



# 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](mailto:committee.services@tmbc.gov.uk)

8 October 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, 16th October, 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 - 12

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 4 September 2025.

5. Glossary and Supplementary Matters 13 - 20

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

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

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

6. TM/24/02011/PA - 2-12 Avebury Avenue, Tonbridge 21 - 50

Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL).

7. TM/25/00713/PA - Land North of Fir Tree Farm, Riding Lane, Hildenborough 51 - 80

Demolition of existing stables and erection of a detached dwelling (Self-build/custom build).

### **Matters for Information**

8. Planning Appeals, Public Inquiries and Hearings 81 - 82

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

83 - 84

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 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](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@tmhc.gov.uk](mailto: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, 4th September, 2025**

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

An apology for absence was received from Councillor G C Bridge.

#### **PART 1 - PUBLIC**

##### **AP1 25/25 DECLARATIONS OF INTEREST**

For reasons of transparency, Councillor M Hood advised that he knew the applicant and the agent for application TM/25/00164/PA in a personal capacity. However, as this did not represent either a Disclosable Pecuniary or Other Significant Interest, there was no requirement for him to withdraw from the meeting or to not participate in the debate, but he considered it appropriate for him to stand down as the Chair for this meeting and decided not to be a voting Member of the Committee for this meeting.

For reasons of transparency, Councillor A Mehmet advised that he knew the agent for application TM/25/00164/PA in a professional capacity. However, as this did not represent either a Disclosable Pecuniary or Other Significant Interest, there was no requirement for him to withdraw from the meeting or to not participate in the debate.

##### **AP1 25/26 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 31 July 2025 be approved as a correct record and signed by the Chairman.

##### **AP1 25/27 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 25/28 TM/25/00164/PA - 335 SHIPBOURNE ROAD, TONBRIDGE**

Erection of 2 pairs of semi-detached 4 bed dwellings and three detached 4 bed dwellings to the rear. An amalgamation of four existing planning consents.

After careful consideration of the points raised by the speakers and the submitted details and conditions set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health, Members expressed significant concern in respect of overdevelopment and poor design of the proposed scheme, practicality and safety of bin storage and kerbside collection on bin collection days given proximity to a busy pedestrian crossing, harmful impact on neighbouring properties, and unresolved concerns about a TPO protected oak tree, while being reminded of the high bar for refusal under the national policy.

It was proposed by Councillor A Mehmet, seconded by Councillor K Tunstall, that the application be refused, which was supported by the Committee unanimously.

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

1. As a result of the additional unit at the back of the site, the proposal would be cramped and overdeveloped, including with insufficient space for the turning and manoeuvring of delivery vehicles and cars, and absence of on-site bin collection area leading to bins cluttering the pavement, to the extent that the development would not function well or add to the overall quality of the area, nor would it represent high quality design and would be detrimental to the built environment, and materially worse than the extant consent, in conflict with paragraphs 131 and 135 of the National Planning Policy Framework and policies CP24 of the Tonbridge and Malling Core Strategy and SQ1 of the Managing Development and the Environment Development Plan Document.
2. As a result of the height, scale and depth, and reduced separation to the boundary from the extra unit, the proposal would result in a harmful overbearing and overshadowing effects to adjacent properties on White Cottage Road, in conflict with policies CP24 of the Tonbridge and Malling Core Strategy and SQ1 of the Managing Development and the Environment Development Plan Document.

3. The proposed development would, by reason of the provision of an additional dwelling and resulting overdevelopment, involve greater encroachment within the Root Protection Area and branch spread of the Oak tree of special amenity value standing at the neighbouring property to the south of the application site and included within a Tree Preservation Order than for the previous scheme, and will generate increased future pressures for additional tree works as a result of the proximity and orientation of the tree to the nearest proposed dwelling. The conflicting information submitted with the application (including the tree protection plan and arboricultural method statement documents) is insufficient to address such concerns and demonstrate that significant harm would not be caused to the tree as a result of the proposed development. Contrary to policies NE4 of the Managing Development and the Environment Development Plan Document, and paragraph 136 of the NPPF 2024.

[Speakers: Ms D Hill, Ms Esther Wheller (members of the public) and Mr S McKay (Agent on behalf of the Applicant) addressed the Committee in person.]

### **MATTERS FOR INFORMATION**

#### **AP1 25/29 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.

Frustration was expressed over the Planning Inspectors disregarding the Kent new parking standards in respect of the appeal for a scheme at 111 Douglas Road, Tonbridge, and the general ongoing challenges faced by Committee Members in having local decisions upheld were reflected.

#### **AP1 25/30 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.10 pm

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

### **A**

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

### **B**

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

### **C**

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

## **D**

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

## **E**

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

**F**

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

**G**

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

**H**

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

**I**

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

**K**

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

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

## **L**

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

## **M**

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



MWLP Minerals & Waste Local Plan

## **N**

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

## **O**

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

## **P**

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

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

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

PDV18 Permitted development - miscellaneous development (application suffix)

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

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

PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development (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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**Tonbridge**  
Judd

**16<sup>th</sup> October 2025**

**TM/24/02011/PA**

**Location:** 2-12 Avebury Avenue Tonbridge TN9 1TF

**Proposal:** Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL)

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

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

- 1.1 Planning permission is sought for alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym at Number 2 to 14 Avebury Avenue, Tonbridge.
- 1.2 The proposed block would be five storeys, comprising an entrance hall, undercroft car park, bike and bin store alongside a separate commercial unit on ground floor, 10 units on first floor, 9, 8 and 7 units respectively on second, third and fourth floors. They range from 1-bed unit for 2 occupants to 3-bed flat for 6 occupants. All units are M4(2) compliant.
- 1.3 Across the site, there would be 22 car parking spaces in total; 10 of which would be provided outdoor while 12 indoor through a 2-tier stack parking system. Externally, the building would be faced in brick predominately, decorated further by a mix of cedar texture cladding and porcelain stone effect tile. It would be of a contemporary architectural style, largely reflected upon its built form, fenestration and exterior finish

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

- 2.1 A call-in request was made by Councillor Mark Hood for the following reasons:
- 2.2 *"The grounds for the call in are the excessive scale and bulk of the new application which is significantly taller than its predecessor and will dominate the street scene and the choice of materials which in addition to the scale and bulk seem to be completely out of place in the setting of the Tonbridge Conservation Area."*
- 2.3 The request was made within the prescribed time period and related to material planning considerations relevant to the development. In consultation with the Director of Planning, Housing and Environmental Health, the call-in request was accepted and the application referred to the Area Planning Committee.

## **3. The Site:**

- 3.1 The application site comprises a two-storey flat roof brick building with a curved façade that mimics the layout of the road immediately adjacent. It is a corner plot bounded to one side by River Lawn Road and on the other side by Avebury Avenue. A small surface level car park is available on site, accessible via River Lawn Road.
- 3.2 The site and its surroundings are characterised by a mix of residential and commercial uses, within the boundary of Tonbridge Town Centre and Tonbridge Central Area Action Plan. Tonbridge Conservation Area adjoins the northeast of the site. Being in Flood Zone 2 and 3, the site is vulnerable fluvial flooding.
- 3.3 Within the wider locality, there is built development of mixed scale and height. Opposite the site on Avebury Avenue is Tonbridge Library. To the east are terraced buildings fronting the High Street, to the north the Riverside Business Centre which is a detached three storey office building and to the north west on River Lawn Road is the modern 3 storey Tonbridge Medical Centre building. On the opposite site of River Lawn Road, fronting Avebury Avenue, is a terrace of 3 storey properties with commercial units on the ground floor and residential above.

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

23/00312/FL

Approved - 11 April 2023

Proposed additional floor over existing commercial premises to form two bedroom duplex apartment

23/00264/RD

Approved - 28 March 2023

Details of condition 2 (external materials) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

21/00846/RD

Approved - 22 June 2021

Details of condition 2 (materials) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

21/01314/NMA

Approved - 15 June 2021

Non Material Amendment to planning permission TM/19/00287/FL: Retention of existing first level slab for residential balcony

20/02505/NMA

Approved - 09 December 2020

Non Material Amendment to planning permission TM/19/00287/FL: Third floor internal area to be reduced and reconfigured, the rear elevation balconies at first and second floor to be set back from boundary, amendment to the openings on the front façade of the ground floor elevation, reconfiguration of the arrangements of the flats on the first and second floors, and amendment to accommodation proposed within the development to 10 one bedroom, 12 two bedroom and 1 three bedroom flat.

20/00759/RD

Approved - 17 July 2020

Details of conditions 6 (construction traffic), 12 (drainage) and 13 (archaeological work) pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

20/00667/RD

Approved - 20 May 2020

Details of condition 8 (surface water drainage) and 9 (verification report) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

19/00287/FL

Approved - 19 November 2019

Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking

18/00423/FL

Approved - 27 July 2018

Alterations, extension and change of use of the existing building to a mixed use including 14 no. apartments, gym and commercial space

17/02820/FL

Application Withdrawn - 08 December 2017

Alterations, extension and change of use of the existing building to a mixed use including 14 no. apartments, gym and commercial space

**5. Consultees:**

- 5.1 Heritage Conservation Officer – “The current proposal would cause no harm to the significance of the designated area through change within the wider setting, and there is no objection in terms of TMBC Historic Environment Conservation Policies.”
- 5.2 Local Highway Authority (Kent County Council) – “I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.”
- 5.3 Lead Local Flood Authority (Kent County Council) – “As no additional drainage is proposed, the inclusion of additional SuDS are not feasible, and no additional impermeable surface area will result from the development, Kent County Council as Lead Local Flood Authority would see no reason to object to the development and would have no further comment.”
- 5.4 The Environment Agency – “We have no objection to the proposed residential development but have concerns regarding the proposed electricity substation, therefore request the conditions herein this letter are included on any permission granted.”
- 5.5 Waste Services – Standard advice provided for consideration.
- 5.6 Leisure Services –
- 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
  - There has been an increase in the number of proposed housing units since the last application; it is now stated the housing type is flats / maisonettes any further alteration these housing units will affect calculations and comments.
  - No on-site provision, for public open space or landscaping are proposed see Planning design and access statement MJW/JF/33696 December 2024 p27
  - Contributions sought for this development should total £77,604



- 5.7 NHS West Kent CCG – NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution (i.e. £21,744.00).
- 5.8 Southern Water – We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
- 5.9 Kent Police – We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998
- 5.10 Written Representations (summarised as follows) –
- Concerns raised relate to the scale and design of the proposals, including the disproportionate height and unsympathetic choice of materials, resulting in overdevelopment and harm to the character and appearance of the conservation area.
  - Practical issues have also been highlighted, including traffic and parking constraints (with some spaces located too close to the substation), risk of flooding, and additional pressure on local infrastructure such as GP services.
  - Questions have also been raised regarding land ownership.

## **6. Determining Issues:**

### **6.1 Principle of Development**

- 6.2 The site lies within the urban confines. Policy CP11 of the TMBCS states that development should be concentrated at the urban areas where there is the greatest potential for re-use of previously developed land. Development in the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport. In light of the above, the site is a sustainable location, capable to be developed for housing.
- 6.3 The principle of development has already been established by virtue of the grant of planning permission 19/00287/FL and 23/00312/FL for 23 apartments and 2 duplex apartments respectively. Whilst the current proposal represents a more intense residential use than the approved schemes by reason of the increase in number of units to a total of 34, the principle of converting and extending the existing building for housing remains acceptable.
- 6.4 The site by reason of its nature could be regarded as both previously developed land and windfall site, where development proposals for housing are generally supported

by the NPPF. Paragraph 73(d) explicitly requires local planning authorities to support the development of windfall sites through their policies and decisions, giving great weight to the benefit of using suitable sites within existing settlement for homes, while Paragraph 124 expects the objectively assessed needs to be accommodated in a way that make as much use as possible of previously-developed or 'brownfield' land.

- 6.5 Planning decisions, Paragraph 125 states, should give substantial weight to the value of using suitable brownfield land within settlement for homes. Furthermore, using the airspace above existing residential and commercial premises for new homes could be supported, so long as the proposal is consistent with the prevailing height and form of the neighbouring properties and the overall street scene, is well designed and can maintain safe access and egress for occupiers.
- 6.6 Given the above analysis regarding the suitability of the site for housing, it is considered that the development in question is broadly consistent with the aims of the NPPF in terms of making effective use of land, particular windfall and previously developed land in accessible location, and significantly boosting the supply of new homes.
- 6.7 Paragraph 11 of the NPPF states that *“plans and decision should apply a presumption in favour of sustainable development. For decision taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a 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.”*
- 6.8 The Council cannot currently demonstrate a five-year supply of deliverable housing sites when measured against its objectively assessed need (OAN). The Housing Land Supply Position Briefing Notes January 2025 being the most up to date evidence base document on this topic indicates that only a 2.89-year supply of deliverable housing sites could be demonstrated at the time of publication. As such, the policies most relevant for assessing the current proposal should be treated out of date and hence the provision set out in Paragraph 11(d) applies.

6.9 This paragraph states that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, 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.

6.10 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance, including areas at risk from flooding. The site lies within Flood Zones 2 and 3. Hence, the 'titled balance' could only be disapplied where the flood risk policy in the Framework provides a strong reason for refusing this development proposal.

#### 6.11 Flood Risk and Drainage

6.12 The site is in Flood Zone 2 and 3. A site specific flood risk assessment and drainage strategy has been submitted with the application in accordance with Paragraph 173 of the NPPF. The same paragraph states that:

*“Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

*a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*

*b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*

*c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*

*d) any residual risk can be safely managed; and*

*e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

6.13 Paragraph 168 of the NPPF advises further that “development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.” There are however few exceptions to the requirements for sequential and exception tests; these include, amongst other things, changes of use. As such, the current proposal for change of use is not required to pass the sequential and exception tests to be considered acceptable in flood risk terms.

6.14 The Environment Agency and the Lead Local Flood Authority have been consulted on this application, and neither have raised any objection to the proposal or to the supporting information. The Environment Agency however raised a concern about

the electricity substation on the ground floor and found it potentially vulnerable to flooding. To mitigate the risk identified, it recommended that a condition should be imposed to require further flood mitigation and resilience measures in relation to the substation be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

- 6.15 The surface water and foul sewage management methods outlined in the flood risk assessment and drainage strategy are both considered satisfactory given the physical constraints presented on site. The strategy would be consistent with the hierarchy of drainage options outlined in the relevant NPPG. A condition should be imposed to ensure continuous compliance with the approved strategy. Southern Water requested in the event of approval that an informative relating to foul sewerage and surface water disposal is added to the decision notice.
- 6.16 For the reasons given above, it is considered that applying the policies in the Framework relating to flooding does not provide a strong reason for refusing the development proposed. Aspects of the proposal that are considered at risk of flooding could be addressed and made compliant with the relevant policies at local and national levels through carefully worded conditions as recommended by the statutory consultees.
- 6.17 Housing Supply, Mix, and Affordable Housing
- 6.18 Paragraph 61 of the NPPF highlights the Government's objective of significantly boosting the supply of homes. The overall aim to meet an area's identified housing need, including with an appropriate mix of housing types for the local community should be at the heart of decision making.
- 6.19 The most up to date housing land supply position briefing note published in January 2025 indicates that the Council could only demonstrate a supply of deliverable housing sites of up to 2.89 years against its objectively assessed need. As such, there is undeniably a shortfall in the supply of new homes, which the Council must seek to address in accordance with Chapter 5 of the NPPF.
- 6.20 The proposal, if permitted, has the potential of delivering 34 new homes in a highly sustainable location, where the Development Plan specifically Policy CP11 of the TMBCS seeks to encourage and facilitate. It would assist in meeting approximately 2.5% of the annual housing requirement, which together with other allocated and windfall sites would make a meaningful contribution towards mitigating the identified housing shortage. This factor must therefore be afforded substantial weight in the overall planning balance as per the NPPF.
- 6.21 Turning next to housing mix, the Housing Needs Survey 2022 provides the most up-to-date evidence base to inform decision making. Borough-wide, the demand for flats is estimated to represent approximately 10–15% of overall housing need. However, this figure varies considerably depending on the sub-area. In the Tonbridge sub-area specifically, demand for 1-bed and 2-bed flats is estimated at roughly 15–20% and 2–

5% of total demand respectively. This indicates that the demand for flats in Tonbridge is materially higher than elsewhere in the borough.

- 6.22 The proposal seeks to provide 19 x 2-bed units, 14 x 1-bed units and 1 x 3-bed unit. The housing mix proposed would appear responsive to the specific needs of Tonbridge sub-area identified in the Housing Needs Survey and as such would be appropriate. Referring to the Planning, Design and Access Statement, all units would be M4(2) compliant, meaning they would be suitable for different groups in the community, especially those with reduced mobility. This would represent an enhancement compared with the original approval, allowing the proposal to better address the needs of groups with specific housing requirements, consistent with Paragraph 61 of the NPPF.
- 6.23 Concerning affordable housing, 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. This Policy is elaborated further through the Affordable Housing Supplementary Planning Document adopted in July 2008.
- 6.24 The SPD reiterate that “all new residential developments will therefore be expected to provide affordable housing in accordance with the adopted Core Strategy unless the developer can show that the site can only come forward if essential infrastructure needs to be provided first or there are other significant costs such as site remediation or flood alleviation works, for example, and that in these circumstances the provision of the required amount and type of affordable housing would make the development unviable.”
- 6.25 “In these exceptional cases, it will be for the developer to demonstrate that less affordable housing and/or a different mix of affordable housing should be provided, and this will be subject to a confidential “open book” assessment and subject to independent audit”.
- 6.26 In this case, the proposal comprises all market housing, meaning there is no affordable housing either provided on site or off site or commuted sums contributing towards the Council’s affordable housing programme. This application is accompanied by a Financial Viability Appraisal, which suggests that the proposal could not be viably delivered while meeting the affordable housing requirements set out in Policy CP17 of the TMBCS. The Appraisal identifies a range of factors contributing to the current viability position of the scheme. These include, but are not limited to, the change in economic climate since the original approval, the complex planning history of the site, and the poor and deteriorating condition of the building proposed for conversion and extension. In accordance with the SPD, the Council has appointed an independent viability consultant to scrutinise the FVA and has subsequently been given the following advice:
- We consider the proposed scheme generates a deficit of **-£96,721** and, therefore, no affordable housing can viably be offered at present. The level of deficit

translates to merely -0.8% on GDV and, therefore, we consider it to be a break-even position.

- Although we acknowledge the Applicant entered into a collaborative process and attempted to reach an agreement on the BLV, we consider the assessment provided by Sibley Pares still does not comply with the PPG definition of EUV or AUV. On this basis, we maintain the interim £nil BLV in our assessment. We emphasise that this is our interim position, pending a policy-compliant AUV being provided.
- We maintain our originally adopted profit target to be appropriate.

6.27 While 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, it is reasonable to secure a late-stage review mechanism through a legal agreement, in line with Paragraph 58 of the NPPF.

6.28 The review mechanism should operate such that no more than 75% (25 units) of the dwellings can be disposed of until the review takes place. The maximum contribution should be capped at 50% to ensure there remains an incentive to sell the units at a higher value than those anticipated by the applicant.

6.29 Whether there will be any additional affordable housing contribution from the development is uncertain and cannot be guaranteed. However, the review mechanism within the legal agreement strengthens the Council's ability to secure a higher level of contribution, potentially approaching the 40% aspiration set out in CS Policy CP17, over the lifetime of the project. This would assist in addressing the unmet need for affordable homes within the borough.

6.30 Subject to the above, it is considered that the failure to deliver the level of affordable housing required by Policy CP17 of the TMBCS does not provide a strong reason for refusing the development proposal, especially given the financial viability evidence provided by the applicant and corroborated by the Council's independent viability consultant.

6.31 Quality of Accommodation

6.32 The proposal comprises 34 units in total, spreading across four floors. The smallest apartment has one bedroom for two persons while the largest apartment has three bedrooms for six persons. The schedule of accommodation is as follows:

Number	Type	Area
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<u>First Floor</u>		
Unit 1	2B 4P	93 m <sup>2</sup>
Unit 2	2B 3P	70 m <sup>2</sup>
Unit 3	1B 2P	55.5 m <sup>2</sup>
Unit 4	1B 2P	70 m <sup>2</sup>
Unit 5	2B 4P	111 m <sup>2</sup>
Unit 6	1B 2P	70 m <sup>2</sup>
Unit 7	1B 2P	55.5 m <sup>2</sup>
Unit 8	1B 2P	55.5 m <sup>2</sup>
Unit 9	2B 4P	95 m <sup>2</sup>
Unit 10	2B 4P	83 m <sup>2</sup>
<u>Second Floor</u>		
Unit 11	2B 4P	93 m <sup>2</sup>
Unit 12	2B 3P	70 m <sup>2</sup>
Unit 13	1B 2P	55.5 m <sup>2</sup>
Unit 14	1B 2P	70 m <sup>2</sup>
Unit 15	1B 2P	70 m <sup>2</sup>
Unit 16	1B 2P	55.5 m <sup>2</sup>
Unit 17	1B 2P	55.5 m <sup>2</sup>
Unit 18	2B 4P	95 m <sup>2</sup>
Unit 19	2B 4P	83 m <sup>2</sup>
<u>Third Floor</u>		
Unit 20	1B 2P	50.54 m <sup>2</sup>
Unit 21	2B 4P	98 m <sup>2</sup>
Unit 22	1B 2P	68.7 m <sup>2</sup>

Unit 23	2B 4P	105 m <sup>2</sup>
Unit 24	1B 2P	70 m <sup>2</sup>
Unit 25	2B 4P	81.2 m <sup>2</sup>
Unit 26	2B 4P	95 m <sup>2</sup>
Unit 27	2B 4P	83 m <sup>2</sup>
<u>Fourth Floor</u>		
Unit 28	2B 4P	86 m <sup>2</sup>
Unit 29	2B 4P	98 m <sup>2</sup>
Unit 30	3B 6P	114 m <sup>2</sup>
Unit 31	2B 4P	105 m <sup>2</sup>
Unit 32	1B 2P	55.5 m <sup>2</sup>
Unit 33	2B 4P	80 m <sup>2</sup>
Unit 34	2B 3P	62 m <sup>2</sup>

6.33 The Gross Internal Areas of all units proposed would achieve the minimum space standards stipulated by the Nationally Described Space Standard. The proposed development would be orientated with most windows being either east or west facing. 2 out of the 34 units proposed would have all its windows facing north, so they would likely receive limited sunlight. However, the impact would not be materially different from that already assessed and subsequently concluded acceptable in 2019.

6.34 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. External amenity spaces would be made available to 19 of the 34 units in the form of a terrace, appropriate in an urban setting.

6.35 In conclusion, recognising the physical constraints that comes with a town centre location and the importance to optimise the development potential of previously developed land as required by the NPPF, it is concluded that the proposal, viewed as a whole, could deliver a satisfactory quality of accommodation for its future residents.

6.36 Impact on Visual Amenity, Character and Appearance (including Heritage Consideration)



- 6.37 Turning first to heritage considerations, the development site lies just outside the eastern boundary of the southern spur of the Tonbridge Conservation Area (Sub Area A5) and therefore has the potential to affect its setting. The open green space to the west of this part of the Conservation Area makes a positive contribution to the significance of the designated heritage asset. By contrast, the modern development abutting the eastern boundary is considered neutral, and the street scene at the southern end of River Lawn Road does not contribute positively to the area's character.
- 6.38 It is noted that planning permission has already been granted for a four-storey building on the site. The current proposal seeks an increase to five storeys. The permitted building is neutral in character and is not considered to contribute to the significance of the adjacent Conservation Area.
- 6.39 Nevertheless, in light of the site's spatial context and the scale of development now proposed, specialist advice has been sought from the Council's Heritage Conservation Officer, who has provided the following observations:
- 6.40 *"The site is largely screened from the designated area by intervening buildings and mature trees, and the modern built form does not impinge on any locally distinctive views or vistas. However, it features to some extent in minor street scene views from the south end of River Lawn Road into the conservation area, and in reverse views from within the conservation area southwards along the street."*
- 6.41 *As noted in the conservation area appraisal, views across open green spaces make an important contribution to the significance of the designated heritage asset. The proposed increase in height may result in the building becoming more visible from the open green space to the west of River Lawn Road, and from the river beyond - particularly when intervening trees are not in leaf. However due to distance, the visual presence of the additional built form would not be unduly intrusive."*
- 6.42 *Paragraphs 212 & 213 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through inappropriate or unsympathetic development within their settings."*
- 6.43 *The current proposal would cause no harm to the significance of the designated area through change within the wider setting, and there is no objection in terms of TMBC Historic Environment Conservation Policies."*
- 6.44 In the absence of any heritage harm being identified by the Council's Heritage Conservation Officer and having regard to the long-established planning history of the site, together with the significant socioeconomic and environmental benefits already discussed in this report, it is considered that the proposal, viewed in the round, could be supported from a heritage conservation perspective. The scheme is therefore considered to accord with Policy SQ1 of the MDE DPD and the requirements of Chapter 16 of the NPPF.

- 6.45 Turning to visual impact, the site lies within a town centre location, where buildings of differing height, form, age and architectural style already exist, collectively creating a varied and diverse character within the immediate surroundings. At a more localised scale, however, the buildings fronting Avebury Avenue and River Lawn Road are predominantly two to three storeys in height, with Tonbridge Library, located to the southwest of the site, representing the tallest nearby building at four storeys when viewed from Avebury Avenue.
- 6.46 The proposed development would be marginally taller than the library on the opposite side of Avebury Avenue while increasing the height of the previously approved building by approximately 3m. The profile of the building however would remain largely the same as that of the approved scheme in 2019, retaining a recess at top floor level used as a terrace. At local level, the Development Plan contains no specific policies relating to development for tall buildings so each of these should be assessed on a case-by-case basis against the generic design policies including CP24 of the TMBCS and SQ1 of the MDEDPD, also having due regard to the site-specific circumstances.
- 6.47 Nationally, Paragraph 125 of the NPPF does provide some guidance particularly pertinent to the development in question. It states that planning decisions should *“support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions.....where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers”*.
- 6.48 Paragraph 130 of the NPPF offers bespoke advice on density, requiring all developments to make optimal use of the potential of each site. It follows that a significant uplift in the average density of residential development within cities and town centres well served by public transport should be encouraged unless it can be shown that there are strong reasons why this would be inappropriate.
- 6.49 In this instance, although the development would be taller and bulkier than the previously approved scheme, it would remain broadly consistent with the prevailing height and form of neighbouring properties, as demonstrated in the proposed street scene drawing. Furthermore, the selected material palette, especially the use of brickwork, timber cladding and glazing to the east elevation, would help to visually break down the bulk and massing of what is otherwise a substantial building.
- 6.50 The building’s considerable setback from the High Street would provide a degree of mitigation against the perceived visual impact of its scale, reducing the extent to which it would appear overbearing in the street scene. In addition, when read alongside the adjacent library, the proposal could act as a visual anchor, reinforcing the sense of place and marking a gateway into the historic town centre, particularly when approached from the railway station.

Buildings of a similar height are not uncommon within the Tonbridge skyline. In recent years, a number of residential schemes of comparable scale have been granted permission, including application 21/02298/FL for two blocks of up to eight storeys at Tonbridge P R S, Medway Wharf Road. Within the town centre itself, a cluster of taller buildings of up to seven storeys already exists along Sovereign Way. The Tonbridge Town Centre Masterplan, published in June this year, appears to endorse and reinforce this emerging development pattern, supporting the Council's ambition to deliver higher-density development in the most accessible and sustainable settlement within the Borough. The Masterplan identifies building heights in the range of two to six storeys, capped at 18m at the highest point, to ensure both viability and deliverability. In addition, a four-storey apartment block of comparable built form and fenestration is located on the same road (nos. 31–35 Avebury Avenue), which contributes to the established character of the site's immediate surroundings. Mindful of the local context, character, and the need to optimise development potential of land in highly sustainable locations, it is considered that the scale and density of development could be supported from a visual amenity perspective, subject to it being of a satisfactory design.

- 6.51 The built form and fenestration of this proposal would remain largely unchanged compared to those of the approved scheme. No concerns were raised in the 2019 delegated report regarding these matters. Indeed, on the point of design, the report noted that *“the proposal is in keeping with the surrounding character and that the scheme still represents an acceptable design solution to this corner plot.”* It further highlighted that *“the building has been designed to provide active street frontages with multiple entrances and they successfully ‘turn’ the corner to provide a visual link between Avebury Avenue and River Lawn Road. The development will have a softer appearance within the street scene and improve views into and out of the site.”*
- 6.52 The proposal would retain an active street frontage on both Avebury Avenue and River Lawn Road and, in fact, would introduce additional street-level windows at the corner. This fenestration arrangement, together with the internal layout, would maximise opportunities for natural surveillance and thereby help to deter both crime and the fear of crime.
- 6.53 Following the initial statutory consultation, and taking on board the comments and concerns raised by members of the public, elected members and other stakeholders, the proposal has been revised so that the façade is now finished predominantly in brickwork, complemented by decorative vertical cedar-textured cladding. In addition, the architectural detailing has been enhanced through the inclusion of decorative brick features and aluminium trim details, particularly around the corner where the building would be most prominent and visible in the street scene. Overall, the revised proposal would achieve a satisfactory quality of design that is sympathetic to the established character of the town centre.
- 6.54 A schedule of external materials has been provided for assessment, and this is considered acceptable. To ensure a satisfactory appearance is achieved upon

completion of the development, a condition should be imposed requiring the development to be carried out in strict accordance with the approved schedule of materials.

6.55 Construction on the site commenced shortly after the grant of planning permission in 2019, with several iterations to the approved scheme secured through the non-material amendment procedure. However, progress has since stalled following the original developer entering administration. The presence of a partially completed project in a relatively prominent town centre location is considered to have a negative impact on the townscape character of Tonbridge. Accordingly, any opportunity to reignite redevelopment of the site should be afforded positive weight in the overall planning balance, not only for the socioeconomic benefits it would deliver but also for the potential visual enhancement it could bring to the built environment.

6.56 To conclude, subject to the recommended planning conditions, it is considered that the proposal is of an appropriate scale, form, design and appearance, with minimal impact on the character and appearance of nearby buildings, the wider town centre and the adjoining conservation area. In conclusion, officers are satisfied that the proposal complies, and can be made to comply through conditions, with Policies CP23 and CP24 of the TMBCS, Policy SQ1 of the MDEDPD, and Chapters 12 and 16 of the NPPF.

#### 6.57 Impact on Residential Amenity

6.58 The site is set well away from nearby residential properties so the impact on the amenities of neighbouring dwellings is minimal. The size and scale of the overall proposed building, albeit one storey higher than previously approved, is not considered to be overbearing within the street scene and relates well to the scale of the buildings in the nearby vicinity. Equally, given the town centre location of the site, the nature of the proposed use would not give rise to any harmful impact on amenity arising from levels of activity in and around the site.

6.59 The daylight and sunlight assessment submitted in support of the application covers the properties directly adjacent on High Street and Avebury Avenue and concludes that the proposal is unlikely to result in a significant adverse impact on neighbouring occupiers through loss of daylight or sunlight. Whilst the impact on certain windows may marginally exceed the relevant BRE guidelines, paragraph 130 of the NPPF is clear that local planning authorities should take a flexible approach to applying policies or guidance on daylight and sunlight where rigid adherence would otherwise inhibit the effective use of land, provided the resulting scheme would deliver acceptable living conditions.

6.60 Furthermore, given the site's town centre location, where buildings typically cluster more closely and development densities are higher than in suburban or rural contexts, it is considered that the degree of overshadowing potentially arising from the development would not be so significant as to warrant refusal of planning permission on residential amenity grounds, especially given the findings detailed in

the daylight and sunlight assessment., especially given the finding detailed in the daylight and sunlight assessment.

6.61 Impact on Biodiversity

6.62 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.

6.63 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.

6.64 Paragraph 180 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 186 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.

6.65 It is now a statutory requirement for all major development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. However, there are specific exemptions from biodiversity net gain for certain types of development, which include amongst other things de minimis exemption. This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

6.66 The site is in an urban area, fully surfaced, surrounded by buildings to all aspects. Its connection to the wider ecological network appears to be minimal. In light of the above, the proposal would be in general conformity with Policies NE2 and NE3 of the MDE DPD and Chapter 15 of the NPPF.

6.67 Impact on Highway Safety and Parking

6.68 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 CP23 of the TMBCS also aims at promoting a sustainable development pattern of housing amongst other uses to regenerate and enhance the vitality and viability of the Town Centre. One way to achieve this policy

objective is by ensuring an appropriate level of accessible and safe car parking provision.

- 6.69 Policy SQ8 of the MDEDPD states that development proposals should comply with the parking standards. It also stipulates that development proposals will only be permitted where they would not significantly harm highway safety and where the traffic generated by the development can adequately be served by the highway network.
- 6.70 Policy TCA12 of the TCAAP (insofar as it is relevant to this development) states that the mix of town centre development will be aimed at reducing the need to travel and each development site will be required to bring forward proposals that are complementary to the Transport Strategy. The emphasis will be on measures to support sustainable forms of transport.
- 6.71 Similarly, Paragraph 116 of the NPPF advises that *“development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable future scenarios”*.
- 6.72 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 and subsequently offered the following advice.
- 6.73 *“It is noted that the revised proposal retains a less than 1 space per flat ratio of parking spaces. Parking Provision should be calculated in line with recommended standards, detailed in IGN3 Guidance for Residential Parking, which refer to maximum standards in town centre locations. As such the level of provision is considered acceptable.”*
- 6.74 KCC Highway Officer concluded that “provided the ..... requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority”. The requirements relate to provision and retention of cycle and vehicle parking facilities, completion and maintenance of the vehicular access and the submission of a construction management plan. The recommended planning conditions would be imposed in the event of approval.
- 6.75 Having regard to the advice of the local highway authority, the availability of alternative public or active modes of transport, shops and local services, and the sustainability of the site location, the level of parking provision and vehicular movements associated with this development would cause no concern in respect of highway safety, cycle and car parking. On that basis, the proposal is deemed to be in general conformity with the aims of Policy CP23 of the TMBCS, Policy SQ8 of the MDEDPD and Chapter 9 of the NPPF.

- 6.76 Noise, Air Quality and Odour

- 6.77 The site is close to High Street, a classified B road, partly designated as an Air Quality Management Area (AQMA). Although the site falls well outside this designation, regard must be had as to whether the development when taken individually or cumulatively with other developments in the vicinity would impact upon the AQMA and Policy SQ4 of the MDE DPD applies. This requires that:
- (a) the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity;
  - (b) proposals would not result in the circumstances that would lead to the creation of a new Air Quality Management Area;
  - (c) proximity to existing potentially air polluting uses will not have a harmful effect on the proposed use; and
  - (d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.
- 6.78 Some units proposed would have windows facing towards High Street, although not immediately adjacent. The previous approvals were judged to not have an adverse impact on air quality and thus not conflict with the aim of Policy SQ4 of the MDE DPD. The issue with noise was considered resolvable by way of a planning condition, requiring the implementation of all noise mitigation measures detailed in the noise impact assessment submitted as part of the previous applications.
- 6.79 The current application is accompanied by a Noise Impact Assessment conducted by Acoustic Principles in November 2024, which relates solely to the addition of a fourth floor at nos.2-12 Avebury Avenue, instead of the proposal entirely. However, reading it alongside the report prepared by MRL Acoustics Report in connection with the previous application, it is concluded that the impact of noise and air quality could be effectively mitigated through a combination of mechanical ventilation and glazing system. The Council's Environmental Health Service did not object to the previous and current proposals but did recommend several planning conditions if planning permission is forthcoming.
- 6.80 Full details of the ventilation and glazing system for the entire proposal are not currently available, so it is reasonable and necessary to secure these details by way of a carefully worded condition for the same reason given in the report of the original application and in accordance with the advice of the relevant consultee. With this condition imposed, the proposal could be made compliant with Policies SQ4 and SQ6 of the MDEDPD in terms of noise and air quality.
- 6.81 The scheme, first approved in December 2018 and again in November 2019, was not considered to be exposed to an unacceptable risk of odour. However, the subsequent grant of planning permission in 2019 at no6 High Street for a change of

use from a shop to a hot food takeaway represents a material change in circumstances that now requires further consideration, particularly in relation to the potential impact of odour.

6.82 The application site is close to no.6 High Street, currently occupied by a hot food takeaway. An Odour Risk Assessment has thus been undertaken to evaluate the likely impact upon the future residents of the development proposed from the adjacent hot food takeaway. This assessment concluded that, by virtue of the abatement measures required to be incorporated into the kitchen exhaust as part of the approval of the hot food takeaway, the occupiers of the flats proposed are unlikely to be exposed to unacceptable risk of odour impact. The Environmental Health Officer is content with the information provided in the assessment and recommend no planning condition concerning odour control.

6.83 Planning Obligation (Other than Affordable Housing)

6.84 Policy OS3 in the Managing Development and the Environment DPD (MDE DPD, adopted April 2010), which forms part of the Council's Local Development Framework (LDF), requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards in Policy Annex OS3. Annex D to the MDE DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.

6.85 As no open space is provided on site, the applicant is being asked to provide a financial contribution of **£77,604** towards enhancement of existing off site open spaces.

6.86 NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. It is requested that a sum of **£21,744** is provided towards

- Refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or
- Healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

6.87 The financial contributions summarised above are considered directly relevant to the proposal and proportionate to the scale of development.

6.88 As already discussed in the affordable housing section, the proposal generates a deficit of - **£96,721**, according to the independent financial viability consultant appointed by the Council. The deficit is however based in part on the assumption that a financial contribution of £99,378 would be made in the event of approval, although this figure has never been discussed with or agreed by the Council. Taken this element out of the equation would therefore make the scheme financially viable with



a small surplus of **£2,657**. This could be spent towards health care or open space, although substantially below the amount originally sought.

6.89 Concluding on planning obligation, even adopting the lowest reasonable profit target of 17.5% for residential and 15% for commercial respectively as recommended by the Council's independent financial viability consultant would not generate a surplus sufficient to fund the financial contribution requested by the relevant consultees. In the event of approval and in accordance with the Council's consultant advice, it is recommended that a late-stage review mechanism is secured by way of a legal agreement so 50% of any windfall surplus arising following the grant of permission is captured and directed towards fulfilling planning obligations.

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

6.91 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.

6.92 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.

6.93 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.

6.94 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.

- 6.95 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.
- 6.96 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.
- 6.97 Conclusion and Planning Balance
- 6.98 Having regard to the above assessment, it is considered that the proposal is acceptable and in general conformity with the aims of the Development Plan policies and the National Planning Policy Framework. The failure to contribute towards the provision of affordable housing and the enhancement of healthcare and leisure services is a matter of deep regret. However, the evidence provided in support of the application, independently corroborated by the Council's appointed financial viability consultant, demonstrates that the scheme could not be viably delivered if it were required to fully satisfy these policy obligations. This is a matter to which I attribute moderate negative weight in the overall planning balance.
- 6.99 Weighed against this, the proposal would make effective use of previously developed land in a highly sustainable location for new homes. In the absence of a five-year supply of deliverable housing sites across the borough, the scheme's contribution to housing delivery and the optimisation of brownfield land carry substantial weight in accordance with the National Planning Policy Framework. The visual enhancement resulting from the redevelopment of a derelict site, together with the socioeconomic benefits associated with job creation, increased town centre footfall, and potential consumer expenditure, also weigh positively in favour of granting planning permission. A number of outstanding technical matters, for example, in relation to noise and flood risk could be satisfactorily mitigated through the imposition of appropriate planning conditions to ensure compliance with the relevant policies.
- 6.100 Applying the tilted balance set out in paragraph 11(d) of the NPPF, I am satisfied that the benefits of the proposed development would significantly and demonstrably outweigh the identified harm arising from its failure to fully satisfy policy requirements relating to affordable housing, open space, and other contributions. On this basis, and on balance, it is recommended that planning permission be granted, subject to planning conditions and obligations.

## **7. Recommendation:**

### **7.1 APPROVE subject to S106 and the following conditions:**

#### **Heads of Terms**

Developer to pay the Council's reasonable legal costs (amount TBC).

Payment of a Section 106 monitoring fee of £460.00, payable upon completion of the Agreement.

Off-site public open space contribution of £2,657.00, payable on commencement of development.

A late-stage viability review mechanism, triggered upon the completion of sale of 25<sup>th</sup> residential unit.

### **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:

Proposed site plan 2024-860(P)-Proposed-200(2)  
Proposed first floor plan 2024-860(P)-Proposed-206(1)  
Proposed second floor plan 2024-860(P)-Proposed-207(1)  
Proposed third floor plan 2024-860(P)-Proposed-208(1)  
Proposed fourth floor plan 2024-860(P)-Proposed-209(1)  
Proposed roof plan 2024-860(P)-Proposed-210(1)  
Proposed ground floor plan 2024-860(P)-Proposed-205(4)  
Proposed north and west elevations 2024-860(P)-Proposed-215(3)  
Proposed south and east elevations 2024-860(P)-Proposed-216(3)  
Proposed street scene A, B & C 2024-860(P)-Proposed-220(2)  
Site location plan 2024-860(P)-Existing-001  
Planning statement  
Transport statement  
Daylight and sunlight assessment  
Financial viability assessment  
Heritage statement  
Flood risk assessment and drainage strategy  
Noise impact assessment  
Odour assessment  
Material schedule

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 plans and the material schedule hereby approved.

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

4. The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 this reserved parking space

Reason: In the interests of highway safety

5. Prior to the first occupation of the development hereby approved, details of the lockable bollards to be installed to the approved parking spaces shall be submitted to and approved by the Local Planning Authority. These shall be installed as approved prior to the first occupation of any residential unit and retained at all times thereafter.

Reason: To prevent unauthorised use of spaces, leading to increased pressure for on street parking

6. The development hereby approved shall not be occupied unless and until the bike and bin stores as shown in the approved ground floor plan have been provided in accordance with the approved details. The bike and bin stores shall thereafter be retained permanently for their intended purposes.

Reason: To ensure appropriate bin and bike storage facilities are provided to the future residents at the time of occupation and ensure they remain available throughout the lifetime of development.

7. The proposed vehicular access serving both the external and internal car parking spaces shall be provided, surfaced and drained in accordance with the approved ground floor plan (P)205 P02. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 to preclude vehicular access

Reason: In the interests of highway safety, to ensure safe vehicular access is provided and maintained in support of the development proposal.

8. The development hereby permitted shall not commence until a Construction Management Plan comprising the following details has been submitted to and approved in writing by the Local Planning Authority.

- (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.
- (g) Environmental management control of all demolition and construction works

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

Reason: In the interests of highway safety and to ensure the potential of disruption caused to the local highway network is minimised as far as reasonably practicable during the construction.

9. The measures for the implementation and monitoring arrangements for the Interim Travel Plan prepared by DHA, dated December 2024, shall be fully adhered to at all times.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

10. The measures for mitigation of both environmental and commercial noise as set out in a) the Noise Impact Assessment and Survey by MRL acoustics ref MRL/100/1311.2V1 dated January 2019 and b) The Noise Impact Assessment and Survey by Acoustic Principles ref- MRL/100/1311.2V1 dated 07 November 2024 shall be fully adhered to and a report containing photograph and written evidence confirming full implementation of the details of the acoustic work shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of the protecting the amenities of the future residents of the flats.

11. No part of the building shall be occupied until full details of the mechanical ventilation of the building have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) / leisure facilities hereby approved.

12. Prior to start of works on site, the applicant shall submit in writing to the satisfaction of the local authority details to demonstrate the proposed substation will remain flood resilient and operational during the design flood event, where the flood level is estimated to be 23.5mAOD. The details shall include a maintenance and management plan of the substation to ensure flood resilience is maintained.

Reason: To ensure the substation remains operational during times of flood as required by Table 2 and the Exception Test of NPPF. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

13. Prior to construction, the applicant shall submit in writing, to the satisfaction of the local authority, details to demonstrate all necessary infrastructure necessary to maintain all utilities for water, heat and power during a flood event, will be located at a suitable location above design flood level.

Reason: To ensure continuity of supply and wellbeing of residents during and immediately after flood conditions. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

14. The development hereby permitted shall not be occupied unless and until the foul and surface water drainage system and all other recommendations set out in the Flood Risk Assessment and Drainage Strategy prepared by DHA dated Nover 2024 (34379/JM/CS) have been installed and fully implemented in accordance with the approved details.

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 181 of the National Planning Policy Framework

**Informative:**

1. The effect of paragraph 13 of Schedule 7A of the town and Country Planning Act 1990 is that 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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Tonbridge and Malling Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this planning permission is considered to be one which will not require the approval of a biodiversity gain plan, before development is begun because of the statutory exemption listed below is considered to apply:

**De minimis exemption (development below the threshold).**

2. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link: <https://www.southernwater.co.uk/developing-building/connection-charging-arrangement>. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)
3. Kent Police recommend you to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. Your attention is drawn to the recommendations for the layout and design of the scheme set out in our consultation response.
4. In the event of approval, site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
5. Once planning approval for any development has been granted by the LPA, 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 also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

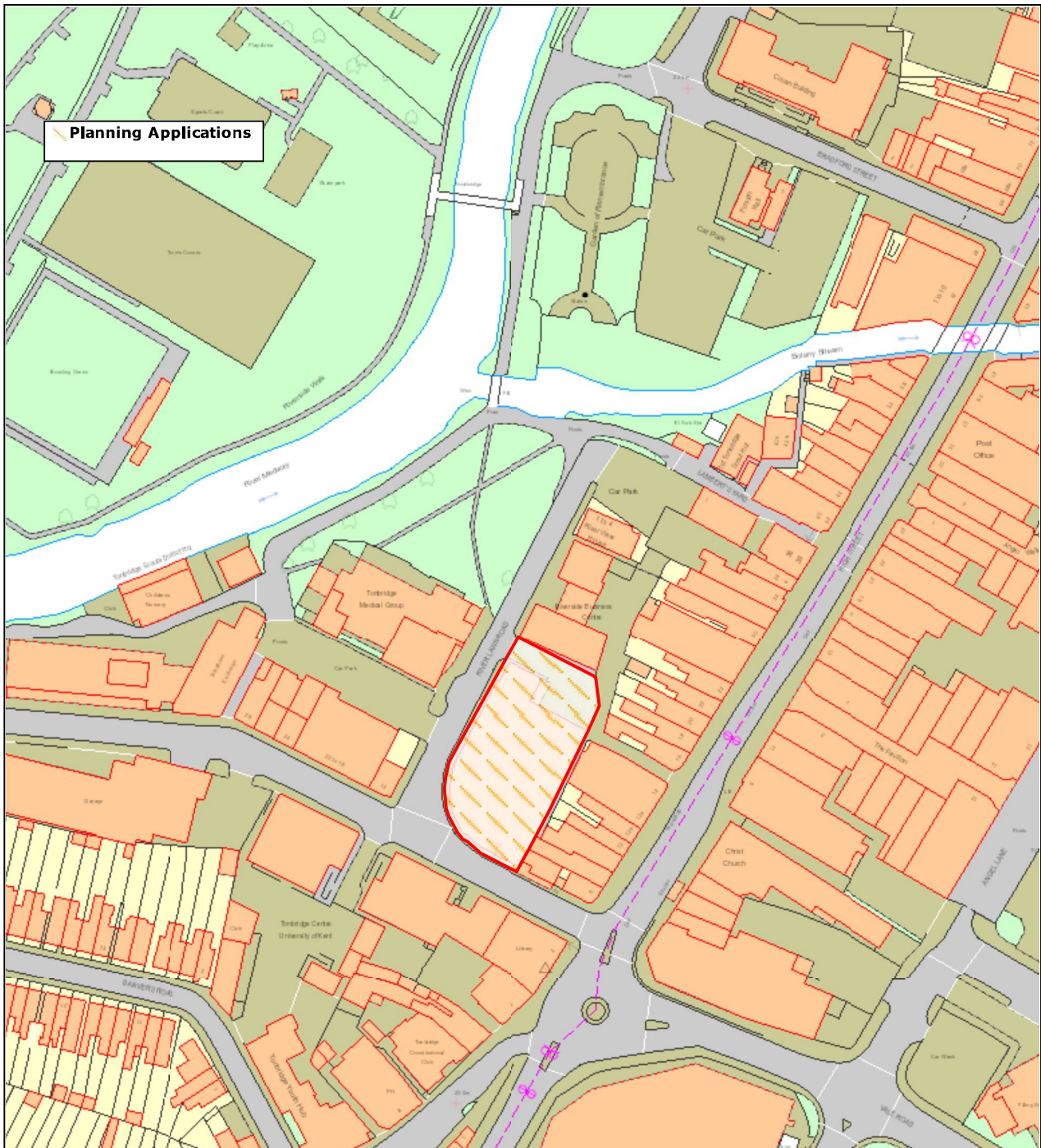
Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

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

6. 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 to 18:30 hours. On Saturdays 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

Contact: Josh Kwok





**Planning Applications 24/02011/PA**

**Scale: 1:1250**



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Date: 22/9/2025 15:22

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**Hildenborough**  
Hildenborough

**16 OCTOBER 2025**

**TM/25/00713/PA**

**Location:** Land North of Fir Tree Farm, Riding Lane, Hildenborough.

**Proposal:** Demolition of existing stables and erection of a detached dwelling (Self-build/custom build)

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

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**1. Description of Proposal:**

- 1.1 Planning permission is sought for the demolition of the existing stable building and the erection of a detached single storey, 3 bed dwelling.
- 1.2 The proposed dwelling would be L shaped, approx. 19.5 metres in length x 8.5 metres (at its longest depth) x 4.9 metres to its maximum height.
- 1.3 Access to the dwelling would be via the existing access track from Riding Lane leading to the site. Within the site the existing hard standing area will be extended to provide two parking spaces for the dwelling adjacent to the south western corner.
- 1.4 The dwelling is proposed to be sited within the north western corner of the site within the same footprint of the approved, but not implemented replacement stable building.

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

- 2.1 This is a Member application which has been presented to committee in line with the constitution E8 - Planning applications made by Councillors and Officers and Council Development.
- 2.2 Criterion E8.6 bullet point 4) states:
  - *In the event that any objections are received to an application, it will need to be determined at the relevant Area Planning Committee.*
- 2.3 Hildenborough Parish Council has raised an objection to the proposal, if officers are minded to approve.

**3. The Site:**

- 3.1 The site is located to the east of Riding Lane and to the north of Riding Farm and contains a field and buildings for equestrian and ancillary storage use.

- 3.2 The site lies outside of any settlement boundary within the Metropolitan Green Belt and Countryside., To the northwest of the site is an area of Ancient woodland.

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

24/01556/PA - Approved - 27 January 2025

Demolition of existing stables and erection of replacement stables

23/00346/LDE - Certifies - 20 July 2023

Lawful Development Certificate Existing: Use of the buildings for equestrian and ancillary storage.

**5. Consultees:**

**5.1 Hildenborough Parish Council:**

Has concerns regarding the planning statement, where the proposal is defined as being on grey belt land. However, it is felt that this is not the case. The proposed development would have a direct impact on the countryside, altering its character—particularly in this predominantly agricultural area. As such, the proposal should be classified as being within the Green Belt.

Furthermore, the proposal would fundamentally undermine the purpose of the remaining Green Belt across the plan area and is therefore in contradiction to the National Planning Policy Paragraph 155. It should, therefore, be considered inappropriate development.

If TMBC are likely to approve this application then our objection/comments would stand.

**5.2 Environmental Health Protection:**

Foul drainage - It is stated as being unknown what is proposed to be used to deal with the foul water drainage installed for this development.

The applicant shall provide, if non-mains drainage is to be pursued, a document prepared by a suitably qualified and competent person demonstrating why it is not practicable to connect to the public sewer together with full details of the proposed non-mains drainage system including size, location and maintenance regimes. A suitable document for the provision of this information can be found at <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Informative: The report shall give due consideration to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.

Proposals must be able to meet the Environment Agency's General Binding Rules, which can be found at <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>, or, where the proposals are unable to meet the general binding rules the scheme must be capable of meeting the requirements of a specific discharge consent upon application to the Environment Agency. Any further guidance should be obtained from the Environment Agency as the UK regulator for the pollution of surface or ground waters and discharge consents.

Please note that the Local Planning Authority will note the submission of this information where provided but will not comment on its technical accuracy or provide technical guidance to the applicant.

Contaminated land - Due to the age of the building to be demolished and the potential for made ground to be present beneath it, a watching brief condition is recommended.

### 5.3 **KCC Ecology Advice Service:**

A Preliminary Ecological Appraisal (PEA) would typically include an assessment of potential adverse impacts on protected species that may be present within the area (e.g. reptiles, great crested newt, and dormice), however the PEA (Greelink, March 25) only comments on bats and nesting birds.

We note that at least four ponds are present within 250m of the site, and two adjacent to the site (northern and southern boundary). The site is within an Amber Risk Zone for great crested newt (GCN). In the absence of an assessment from an ecologist we presume that GCN may be present within the immediate landscape and onsite, however due to the small scale of proposals it is likely that through the implementation of precautionary impacts to GCN can be avoided without the need for a mitigation licence/DLL application.

The site appears to be heavily grazed modified grassland, which is largely unsuitable for reptiles, though they may be present onsite in low numbers due to the suitability of surrounding habitats or seeking refuge within the woodland and hedgerow boundaries. As with GCN, precautionary measures may be implemented to avoid adverse impacts on this species. The presence of roosting bats has been ruled out, however nesting birds may be present in buildings identified for removal.

No loss of woodland habitat is proposed, however the building within the onsite woodland is scheduled for demolition which may result in temporary disturbance. No consideration of dormice has been given within the PEA, however they may be present. Due to the scale and nature of works it is considered that impacts to dormice can be avoided through the implementation of sensitive working methods, without the need for further survey.

Habitats on and adjacent to the site are ecologically sensitive (broadleaved woodland, ancient woodland, ponds, hedgerows and grassland). These have

potential to support a range of protected species, with only roosting bats determined to be likely absent. In order to avoid impacts on protected habitats and species, we advise that a CEMP is implemented.

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows<sup>1</sup>. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2024.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via condition.

BNG - Though proposals are for a self-build application, the site exceeds 0.5ha and therefore the self-build exemption does not apply. A BNG metric and associated report have been provided (Greelink Ecology, May 25).

We consider a net gain of biodiversity onsite to be achievable, and that these gains are considered on site significant due to the extent of medium distinctiveness habitat creation. We note that the new woodland creation is to occur within the area mapped as hardstanding at baseline, however the area of newly created woodland does not equate to the amount of hardstanding to be lost, and no other created woodland appears to be shown on the post-development habitats plan. This will need addressing within final BNG calculations, however it is not considered to significantly impact net gain calculations

As net gains are on site significant, there is a need for a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery secured via a condition.

Additional opportunities to secure enhancements from biodiversity, otherwise not secured within the HMMP, should be sought onsite. The PEA (Greenlink Ecology, March 25), recommends the incorporation of 4 x tree mounted bat boxes within retained woodland, and 8 x vegetation mounted bird boxes within retained woodland. In addition to this we also recommend that log piles, hedgehog houses, dormouse boxes and insect hotels are provided onsite.

Bird boxes should be durable (i.e. woodcrete) and designed to target a range of woodland specialist species. This should include at least one of the following: universal nest box, open-fronted nest box, tree creeper nest box and tawny owl nest box. The newly created structure will be timber clad and therefore integrated nest boxes will likely not be feasible.

The PEA has not made consideration of the potential presence of dormice, though we consider that they may be present onsite and within the immediate area, due to the suitability of woodland habitat and the strong connectivity to areas of offsite ancient woodland. Proposals should include 2 x dormouse boxes within suitable areas of woodland to provide enhancements for this species, secured via a suggested condition.

#### **5.4 Upper 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.

The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works which may 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.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application.

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3.

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

5.5 **Interested Parties:** No comments received

**6. Relevant Policy & 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 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 (TMLP), 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 Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025) and the Hildenborough Character area SPD.

Principle of Development

- 6.4 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”*.
- 6.5 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.
- 6.6 As a consequence, 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. 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.

- 6.7 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 land within the Green Belt and Irreplaceable Habitats. Therefore, it must first be established whether the policies in this Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development.

#### Ancient Woodland

- 6.8 Since 2018, all editions of the NPPF, have afforded Ancient Woodland a high level of protection, classifying it as "irreplaceable habitat". The current NPPF 2024 protects irreplaceable habitat at paragraph 193(c), stating:

*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.*

- 6.9 In this case Ancient Woodland designation is not directly on the site itself. However, the 15 metres buffer zone does encroach into the north western corner of the site and moreover the western end of the existing stable building is within that 15 buffer zone, but for the purposes of 11 d i) the site is not within an area classified as irreplaceable habitat.
- 6.10 Moreover, the proposal would see the removal of the existing stable building within the buffer zone. The proposed dwelling would be sited 15 metres further to the south than the existing building and consequently the proposed building would be significantly outside of the Ancient Woodland buffer zone.
- 6.11 The proposal would not result in the loss or deterioration of Ancient Woodland, on this basis and with reference to the aforementioned considerations there would be no 'strong' reason to refuse the proposal in respect of Para. 11d (i) in regard to irreplaceable habitats.

#### Green Belt

- 6.12 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. Paragraphs 153 – 160 of the NPPF relate specifically to the determination of proposals that affect the Green Belt.
- 6.13 Paragraph 153 states 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 it meets the exemption listed. Exceptions to this include:

g) Limited infilling or the partial or complete redevelopment of previously developed 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 site comprises a stable block and associated paddocks, and it is not disputed that the site would be considered previously developed land as defined in Annex 2 of the NPPF.
- 6.16 Therefore, the test to be applied is whether the proposal would cause 'substantial' harm to the openness of the Green Belt.

#### Assessment on openness

- 6.17 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. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach alone; rather, it is also necessary to consider the spatial implications of the proposal.
- 6.18 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.
- 6.19 Therefore, when assessing whether the development as a whole would cause substantial harm to 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.
- 6.20 Turning first to spatial: The site currently contains two buildings, a larger single storey detached stable building with a store, and a smaller single storey timber building. The proposed development seeks to demolish the existing structures.
- 6.21 It is clear, based just on the spatial element, that the proposal would result in a materially larger building than that which currently exists on site, due largely to the increase in height. However, when compared to the extant permission for the stable building, which is a material consideration, whilst still seeing an increase in height the difference spatially would not be so significant. The approved stable building is

similar in length and width with a maximum roof height of 4.6 metres, the proposed building has a roof height of approx. 4.9 metres.

- 6.22 Turning to the 'visual' perception the perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.
- 6.23 In this case, the proposed building would be more visible due to its proposed location, albeit that views would be largely limited to within the site itself due to the existing boundary treatment. However, as with the spatial element, regard must be given to the extant permission. The proposed building would be sited on the same footprint as the extant permission and in that regard visually the proposal would not cause substantial harm to the openness of the Green Belt.
- 6.24 Therefore, to conclude, on the impact on openness, in this case the proposal would not cause substantial harm to openness of the Green Belt. The proposal is for one dwelling which would be considered 'limited infilling on previously developed land' as such would comply with Paragraph 154 g) NPPF thus being appropriate development in the Green Belt.
- 6.25 Parish Council comments in relation to the site being inappropriate development has been noted. However, footnote 55 of the NPPF is clear that substantial weight is not given to any harm identified to the Green Belt, including harm to its openness on development that has been identified as appropriate development on previously developed land or grey belt land (which is considered next) as in this case.

#### Grey Belt

- 6.26 Turning next to Grey Belt, paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b) There is a demonstrable unmet need for the type of development proposed;
  - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
  - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 (if applicable).
- 6.27 Turning first to criterion a) (para. 155) the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:

*“Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.*

- 6.28 The site is previously development land and whilst adjacent to an irreplaceable habitat, the site is not within that designation as such the site is not located in any of the other assets referred to in footnote 7. Therefore, the next step would be to establish if the parcel of land ‘strongly’ contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:
- a) To check the unrestricted sprawl of large built-up areas.
  - b) To prevent neighbouring towns merging into one another
  - d) To preserve the setting and special character of historic towns
- 6.29 In relation to purpose a) – unrestricted sprawl of large built-up areas: Hildenborough within the TMBCS Policy CP12 is defined as a Rural Service Centre. Hildenborough is therefore not a large built-up area for the purpose of criterion a).
- 6.30 Moreover, the PPG has recently been updated to reflect the changes to the NPPF and now provides detailed guidance on how to assess Green Belt purposes [Paragraph: 005 Reference ID: 64-005-20250225].
- 6.31 As set out in the PPG, assessment areas that contribute ‘strongly’ are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:
- be adjacent or near to a large built-up area
  - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
- 6.32 The site itself is not free of development and has strong physical features that would restrict and contain the development, these being the established boundaries marking all four sides and the adjacent ancient Woodland to the north/north west. Therefore, Officers are of the opinion that the site would not ‘strongly’ contribute to purpose a).
- 6.33 Turning next to purpose b) - To prevent neighbouring towns merging into one another. In this case the proposal due to the location of the site would not result in neighbouring towns merging into one another.
- 6.34 In regard purpose d) - To preserve the setting and special character of historic towns. Hildenborough is not considered a historical town.

- 6.35 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not ‘strongly’ contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as ‘Grey Belt’ land. This is confirmed by PPG which states *“After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development”*. [Paragraph: 007 Reference ID: 64-007-20250225].
- 6.36 Turning next to Criterion b) – There is a demonstrable unmet need for the type of development proposed. The Council cannot demonstrate a five year supply of deliverable housing sites.
- 6.37 In regard to c), this requires development to be in a sustainable location. The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that the planning system has three overarching objectives to achieving sustainable development, which are interdependent and need to be pursued in mutually supportive ways.
- 6.38 Sustainable development is also re-iterated in policy CP1 of the TMBCS. This policy requires all proposals for new development to deliver a high-quality sustainable environment and seeks to ensure that adequate provision is made for housing to meet the needs of existing and future residents of the Borough in line with the evolving need and requirements
- 6.39 The site is not isolated and whilst the access to the site itself is ‘lengthy’, it is considered that the site is within a reasonable walking and cycle distance to local services and general everyday facilities. There are bus stops in Riding Lane close to the access which would provide links to the wider area. However, it is also acknowledged that there is no footway or street lighting in the vicinity and therefore this is likely to deter some journeys in the winter months. Therefore, whilst it is noted that the site would be to some extent more reliant on a motor vehicle, having regard for paragraph 110 NPPF which acknowledges that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision taking”* on balance officers consider the site to be of moderate sustainability.
- 6.40 Last criteria d) states where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156 & 157. The proposal is not for ‘major development and therefore criterion d) is not applicable.
- 6.41 Officers have had regard to the Parish Council comments in relation to the site not being on Grey Belt land and that the development would have a direct impact on the countryside, altering its character. However, having regard to the

aforementioned considerations Officers are of the opinion the site would be Grey Belt.

- 6.42 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.
- 6.43 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].
- 6.44 It therefore follows that as not being inappropriate development Paragraph 11 d (ii) is engaged and planning permission should be granted unless 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.

#### Countryside

- 6.45 Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy predates the NPPF and is not considered to be consistent with the NPPF and therefore diminished weight is afforded to the policy in this case.

#### Assessment on Character and Appearance

- 6.46 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.
- 6.47 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.

- 6.48 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.
- 6.49 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.
- 6.50 It is not disputed that the existing buildings on the site have no architectural merit however, they are still considered appropriate in their appearance for their intended use and as buildings associated with rural/semi rural areas.
- 6.51 The replacement building is of a similar size and L shaped in design to the extant permission. The proposed dwelling is considered to reflect the rural vernacular. The feature front gable adds interest to the front elevation which is also replicated in the projecting western element.
- 6.52 The external materials proposed are timber cladding for the walls under a tile roof. These materials in principle will harmonise with other nearby rural buildings and are similar to the existing structures. The building would have an authentic rural character whilst meeting modern sustainability standards. If permission is forthcoming a condition would be imposed for the finer details of the materials to be submitted to and approved by the LPA.
- 6.53 In terms of the positioning of the dwelling within the site, as noted previously the dwelling would be sited on the location of the approved stables. This sees the building moved forward from the northern boundary increasing the distance away from the buffer area to the Ancient Woodland. The Planning Statement indicates that this area would be demarcated from the dwelling with fencing to preserve and enhance the Ancient Woodland buffer.
- 6.54 It is suggested that permitted development rights are removed for extensions to the dwelling as this will allow a level of control and ensure that any extension to the rear or side of the dwelling would not impact on the Ancient Woodland and Green Belt.
- 6.55 The parking spaces have been located close to the entrance of the site in order to prevent the need for additional hard surfacing. The dwelling itself will then only be accessed via a pedestrian pathway. In order to ensure this is retained it is suggested that permitted development rights are removed in relation to hardstanding albeit it is noted that extending the parking area would be forward of the front elevation and therefore subject to a certain level of control.
- 6.56 To conclude on character and appearance, it is considered that the proposal 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.

Assessment on Access and Parking

- 6.57 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”.
- 6.58 This policy is also supplemented by Policy SQ8 (MDE DPD) which states 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.”*
- 6.59 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”.
- 6.60 Turning first to the access the proposal would utilise the existing access from Riding Lane. Visibility from the existing access is considered to be good and the proposal being just for one dwelling will not significantly impact on vehicular movements at the access, especially having regard to the existing vehicle movements to the existing and proposed stables.
- 6.61 Turning next to parking, Kent County Council’s Parking Standards (January 2025) (Appendices Table 1) set out that the provision for a 3 bed house in a rural location, is 2 spaces per unit in the form of one or both spaces being allocated if possible. The application proposes two vehicle parking spaces located close to the existing access track. It is also noted that there is sufficient space within the site to accommodate a visitor space if required.

Assessment on Neighbour Amenity

- 6.62 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.
- 6.63 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”.



- 6.64 The nearest dwelling is Fir Tree Farm located some 60 metres to the south. Due to the size of the dwelling proposed and the distances between the properties, there would be no impact on Fir Tree Farm in terms of loss of privacy, overlooking or an overbearing effect from the proposed dwelling.
- 6.65 Therefore, to conclude on neighbour amenity, 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.

Living conditions of future occupiers

- 6.66 The Nationally Described Space Standards states that for a 3 bed, 5 person dwelling set over one floor, 86 square metres is required plus 2.5 sqm for storage. The proposed dwelling would comprise 98 square metres and therefore would comply with the minimum standards.
- 6.67 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Biodiversity and Ecology

- 6.68 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.
- 6.69 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.
- 6.70 The application is accompanied by a Preliminary Ecological Appraisal (PEA) (Greenlink Ecology dated March 2025). KCC Ecological Advice Service has reviewed the submitted information and whilst raising a comment in relation to the PEA not referring to reptiles, great crested newts (GCN) and dormice, are satisfied

that sufficient information has been submitted. KCC Ecology note that due to the small scale of proposals it is likely that through the implementation of precautionary impacts to GCN can be avoided without the need for a mitigation licence/DLL application.

- 6.71 It is also noted that the site appears to be heavily grazed modified grassland, which is largely unsuitable for reptiles, though they may be present onsite in low numbers due to the suitability of surrounding habitats or seeking refuge within the woodland and hedgerow boundaries. As with GCN, precautionary measures may be implemented to avoid adverse impacts on this species.
- 6.72 In regard to dormice no loss of woodland habitat is proposed, and moreover due to the scale and nature of works it is considered that impacts to dormice can be avoided through the implementation of sensitive working methods, without the need for further survey.
- 6.73 In consideration of the above, a pre commencement Construction Environmental Management Plan (CEMP) condition is suggested. The CEMP will include measures to avoid impact to GCN, reptiles, hedgehog and dormice.
- 6.74 In addition, KCC Ecology also suggest a lighting condition to mitigate against potential adverse effects on bats.
- 6.75 Turning next to Biodiversity Net Gain (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.
- 6.76 Under the Environment Act 2021, all planning applications for small scale development (unless exempt), will have to deliver at least a 10% biodiversity net gain.
- 6.77 In this case whilst the proposal is for a self build dwelling, this exemption applies only if the self build meets certain criteria, one of which relates to the size of the site. In this regard the site exceeds the 0.5 hectares exemption and therefore the self build exemption does not apply.
- 6.78 A BNG metric and associated report have been provided (Greenlink Ecology, May 2025). This demonstrates that a net gain of +2.09 units (+76.31%) can be achieved onsite through new woodland creation and enhancement of modified grassland to other neutral grassland. Additionally, a net gain of +0.41 hedgerow units (+135.43%)
- 6.79 KCC Ecology consider a net gain of biodiversity onsite to be achievable, and that these gains are considered significant due to the extent of medium distinctiveness habitat creation. KCC Ecology note that the new woodland creation is to occur

within the area mapped as hardstanding at baseline, however the area of newly created woodland does not equate to the amount of hardstanding to be lost, and no other created woodland appears to be shown on the post-development habitats plan. This will need addressing within final BNG calculations; however it is not considered to significantly impact net gain calculations.

- 6.80 As net gains on site are significant, there is a need for a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.
- 6.81 The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery. In regard to the above KCC Ecology has suggested a pre commencement condition for a Habitat Management and Monitoring Plan (HMMP) to be submitted. However, as the BNG requires monitoring, the applicant is required to enter into a S106 agreement and will be subject to BNG monitoring fees.
- 6.82 Additional opportunities to secure enhancements from biodiversity, otherwise not secured within the HMMP, should be sought onsite. The PEA (Greenlink Ecology, March 25), recommends the incorporation of 4 x tree mounted bat boxes within retained woodland, and 8 x vegetation mounted bird boxes within retained woodland. In addition to this we also recommend that log piles, hedgehog houses, dormouse boxes and insect hotels are provided onsite.
- 6.83 As stated above the PEA has not made consideration of the potential presence of dormice, though it is considered that they may be present onsite and within the immediate area, due to the suitability of woodland habitat and the strong connectivity to areas of offsite ancient woodland. Proposals should include 2 x dormouse boxes within suitable areas of woodland to provide enhancements for this species. These biodiversity Enhancements would be secured via a condition.

#### Flooding / Drainage

- 6.84 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”*.

- 6.85 The application forms indicate that surface water will be dealt with via SuDs, however, in regard to foul sewage this is currently unknown.
- 6.86 There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case.
- 6.87 In regard to Foul sewage the Council's Environmental Health Officer suggests details are secured via a suitably worded condition together with an informative advising the applicant that any report needs to have regard to National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.
- 6.88 In addition, the site is also 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.
- 6.89 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.
- 6.90 The Board has reviewed the documents submitted in support of the above planning application and has noted works which may require Land Drainage Consent from the Board. The Board cannot see that the applicant has identified a drainage strategy for the site within their application and as such recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, or to discharge treated foul water to a watercourse consent would be required under Byelaw 3.
- 6.91 A condition is therefore suggested to be imposed for details of both surface water and foul drainage to be submitted to and approved by the LPA.

#### Contamination

- 6.92 The Council's Environmental Health Protection Officer has reviewed the application and considers due to the age of the building to be demolished and the potential for made ground to be present beneath it, a watching brief condition is recommended.

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

- 6.93 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.

- 6.94 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.
- 6.95 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 legislation and the Council's obligations under the PSED.
- 6.96 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.
- 6.97 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.
- 6.98 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

- 6.99 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.
- 6.100 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

- 6.101 In regard to Green Belt it has been established that the proposed development 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
- 6.102 It has also been established that the site would comprise Grey Belt land.
- 6.103 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
- 6.104 In weighing the proposal in the overall planning balance required by 11 d (ii) the Council acknowledged that the scheme would provide the provision of a new dwelling, 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 for only one dwelling.
- 6.105 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.
- 6.106 The fallback position, which sees planning permission granted for the erection of a stable building of comparable size is extant and therefore a material consideration in the assessment of harm to the openness of the Green Belt attracting significant weight in the planning balance.
- 6.107 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

- 6.108 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.

**7. Recommendation: Approved subject to S106 and conditions as follows:**

Heads and Terms S106: Monitoring HMMP

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 Plan Drawing No. SLP.01

Proposed Block Plan Drawing No. S.02 Rev P2

Proposed Floor Plan Drawing No P.01 (received 30 September 2025)

Proposed Elevations Drawing No. P.02

Planning Statement (Highgate, April 25)

BNG Metric and Report (Greenlink Ecology, May 25)

Preliminary Ecological Appraisal (Greenlink Ecology, March 25)

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, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

4. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft 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 interest of visual amenity.

5. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread.
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level

Reason: In the interests of visual amenity

6. No development shall take place (including any ground works, site or vegetation clearance) until a construction environment management plan for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following and be based on the PEA (Greenlink Ecology, March 25), but should also include measures to avoid impacts to GCN, reptiles, hedgehog and dormice.
- a) Purpose and objectives for proposed mitigation works during construction:
  - b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
  - c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives
  - d) Extent and location of proposed mitigation works shown on appropriate scale maps and plans, with reference to: pollution avoidance measures (noise, dust, lighting and run-off), protection of retained trees, adjacent ancient woodland, and precautionary measures for breeding birds, roosting bats, hedgehog, dormouse, reptiles and great crested newts;
  - e) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction;



- k) Persons responsible for implementing the mitigation works, including any times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- l) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- m) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

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

7. Prior to occupation, a lighting plan for biodiversity 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, to demonstrate that areas to be lit shall not adversely impact biodiversity and will avoid adjacent woodland habitats.

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

8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and including the information required by (a) to (e) below, has been submitted to, and approved in writing by, the local planning authority:
  - (a) A non-technical summary;
  - (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
  - (c) The planned habitat retention, creation and enhancement works to conserve, create and/or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan. This shall include the provision of scaled and detailed soft landscaping plans, as well as planting schedules;
  - (d) The management measures to conserve, maintain and improve habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

- (e) The monitoring methodology and frequency by suitably qualified person, in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed, created and maintained in accordance with the approved HMMP

Reason: To satisfy the requirements of Biodiversity Net Gain.

9. Prior to the commencement of any works above slab level, the ecological enhancement measures detailed within KCC EAS Ecological Advice note dated 13/06/25 shall be implemented and maintained thereafter.

The development hereby permitted shall not commence until:

- At least 8 durable bird nest boxes targeting woodland species are installed in suitable retained woodland habitat.
- At least 4 durable bat boxes are installed in suitable retained woodland habitat
  - At least one hedgehog house is provided within retained habitat way from potential disturbance
- At least one log pile is created within woodland or at woodland edge, sourced from local and sustainably sourced materials [from onsite resources if possible]
- At least one insect hotel is provided within retained habitat
- At least two dormouse boxes are installed within areas of retained woodland have been installed/created in accordance with best practice, as well as written and photographic evidence of the installation/creation has been submitted to the local planning authority.

Reason: In the interest of protective species.

10. No development other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul and surface water resulting from this development proposal are to be managed in accordance with the hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions

11. (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

- 12 The development hereby approved shall not be occupied until the parking spaces shown on Proposed Block Plan Drawing No. S.02 Rev P2 have been constructed for use of the proposed dwellings. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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

13. Prior to the occupation of the dwelling, detail of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwelling shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

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

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development falling within Classes A, D E or F of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development on the site and to avoid harm to visual and residential amenity that could otherwise occur without such restrictions.

### **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.

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

2. 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.

3. 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

4. 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.

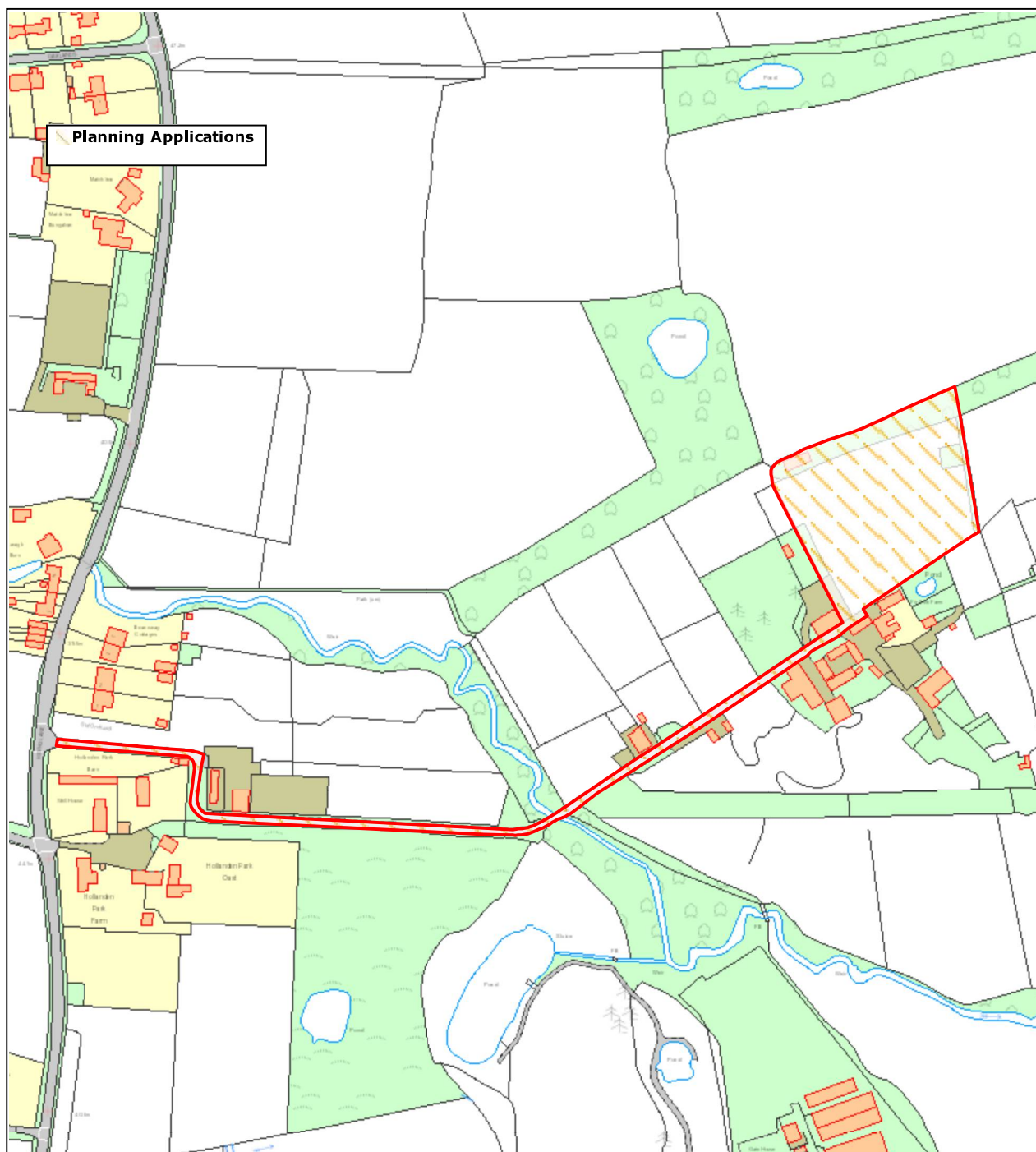
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken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

6. 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

7. The report shall give due consideration to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.

Contact: Susan Field

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**Planning Applications 25/00713/PA**

**Scale: 1:2500**



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Date: 30/9/2025 12:39

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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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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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