

**Kings Hill**  
Kings Hill

**15 February 2016**

**TM/16/00505/FL**

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Proposal:                      Erection of a residential development comprising 44 no. dwellings (Use Class C3) with associated access, parking, landscaping and infrastructure

Location:                     Area 63 Beacon Avenue Kings Hill West Malling Kent

Applicant:                    Rouse Kent (Residential) Ltd.

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**1. Description:**

- 1.1 This application has been submitted on behalf of Rouse Kent (Residential) Limited and seeks permission for the erection of 44 no. dwellings (C3 Use Class) with associated access, parking, landscaping and infrastructure. The development comprises a mix of detached, semi-detached and terraced 2, 3, 4 and 5 bedroom dwellings. No affordable housing is included as part of this scheme.
- 1.2 The proposed development has a density of 32 dwellings per hectare. The dwellings are proposed in 12 different variations (Type A-L) and are either 2 or 2.5 storeys. All the dwellings will have individual car parking arrangements and private gardens. Nine on-street visitor parking spaces are to be provided.
- 1.3 The application site is to have three access points, two from Beacon Avenue and one from Glenton Avenue. One section of the internal access road (Durello Avenue) is already in place and serves a cluster of affordable units to the north of the site.
- 1.4 The application site was originally included within the outline application for Kings Hill as part of Phase 2. However, it remained undeveloped. As an alternative to this full planning application, a Reserved Matters application could be submitted for the re-development of this site up until June 2017 due to its inclusion within the outline planning permission.
- 1.5 Since the application was originally submitted, the proposal has been amended in the following ways:
- Reduction in total number of units from 48 to 44;
  - Alterations to the layout to include the re-orientation of plots 5, 6, 25, 26, 38, 39 and 49 while also re-orientating plot 32 to the north away from the edge of the highway;
  - Replacement of garages with car ports.

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

2.1 Application called in by Councillors O'Toole, Montague and Barker in order to consider matters of:

- Resident and Visitor Parking;
- Garage and parking space sizes;
- Over intensification of Area 63;
- Landscaping and;
- Section 106 provisions.

**3. The Site:**

3.1 Area 63 is a 1.34 ha parcel of land located within the wider Kings Hill Development. The site is located to the north of Beacon Avenue and to the east of Glenton Avenue. The land is relatively flat and consists of open ground that has been cleared ready for development.

3.2 Residential properties face the site across Beacon Avenue to the east with other clusters of residential development to the north-east and the north of the application site. An area of woodland lies to the north of the site outside the red line of the application.

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

TM/90/11228/OUT grant with conditions 12 June 1990

Mixed use development , comprising business use, with ancillary storage and ancillary distribution (use class B1); residential (C3); Hotel/conference centre (C1); convenience retail (A1 and A3); financial and professional services (A2); Residential education and training facilities (C2) creche (D1) leisure (D2) sports and recreation facilities, open spaces and landscaping, new access on approx 647 acres with ancillary road works.

TM/93/01562/OA grant with conditions 21 September 1993

Variation of condition 14 of outline permission TM/89/1655 to increase number of dwellings in first phase from 250 dwellings to 550 dwellings

TM/02/03429/OAEA Approved 28 October 2004

Outline Application: Additional 92,900 square metres B1 Business floorspace, residential development, public open space, sports, leisure and recreation

facilities and associated infrastructure at Kings Hill and adjoining land at Heath Farm, East Malling

TM/05/00163/FL      Grant With Conditions      6 June 2005

Variation of conditions 2 and 6 of planning application no. TM/02/03429/OAEA (outline application: Additional 92,900 square metres B1 Business floorspace, residential development, public open space, sports, leisure and recreation facilities and associated infrastructure at Kings Hill and adjoining land at Heath Farm, East Malling) to enable the submission of details and implementations of the development to be undertaken in phases

TM/09/03209/OB106V      Approved      1 October 2010

Application to modify S.106 Legal Agreement attached to TM/02/03429/OAEA (Outline Application: Mixed development) to provide 169 affordable units on site and 19 units off site

**5. Consultees:**

5.1 PC: Original Submission: PC wish to object to the application on the following grounds:

- Insufficient Parking - The parking provision is not in accordance with IGN3 and additional parking is required. The garages and some parking spaces appear small. Visitor parking has been rounded down from the requirement of 9.6 to 9. 34% of parking is to the rear of the dwellings rather than front;
- Highways - No traffic management proposed and design will cause problems to emergency service vehicles;
- Density - Over intensification of the site;
- Street scene - Blank walls facing Beacon Avenue;
- Landscaping - Limited landscaping and public open space;
- Planning gain - strongly object to no planning gain being provided.

5.1.2 Amended Plans: Comments awaited (to be reported as a supplementary matter)

5.2 EA: No comment

5.3 KCC (Highways): No transport statement or vehicular tracking exercise provided. Schedule of parking per plot would be beneficial.

5.3.1 Further comments: 4.8m wide highways and assuming zero on street parking swept path analysis is acceptable. 9 visitor parking spaces and parking allocated to each unit to be acceptable and to standard.

5.4 KCC (SUDS): No objection in principle. Additional ground investigation required to support infiltration.

5.5 KCC (Heritage): No comments received.

5.6 NHS: Section 106 healthcare contributions required.

5.7 Private Reps: Original Submission: 84/1X/10R/0S + Article 15 site notice. The following issues were raised:

- Parking (numbers);
- Parking (space sizes);
- Parking (courtyard design);
- Density;
- 106 Contributions /Affordable Housing;
- Lack of open space/landscaping;
- Gable ends facing street scene.

5.7.2 Amended Plans: One further letter received.

## **6. Determining Issues:**

6.1 The Kings Hill site is allocated for redevelopment with 2 major outline planning permissions having been approved for the development of the wider site in two phases including the application site under references: TM/97/01183/OA and TM/05/00163/FL. The overall site has been permitted for residential development therefore considered the proposed residential development to be acceptable in principle.

6.2 Saved Policy P2/3 of the Tonbridge & Malling Local Plan is relevant to this application. This states that all development within the Kings Hill Policy Area shall be designed and located so as to respect the setting of the site in the wider landscape, and to reduce to the greatest extent possible the visual intrusion of any such development in that landscape.

6.3 Policy CP11 of the TMBCS 2007 is an overarching policy which prioritises development within urban areas such as Kings Hill. Policy CP24 of the TMBCS

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

- 6.4 Policy SQ1 of the MDE DPD states that (inter alia) proposals for development will be required to reflect the character and local distinctiveness of the area including its historical and architectural interest as well as the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views, and the biodiversity of the area, including patterns of vegetation, property boundaries and water bodies.
- 6.5 The application originally proposed 48 dwellings within Area 63 at a density of 36dph. The consultation on the original scheme raised a number of concerns regarding density and parking provision in particular. An amended scheme has been submitted reducing the number of dwellings to 44 and includes further alterations to address the issues previously raised regarding the overall density, street scene impact and parking provision. I will cover these in more detail later in the report.

*Layout, character and visual impact:*

- 6.6 This application proposed 44 units which are to be a mixture of detached, semi-detached and terraced dwellings. Based on the application site area of 1.34 hectares the site would have a density of 32dph. Densities of developments across Kings Hill range from 28 to 33dph and therefore the proposal would be wholly commensurate with the prevailing density and pattern of development across Kings Hill.
- 6.7 The development will comprise 7 no. 2 bedroom houses, 15 no. 3 bedroom houses, 19 no. 4 bedroom houses and 3 no. 5 bedroom houses. These dwellings are a mixture of detached, semi-detached and terraced properties; however all are of a similar design style which would use an acceptable palette of materials. The mix of house designs and styles are all considered to be appropriate and would be generally in keeping with other residential developments found within Kings Hill.
- 6.8 The original scheme included a number of buildings originally orientated with their flank elevations facing Beacon Avenue which is an important thoroughfare for the wider Kings Hill. This was considered to create a blank, inactive frontage which would have been harmful to the street scene and visual amenity. As a result, negotiations took place to secure revisions to the layout. The revised layout has re-orientated a number of plots within the site which have resulted in a significant improvement to the street scene. I therefore consider the proposals accords with the requirements of TMBCS Policy CP24 and MDE DPD Policy SQ1.

6.9 In terms of landscaping the submission does not include a formal landscaping scheme; however the site plan provided indicates that planting is to be undertaken along the street scene and to assist in softening the urban form. This level of landscaping would be typical of what is to be expected around the wider Kings Hill Development and therefore at this stage acceptable. A condition will be imposed require the submission of a detailed hard and soft landscaping scheme.

Highway safety and parking provision:

6.10 It is proposed to serve the site using the existing access points permitted in earlier permission for Kings Hill. Two of these accesses are to be off Beacon Avenue, and the third access point is from Glenton Avenue to the north-west of the site. A section of the internal access road, named Durello Way, has already been constructed allowing access to 8 dwellings and flats to the north of the site granted planning permission in 2007. A swept path analysis and visibility splays have now been provided and consultation with KCC (H+T) confirms that the 4.8m width will be acceptable.

6.11 The adopted parking standards are contained within IGN3: Residential Parking. The standards set out a requirement for 1.5 spaces to serve a 2-bedroomed dwelling and 2 spaces to serve 3, 4 and 5-bedroomed dwellings. For the purposes of applying the adopted standards, garage spaces should not be counted within the level of provision but car ports are counted.

6.12 As part of the submission a parking schedule has been provided setting out the allocated parking that is to be provided breaking it down into garages spaces, open car ports and open parking spaces (driveways). The total number of spaces to be provided is 88 parking spaces predominately consisting of an opened fronted car port and a tandem (driveway) space in front. The larger properties have a double garage and two driveway spaces in front. This ensures that the adopted parking standard is achieved even when discounting the remaining garages. Nine visitor parking spaces have also been provided.

6.13 Based on the parking standard set out in IGN3, the development would be required to provide 85 parking spaces and 9 visitor parking spaces. With 88 parking and 9 visitor parking spaces, the proposed level of parking accords with the adopted standard.

6.14 Given the difference between garages and car ports in terms of applying the standards, it will be important to ensure the car ports remain physically open. A planning condition can be imposed to this effect to ensure a level of control remains in place.

6.15 I appreciate that concern has also been raised regarding the size of the parking spaces to be provided. KCC (H+T) in making their representations have

considered the size of the parking spaces and have concluded that the parking provision is of an acceptable standard.

- 6.16 Although courtyard parking may not be considered desirable by some, the allocation of parking behind the dwellings reduces the amount of frontage hardstanding required, and has visual benefits which must weigh in the balance. As such, I consider that the balance reached between frontage parking and courtyard parking is acceptable here and ensures an acceptable overall provision of parking spaces whilst not compromising the overall visual quality of the development.

Residential Amenity:

- 6.17 The siting and layout of the proposed development, and the separation created by the layout, ensures that the proposed development would not cause any harm to residential amenity.

Planning Obligations:

- 6.18 It is noted that the NHS Property Services have sought a contribution of £51,336 (plus support for legal fees) to enhance healthcare needs at a cost per person basis within the local NHS services with the issue of contributions and affordable housing also being brought up through the consultation. With the reduction in the number of units this figure has been revised to £49,284. We are currently seeking further clarification on this matter and any further information received will be reported as a supplementary matter.
- 6.19 As a result of the fact that residential elements of Kings Hill have come forward, and specifically the fact that this site already benefits from an extant outline planning permission for housing, the affordable housing element has effectively already been provided for. There is, therefore, no justification to seek further contributions in this respect.

Conclusions:

- 6.20 Having considered the application in light of Development Plan Policy and the NPPF, I consider the proposed scheme for 44 new residential units to be acceptable in this location within the confines of Kings Hill. I therefore recommend that subject to the detailed planning conditions, as set out below, planning permission should be granted.

**7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:  
Other Housing summary dated 31.05.2016, Other Plot schedule dated 31.05.2016, Drawing 4345/I20/A63/11 REV B swept path analysis dated 02.06.2016, Other Parking schedule dated 31.05.2016, Site Plan 2499-100C

dated 31.05.2016, Drawing 2499-101C dated 31.05.2016, Drawing 2499-102 D dated 31.05.2016, Parking Layout 2499-103 G dated 31.05.2016, Proposed Plans and Elevations 2499-200 C Type A dated 31.05.2016, Proposed Plans and Elevations 2499-201 C Type B dated 31.05.2016, Proposed Plans and Elevations 2499-202 C Type C dated 31.05.2016, Proposed Plans and Elevations 2499-203 C Type D dated 31.05.2016, Proposed Plans and Elevations 2499-204 C Type E dated 31.05.2016, Proposed Plans and Elevations 2499-205 C Type F dated 31.05.2016, Proposed Plans and Elevations 2499-206 C Type G dated 31.05.2016, Proposed Plans and Elevations 2499-207 C Type H dated 31.05.2016, Proposed Plans and Elevations 2499-208 C Type I dated 31.05.2016, Proposed Plans and Elevations 2499-209 D Type J dated 31.05.2016, Proposed Plans and Elevations 2499-210 D Type K dated 31.05.2016, Proposed Plans and Elevations 2499-211 C Type L dated 31.05.2016, Drawing 2499-212 E dated 31.05.2016, Drawing 2499-213 A dated 31.05.2016, Street Scenes 2499-301 C dated 31.05.2016, Street Scenes 2499-302 C dated 31.05.2016, Street Scenes 2499-303 C dated 31.05.2016, Planting Plan DHA/732/001 REV B sheet 1 dated 31.05.2016, Planting Plan DHA/732/002 REV B sheet 2 dated 31.05.2016, Planting Plan DHA/732/003 REV B sheet 3 dated 31.05.2016, Letter dated 31.05.2016, subject to the following conditions:

**Conditions:**

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

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

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

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

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. 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, unless the Authority gives written consent to any variation. 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: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

4. No building shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

5. No development shall take place until details of proposed finished floor levels of buildings have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved level details.

Reason: In order to control the development and to ensure that the development does not harm the character and appearance of existing buildings or the visual amenity of the locality.

6. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

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

7. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking and turning space has been provided, surfaced and drained in respect to the dwelling(s) to which it relates. 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 1995 (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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

8. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

9. There shall be no external lighting except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual and residential amenity.

10. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no doors or other means of enclosing the car ports hereby approved shall be installed to the front elevation of the car ports.

Reason: Enclosure of the car ports could reduce their use for vehicle parking and development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

Contact: Paul Batchelor