversity Net Gain (BNG) credits and ensure that the proposal would deliver the 10% net gain required within the BNG requirements.

8. Recommendation:

Approve subject to the signing of a legal agreement to secure off-site BNG credits and subject to the following conditions:

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

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

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

Site location and proposed layout plan 8940-PD-05,
Plot 1 proposed plans and elevations 8940 - PD-06,
Plot 2 proposed plans and elevations 8940 - PD-07,
Topographical survey S24/10126/01,
Design and Access Statement January 2025
Biodiversity Net Gain Assessment

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

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

4. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, AA, B, and E of Part 1 of Schedule 2 of that Order or within Class A of Part 2 of Schedule 2.

Reason: In the interest of safeguarding the appearance of the development and the character of the surrounding area and residential amenities.

6. The development hereby approved shall not be occupied until the parking bays shown on the proposed layout plan have been provided and are available for use.

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

7. The proposed first floor window serving a bathroom in the north east rear elevation of the building (Plot 1) of the development hereby permitted shall be glazed to Pilkington Textured Glass Privacy Level 5 or standard equivalent and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window serves. The window shall be retained at such a privacy level for the lifetime of the development and shall not at any time be replaced with clear glazing

Reason: In the interests of residential amenity.

8. The development hereby approved shall not be occupied until the details of the Fire Sprinkler System to be installed at the site have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of fire safety and in accordance with Building Regulations

Informatives:

1. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
2. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. The applicant is therefore advised to prohibit fires on site during the development stage of this project.
3. Bin provision & service

The Council operates an alternate weekly collection service for refuse and recycling, and a weekly food waste collection. Refuse and recycling is collected in separate 240 litre wheeled bins, paper and cardboard is collected in a separate 55 litre box, and food waste is collected in a 23L free standing container. There is a paid subscription service for garden waste collection using a 240-litre bin.

All individual properties must be able to accommodate up to 3 x 240 litre wheeled bins, 1 x 55 litre box & 1 x 23L food bin.

Bins & boxes are provided by the Council, and all repairs/replacements, subject to normal wear and tear. Bins damaged by the user may be recharged to the managing agent or householder. (For dimensions see below)

Presentation of bins/boxes

Although advice in accordance with the Local Plan states 'no carry distance to exceed 25m from either the bin store or house to the refuse vehicle' it is emphasised that consideration should always be given to a shorter distance. Bins/boxes must be stored within the boundary of the property and placed at the nearest point to the public highway by 7am on collection day and returned to the storage point on the property by the end of the day.

Container dimensions

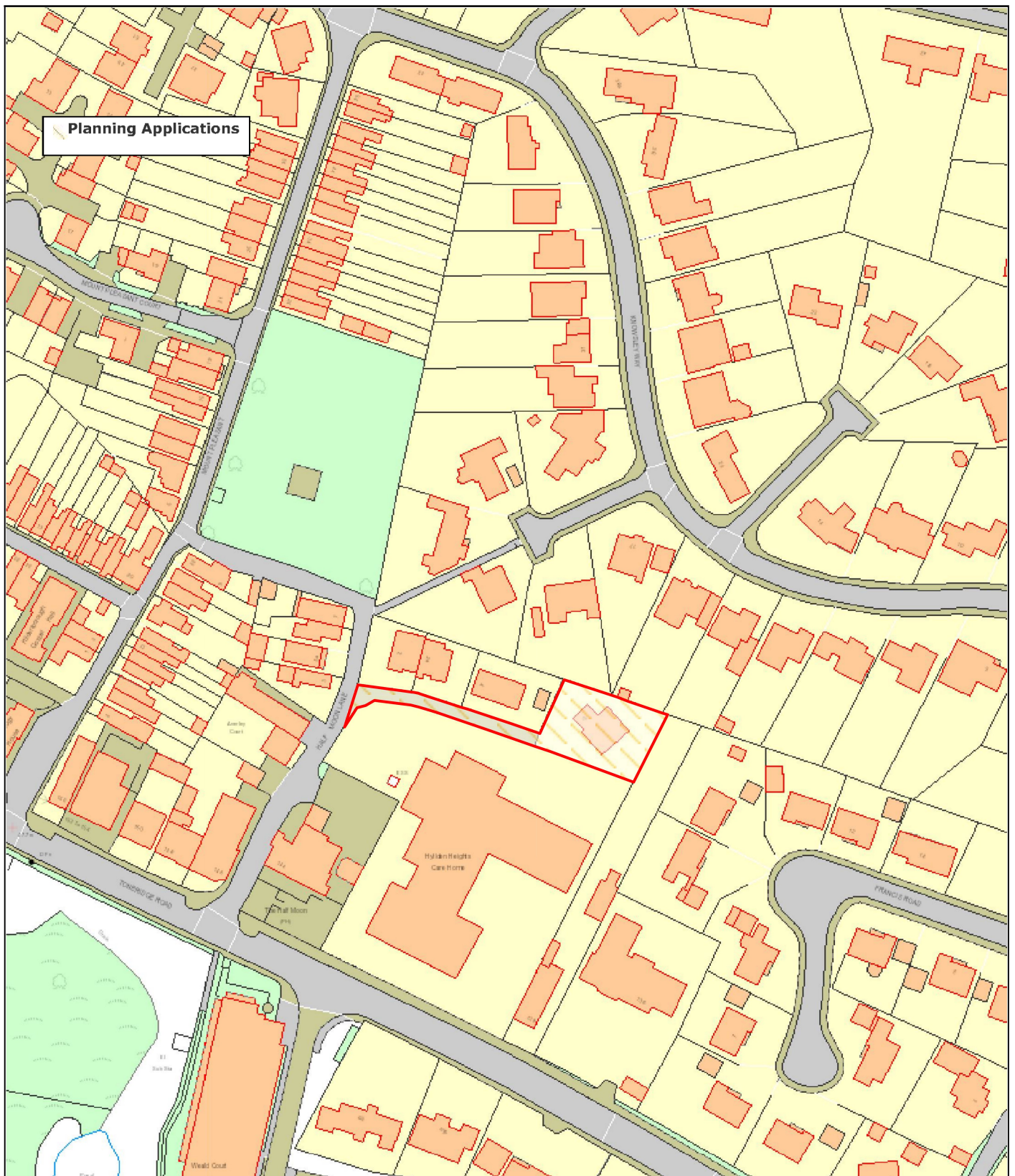
- a. Standard Wheeled Bin (240 litre) dimensions: 1070mm H x 580mm W x 740mm D
 - b. Small Wheeled Bin (140 litre) dimensions: 1070mm H x 480mm W x 555mm D
 - c. Large Wheeled Bin (360 litre) dimensions: 1100 H x 620mm W x 860mm D
 - d. Eurobin (communal) (1100 litre) dimensions: 1470mm H x 1360 W x 1080mm D
 - e. Standard Box (55 litre) dimensions: 500mm H x 600mm W x 450mm D
- Standard Food waste bin/individual properties (23 litre)

- 4. The applicant is advised that the development would also be required to meet B5 of the Building Regulations 2010 regarding fire and rescue access and that a full plans submission will be required to the relevant buildings regulations body who have a statutory obligation to consult with the Fire and Rescue Service.
- 5. The applicant is advised that 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.
- 6. 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:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

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

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)

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Planning Applications 25/00195/PA

Scale: 1:1250



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Date: 12/5/2025 10:04

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Planning Committee Area 1

Planning Appeal Decisions for Area 1

TMBC Ref	24/01531/PA
PINS Ref	APP/H2265/W/25/3359950
Site Address	53 Albert Road Tonbridge TN9 2SR
Description of development	New two bedroom house
Delegated or Committee Decision	Delegated Decision
Appeal Outcome	Appeal Dismissed 13 May 2025
<i>Insert hyperlink to decision</i>	Appeal Decision
Costs Awarded	Not Applicable

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Agenda Item 9

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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