

- Contrary to both the TMBC Core Strategy and Plaxtol PC adopted Parish Plan
- High Flood Risk
- No Affordable Housing provision
- Non-linear, back land development
- Not part of the Rural Exception site and that justification
- Local waste water system struggling already
- TPO Oak Tree in development area that could suffer serious harm
- Restricted access to site, causing traffic hazard to residents of Shrubshall Meadow affordable housing.
- No LGV access for emergency and service vehicles.

3. The Site:

- 3.1 The site has 3 main parts. There is a rectangular area approx. 36m by 19m to the east of Westview, Farley and Carlwood and to the west of a horse grazing paddock through which runs the River Bourne. This is where the 2 dwellings are proposed. This area is semi-natural habitat (brambles, hazel, young oaks and hawthorn) with a large oak tree subject to a TPO just beyond its SE corner. To the south of this plot is the long rear garden of Brookfields which fronts Long Mill Lane. Beyond the garden of Brookfields are the dwellings of 5, 7 and 9 Brook Lane.
- 3.2 The second part is the access which is generally a maximum of 4m wide. This is a rough unsurfaced track behind Shorehill, Meadowvale and Spring Cottage. It then becomes a surfaced track (with aggregate stones) behind and around the side of 12-15 Shrubshall Meadow (incl) and then a tarmacked access through the new housing up to Long Mill Lane.
- 3.3 The third part is to the north east being semi natural habitat on land off the track which is not shown to have any development proposed on it in this application. This is the part of the application site which abuts the PROW. It is behind the new houses of 9-11 (incl) of Shrubshall Meadow.
- 3.4 The plot for the new houses and the track are both generally flat but the application site overall is set lower than Long Mill Lane and the houses which front it.
- 3.5 The site for the new houses and most of its access just lies inside the rural settlement confines of Plaxtol but at the outer edge of the Green Belt boundary. The part in the NE corner and the access as it goes to the rear and side of 12-15

Shrubshall Meadow (incl) is in the countryside - that is, it is not in the Green Belt but is outside the settlement confines.

- 3.6 All of the site is in the AONB (as is the whole village of Plaxtol).
- 3.7 Part of the site is in Flood Zones 2/3 but that is only along the easternmost boundary encroaching a maximum of 2-3m into the access road and parking/turning: the area where the new houses are to be sited is Flood Zone 1 (ie not in the area at high risk of flooding).
- 3.8 There are 2 oak trees subject to Tree Preservation Orders - one abutting the access track and one just beyond the SE corner of the parking/turning area.
- 3.9 A PROW MR327 runs along the north of the NE parcel but is not directly affected by the development. Another PROW MR326 runs on the far side of the River Bourne, some 60/70m parallel from the siting of the proposed new houses.

4. Planning History (relevant):

TM/89/11437/OUT Refuse 13 March 1989
(88/1945)
Outline application for residential development with access.

TM/95/50810/FL Refuse 16 February 1996
construction of 12 low cost local needs cottages, car parking spaces, access road and associated works

TM/13/03006/FL Approved 1 May 2014
Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking spaces and landscaping

TM/14/01968/RD Approved 29 July 2014
Details of materials pursuant to condition 2 of planning permission
TM/13/03006/FL (Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking spaces and landscaping)

TM/14/02208/RD Approved 19 August 2014
Details of planting, fences, levels and finished floor levels, external lighting, refuse storage and collection measures pursuant to conditions 3, 8, 9, 12 and 10 of planning permission TM/13/03006/FL (Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking

spaces and landscaping)

TM/14/02550/RD

Approved

16 October 2014

Details of foul and surface water drainage pursuant to condition 11 of planning permission TM/13/03006/FL (Development of vacant site to provide 7no. affordable homes for rent and shared ownership including 2x three bed houses, 3x two bed houses and 2x one bed apartments including 12no. parking spaces and landscaping)

5. Consultees:

5.1 PC: Objection: there is considerable local objection to this proposal as evidenced by letters of objection to the Parish Council and the Borough Council and by public attendance at the Parish Council meeting of 2 November:

- TMBC Core Policy CP13 which permits new development within the confines of Plaxtol a) if there is some significant improvement to the appearance, character and functioning of the settlement, or b) if there is exceptional local need for affordable housing in terms of policy CP19. Since this proposal is not for affordable housing, b) does not apply. In terms of a), neither local residents nor the Parish Council consider this to be the case in an area of the village which has already suffered high density development over the past few years.
- TMBC Core Policy CP14. As the proposed site is in the countryside, all the restrictions recorded in CP14 apply.
- TMBC Core Policy CP19 which permits development in the countryside where it is for affordable housing justifying a rural exception site. The proposal is not for affordable housing and, given the difficulty Moat Housing is experiencing in filling the vacant properties at the nearby rural exception site at Shrubshall Meadow, the need for affordable housing in this location is in any case questionable.
- The proposal does not respect the special linear street character of the village and is therefore contrary to TMBC Local Plan Saved Policy P6/5. It is also contrary to Plaxtol's Design Statement and Planning Review Document update to that statement as back-land development. The applicant's contention that the site is in 'relative close proximity to other back-land development' and is consistent with 'previously permitted [back-land] development in the area' (sections 2.8 and 2.32 of the agent report) fails to acknowledge that the back-land development in question was an exception approved solely for the provision of affordable housing and cannot therefore be used as a precedent.
- The access to the proposed dwellings is inadequate. The width of the access road narrows from 4 to 2.5 metres and is therefore unsuitable for normal use

by refuse lorries, oil tankers or other delivery vehicles, or for access by the emergency services. The access is adjacent at its narrowest point to an oak tree subject to a TPO. The access cannot be improved without damage to the root system of the oak, contrary to the applicant's assertion at 2.33 that access can be provided with minimal impact to existing trees. Vehicular traffic in general and construction vehicles in particular are also likely to damage the canopy. Additionally, any raising of the current track, which has acted as a drainage ditch for this area will exacerbate flooding.

- The area is liable to flooding, the field adjoining the development site flooding on a regular basis. Two new properties and associated hard parking will result in increased run off of surface water. It has been noted that the additional drainage provided at the Shrubshall Meadow development is already failing in that water has been constantly flowing into the River Bourne from the soakaway even during prolonged periods of dry weather. Drainage and sewerage disposal for the proposed development has yet to be submitted, but the provision of additional services for this end will also be impeded by tree protection issues.
- Parking. For four bedroom properties the provision of two parking spaces is inadequate in these days of multiple car ownership within families. As it will be impossible to park additional or guest vehicles on the access road because of width restrictions, such vehicles will either become obstructions on the existing Shrubshall Meadow development or on the highway, already overburdened with parked vehicles because of inadequate parking in the area generally. The contention of the developer that highway safety would not be compromised (section 2.6) is not supported by local residents.
- The proposed development will have a detrimental impact on the local environment in terms of noise pollution and loss of privacy for local residents. High fencing installed with recent developments is also urbanising the appearance of this rural location within an AONB.
- The Parish Council contends that this proposal constitutes overdevelopment in an area which has become increasingly overcrowded in recent years and where current newly built properties have remained unsold for considerable periods of time. The proposal does not meet local needs, does not accord with local views and is in contravention of planning as outlined above.
- Should this application be approved, it is requested that the current driveway to the properties not be further developed to service additional dwellings.

5.2 KCC (H&T) The width of the access road is approximately 4m, narrowing to 3.4m past one tree and to only 2.5m past a second tree. For two cars to pass a minimum road width of 4.1m is required. Although tracking diagrams have been provided showing that a fire tender can access and turn within the site, I am

concerned that this is not to standard. Guidance in Manual for Streets states that a 3.7m carriageway (kerb to kerb) is required for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75m over short distances, provided the pump appliance can get to within 45m of dwelling entrances. If an authority or developer wishes to reduce the running carriageway width to below 3.7m they should consult the local Fire Safety Office. I therefore recommend that the local fire and rescue service be consulted.

- 5.2.1 Forward visibility is severely restricted at the entrance to the site by a 1.8m fence, and this may lead to a highway safety issue. It is considered that the applicant should examine these proposals and propose improvements to forward visibility at this location where possible.
- 5.2.2 The proposed bin store is not located in an adequate location for public refuse collection. Guidance in Manual for Streets states that residents should not be required to carry waste more than 30 m (excluding any vertical distance) to the storage point; waste collection vehicles should be able to get to within 25 m of the storage point; the collection point should be reasonably accessible for vehicles typically used by the waste collection authority. I therefore recommend that the local waste authority be consulted.
- 5.3 KFB: From the submitted plan(s) it appears that access to the site for the Fire and Rescue Service, as required by Section 53 of the above legislation, is satisfactory. Consideration has also been given to on site access as required by Building Regulations Approved Document B Section 5.
- 5.4 Waste Services: TMBC operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day. Having looked at the plans, I have no objection to the bin store being placed at the rear parking area but the collection point will be next to Long Mill Lane along with the 8 existing properties
- 5.5 Natural England: Refer to Standing Advice re protected species.
- 5.6 EA: No response.
- 5.7 Lead Local Flood Authority: Noted that there is no surface water strategy.
- 5.8 Private Reps (43/12R/0S/0X plus Art 15 Site Notice). One neighbouring resident was not initially individually notified due to an address database error and this has potentially extended the expiry of consultation period to after the date of the Area Committee.

12 Objections have been received making summarised points as follows:

- Does not follow the linear nature that developments should follow in accordance with the Plaxtol design statement.
- This development represents backfilling and garden grabbing. Government planning policy (May 2015) states an intention to “give councils new powers to stop unwanted development on gardens”.
- The proposed houses should be better spaced out and moved further away from the existing gardens.
- In the last four years ten dwellings have been built within only a few hundred metres of this proposed development.
- Overdevelopment of this part of the village not in keeping with the local area.
- A Ministerial statement by Nick Boles included reference to ‘allowing past over supply of housing to be taken in to account when assessing housing’.
- Shrubshall Meadows are affordable housing and therefore under the rural exception plan.
- There has yet to be a full uptake of the Shrubshall Meadows houses, suggesting there isn't a need for additional housing in this part of the village.
- Will start a wave of similar applications being made which would have a detrimental impact, risk damaging the beauty and tranquillity of our village.
- When viewed from the footpath opposite, impact on the rural nature of the location which is a beautiful area.
- The square footage of each 4 bedroom detached house is similar to neighbouring 3 bedroom semi-detached houses with approximately one quarter of the garden size.
- This is classed as an Area of Outstanding Natural Beauty and the landscape is already blighted from the development of Shrubshall Meadows, making the area feel very built up from the footpaths and neighbouring properties. The natural lie of the land has been affected and there is lots of concrete and high wooden fences.
- Construction will cause significant traffic and noise disturbance.
- Where will the building contractors vehicles park.
- Construction vehicles (cranes, cement lorries, scaffold deliveries etc) are also likely to experience severe difficulties accessing the site.

- The access is restricted in more than one place and minimum required widths cannot be achieved - problems for access of Fire/Emergency vehicles.
- serious flaws in the plans regarding access- an incorrect boundary was used when measuring for vehicular access This would reduce the width of vehicular access by 1 metre.
- A fire engine needs a minimum road width between kerbs of 3.7m and the access to the site narrows to 2.6m they also need a turning circle of 16.8 and there just isn't the room to make this possible.
- Extra traffic and trade and visitor parking issues in the adjacent area of Long Mill Lane.
- The noise and loss of privacy from vehicle movements to and from the new properties is likely to severely impact on the residential amenity, particularly when using rear gardens.
- The refuse collection arrangements do not appear to be appropriate as the distance between the dwellings and the bins exceeds the maximum distance permitted. The rubbish bins will have to be taken to the collection point on the road.
- In last 15 years the number of new properties approved for the Spout area is in excess of 30 and this is without the corresponding improvement of the infrastructure in the area.
- The land as being in Flood Zone 3 area which poses serious sewage and surface water issues.
- The River Bourne is a small stream and previous winters there has been significant flooding on the adjacent field and the lower aspects of the gardens adjacent to this field and proposed development also become very wet during periods of significant precipitation. The development will result in a significant increase in run off making this situation much worse.
- No indication is made on the plans of how water run-off, sewage or services will be supplied to the site. The Shrubshall Meadow development has a large tank soakaway, which has an overflow that drains straight into the river Bourne. Despite the dry weather, the overflow for exceptionally wet conditions is constantly running .The soakaway is failing to perform and has not even had a winters use.
- In order to move sewage to the mains it would need to be pumped all the way back along the track and uphill back to Shrubshall Meadows. How would this be achieved without damaging the roots of tree 18? We would not allow access across our land for these services.

- When the River Bourne is full the back flow of sewage is a huge problem and the Southern Water pumping station (situated in Brook Lane) cannot cope especially since the building of further properties in the area over the last few years. They frequently bring in tankers to deal with sewage.
- The houses on Shrubshall Meadow required the installation of a pump system to move the sewerage up to the main drainage system. The pipe work to move the sewerage from these new properties will have to be extensive.
- Harm to numerous trees protected by tree preservation orders in the vicinity of the proposed development. The plans do not mention these or how they would safeguard the roots.
- The tree survey suggests removing branches to give 6ft height clearance, not enough to allow large vehicles to access the site without damaging this important tree. The track narrows here so the tree would be at real risk of damage.
- One tree scheduled for removal is in the garden of Brookfields.

6. Determining Issues

- 6.1 The main issue is whether the proposal complies with Policy CP13 of the TMBCS and policy SQ1 of the MDE DPD which requires regard to be had to any village design statements adopted by the Borough Council. The Plaxtol Parish Design Statement dated August 2005 is one such adopted design statement relevant to Policy SQ1. However the Plaxtol Planning Review Document update has not been adopted by TMBC as a material consideration. The more recent Plaxtol PC adopted Parish Plan is also not a material consideration for development control. It has been formulated to inform the Local Plan Review which is at a very early stage.
- 6.2 Saved policy P6/5 of the TMBLP refers to the need to respect the special linear street character of Plaxtol. This policy is superseded by Policy SQ1 but remains a material consideration for development control purposes where there is no adopted Character Area Appraisal SPD. As there is no CAA for Plaxtol, Policy 6/5 is still relevant as a material consideration when looking at a scheme in the village which is clearly non-linear.
- 6.3 Policy CP13 requires new development within the confines of the listed rural settlements to be restricted to minor development appropriate to the scale and character of the settlement. This policy applies to the majority of the access road and the site of the new detached dwellings. Policy SQ1 by a reference to the Plaxtol Parish Design Statement states that Plaxtol has a linear character in the main to which regard should be had. It is considered that the backland nature of the dwellings with a contrived access route along the backs of 7 rear garden boundaries is not in keeping with the character of Plaxtol which is defined by linear

development pattern and there are few instances of development in depth (ie away from the traditional linear street pattern). It is accepted that this policy was relaxed somewhat to allow the Shrubshall development but that did provide affordable dwellings and so is allowed in the caveat to CP13.

- 6.4 Paragraph 59 of the NPPF states that local planning authorities should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.
- 6.5 CP13 is a policy that is neutral on PDL (Previously Developed Land). The application is not PDL and so there is no presumption in favour that overrides the considerations of the local policy position.
- 6.6 I am of the view that the location of the new dwellings would be contrived, principally as a result of the convoluted new vehicle access road which would be some 150m in length leading through Shrubshall Meadow (Phases 1 and 2) from Long Mill Lane.
- 6.7 Within the rural settlement confines, Core Strategy Policy CP13 permits new development if there is some significant improvement to the appearance, character and functioning of the settlement, or if new development is justified by an exceptional need for affordable housing. None of these tests are met by this proposal.
- 6.8 In addition, the site is located on the edge of the settlement confines and therefore consideration needs to be given to the requirements of Core Strategy Policy CP6 which presumes against permitting development on the edge of a settlement where it might harm the setting or character of the settlement when viewed from the countryside. It is the case that the 2 new dwellings will to some degree be seen in the context of 9 Brook Lane. However, that in itself would not overcome the intrinsic concerns with introducing 2 dwellings, extensive hardstanding for parking and turning and a 4m wide access drive in what is a very rural area which currently forms an attractive backdrop to the River Bourne as viewed from the public domain of Brook Lane and PROWs in the vicinity. Paragraph 109 of the NPPF stated that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 6.9 Whilst the site is in the AONB, the scale of the development does not impact on this strategic landscape designation bearing in mind the village as a whole is in the AONB. I therefore do not consider that policy CP7 of the TMBCS or paragraph 115 of the NPPF is breached.
- 6.10 The proposals comply with the Council's adopted car parking standards, as set out in the Kent Design Guide: Interim Guidance Note 3 Residential Parking (November 2008). This requires (assuming either 3 or 4 bedroom dwellings are proposed) that 2 independently accessible spaces are provided per unit, excluding

garages, plus additional visitor parking at 0.2 spaces per unit. I do not consider that there is a significant risk of offsite visitor parking. If there is, that is more likely to be within Shrubshall Meadow than Long Mill Lane but parking standards would indicate that there is enough parking at the site frontage to meet average visitor needs.

- 6.11 The route and turning of emergency vehicles has been assessed by Kent Fire Brigade and they are satisfied it is acceptable. On that basis, there is no reason to question that delivery and trade vehicle access is impossible. Policy SQ8 is complied with in my view.
- 6.12 The 2 new detached dwellings are claimed to be constructed using traditional design and using locally found materials. Whilst such an approach would be supported in general design terms in this locality, the actual design and materials indicated do not respect the setting in my view. The units look too cramped on the site and the materials shown to be used are not sufficiently subdued or appropriate in design and appearance to fit into the edge of settlement locality. They are thus contrary to policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 6.13 The site is covered by a number of trees and general undergrowth, primarily brambles, hawthorn, hazel and young oaks. These add to the rural character of the area which forms the boundary of the settlement with the wider countryside and Green Belt adjacent. These contribute to the rural setting to the edge of Plaxtol and, notwithstanding the intended retention of some trees and planting of a landscape scheme, there will be an inevitable conflict with the principles of Core Strategy Policy CP6 in that the development would harm the setting and character of the settlement when viewed from the countryside. It should also be acknowledged that Paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- 6.14 In terms of affordable housing provision, the site measures 1,648 sqm which is very marginally above the 0.16 ha limit of policy CP17 for rural areas. Much of that area is access road and I am of the view that it would not be reasonable to seek an affordable housing contribution based on the site area in these particular circumstances.
- 6.15 Policy CP10 of the TMBCS deals with Flood Risk. However, it is not relevant in the light of the edge of the flood zone marginally affecting only a small part of the proposed access road and parking/turning area. It is not a case where current flood mapping indicates that the dwellings themselves will flood or that the access becomes totally impassable due to a flood event.
- 6.16 Foul drainage disposal is said to be unknown based on the application form and planning statement. It is evident from the approved drainage strategy to the new

houses at Shrubshall Meadows that is it necessary to pump the foul waste water to allow it to reach the mains drainage in Long Mill Lane at a higher level. The application site is not over a Water Gathering Area and as such it is a matter best resolved by complying with Building Regulations although there are TPO root constraints as mentioned below.

- 6.17 Surface Water drainage is said in the application form to be via a sustainable drainage system. Again, no details are provided. The site overlays clay. The approved scheme for Shrubshall Meadows is that surface water is collected in a storage holding tank before being discharged into the existing water course (the River Bourne) and permeable paving is used throughout the site. The EA supported that strategy and there is no reason to question why it would not be similarly suitable for this development site subject to necessary EA licences/consent. It is noted that objectors refer to “overflowing soakaways” at Shrubshall adding surface water and sewage to the River Bourne. It is not clear why sewage would overflow as that is contained in a separate system. There is supposed to be an overflow of surface water from a holding tank but, in any event, this allegation is being separately investigated from a building control point of view.
- 6.18 However, it is the case that the application does not in itself detail the surface and foul water strategies and therefore does not demonstrate no harm or pollution to the water environment of the ground or the River Bourne to comply with relevant elements of policies CP1 and CP24 of the TMBCS 2007 and policies SQ5 and CC3 of the Tonbridge and Malling MDE DPD 2012. Paragraphs 109 and 143 of the NPPF emphasise the importance of protecting these resources.
- 6.19 Policy NE4 of the MDE DPD refers to tree retention. A number of trees are to be removed to facilitate the development: although these are not specifically protected, their loss will harm the overall visual amenity of the area.
- 6.20 There are 2 TPO trees that will be affected by the proposal. The oak tree (T18 on the applicant’s survey) abuts the access road and has a maximum canopy spread of 18m but a root protection area (RPA) of 26m diameter. The oak tree (T7 on the applicant’s survey) beyond the SE corner has a maximum canopy spread of 20m but a RPA of 28m radius. Thus both the canopies and roots of these 2 important and aesthetically attractive mature trees could be harmed in the short term by the weight and size of construction traffic/plant and the roots could be affected in the long term by the creation of the access track and parking/turning areas and potentially by services runs. There is concern that the tree longevity may be detrimentally harmed, notwithstanding the submitted tree survey report considered that a “no dig” private drive will safeguard the tree in the light of BS5837:2012. My concern is that does not factor in the possible need to accommodate the line of the service runs, drains nor the actual proximity of the access to the tree trunk of T18 which leans over the access route slightly.

- 6.21 The rear elevations of the new houses will be at least 45m from the rear of Shorehill, Westview and Farley and it is not considered that privacy of the rear elevations or their patio areas is harmed to a degree to justify refusal on amenity grounds in the light of policies CP24 of the TMBCS.
- 6.22 Similarly, the use of the access road by 2 dwellings is too low key to be refusable in terms of harming tranquillity to the gardens of the houses in Long Mill Lane or to the rear gardens of the new houses in Shrubshall Meadows. These aspects of policies CP24 and SQ1 are not breached in my view.
- 6.23 I form a different conclusion in terms of the principle of the access to serve 2 new dwellings off Shrubshall Meadows. In the 2 way section, there is a juxtaposition with the vehicular manoeuvrings for the Shrubshall dwellings. Also there are concerns once the access narrows to 4m and has a sharp right turn. There are several pinch points to avoid trees and I am concerned that there will be undesirable reversing manoeuvres as the access serves 2 independent households. The applicant indicates that mirrors will be installed to deal with visibility issues around the corners. Mirrors are **not** supported as a method of dealing with substandard highway configuration. Policy SQ8 is not complied with in my view. Paragraph 35 of the NPPF is contravened as that requires that developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate.
- 6.24 Refuse collection arrangements are also less than ideal due to the distance of the new dwellings from the area accessible by the refuse freighter. However, there is scope for a bin store area near to Shrubshall Meadows but, on day of collection, bins would need to be moved up to Long Mill Lane. Whilst not convenient for the new residents, this is something they would have to accept and could not be a reason to resist the scheme in my view.
- 6.25 The applicants commissioned an ecological study by Kent Wildlife Trust with regard to slow-worms but it is stated that vegetation clearance to carry out surveys for the planning application removed suitable habitat. In the light of Natural England referring to standing advice and no reports of protected species from neighbouring residents, I have no reason to question non-compliance with the relevant Policy NE3 of the MDE DPD.
- 6.26 There are a number of other matters raised by the PC and objectors on which I comment as follows: The PC is incorrect to say that the site is in the countryside - most of it is within the rural settlement confines. All the rented units at Shrubshall Meadows are now occupied. There has been an unfortunate delay in selling 2 the shared ownership units but it is more a reflection on a different financial environment relating to such units rather than a lack of need. This land is not garden and so the references to "garden grabbing" are incorrect. Even if it were a garden, the application would be looked at on its merits in the light of CP13 and

other relevant policies.

In conclusion, the following recommendation is put forward.

7. Recommendation:

Subject to no further representations from neighbouring properties raising matters not considered above, delegate authority to the DPHEH to **refuse planning permission** for the following reasons:

- 1 The proposed two dwellings by reason of their size, non-linear backland siting, materials and design are not appropriate to the scale and character of the settlement and harm the rural setting and character of the edge of the settlement. The proposal is therefore contrary to Policies CP1, CP6, CP13 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012 and paragraph 59 of the National Planning Policy Framework 2012.
- 2 The proposed access would not be suitable for use by two separate households due to its overall length, constricted dimensions and geometry with absence of forward visibility and passing places. It is thus contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 which requires safe environments. This is also contrary to paragraph 35 of the National Planning Policy Framework 2012.
- 3 The access and parking/turning areas are close to two trees subject to a Tree Preservation Order and there is inadequate information to demonstrate that there will not be root/canopy damage during construction, the laying of services/infrastructure or long term use of the access drive. The proposal is therefore contrary to policy NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012 and Paragraph 118 of the National Planning Policy Framework 2012.
- 4 The application does not detail foul and surface water drainage and therefore does not demonstrate that the quality of water resources will be safeguarded as required by policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policies SQ5 and CC3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012 and paragraphs 109 and 143 of the National Planning Policy Framework 2012.

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