

Wrotham

9 November 2015

TM/15/03051/FL

Wrotham, Ightham And
Stansted

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

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

Applicant: Russet Homes Limited

Go to: [Recommendation](#)

1. Description:

- 1.1 Members will recall that this case was initially reported to the 18 August 2016 APC2 for the purposes of considering a Members' Site Inspection which subsequently took place on 28 September 2016. Since that time, there has been a revised proposal on housing tenure mix, the results of an independent appraisal thereon and further responses to consultation. The applicant has also submitted comparison drawings to assist Members in comparing the heights and bulk of the existing and proposed development at 4 viewpoints and 2 cross sections at the rear and front boundaries.
- 1.2 This application relates to the redevelopment of a vacant sheltered housing development of 57 units of accommodation. All of the buildings would be demolished and replaced by 60 units of housing accommodation in the form of 5 blocks of apartments, together with a terrace of 5 houses and a further terrace of 3 houses.
- 1.3 The residents in the existing complex have been rehoused by Circle Housing Russet into suitable alternative accommodation during the last few years. This dedicated decant process has been in accordance with the Homes & Communities Agency's (HCA) requirements and undertaken in conjunction with the Council's housing service. This process included the statutory requirement to offer a Home Loss & Disturbance Payment along with any reasonable expenses as a result of the move.
- 1.4 The 8 proposed houses would be 2 storeys and would be in the NW corner of the site. The flatted blocks would be sited as follows: Block 1 of 15 flats (2-3 storeys) is proposed in the north central part of the site and Block 2 of 8 flats (2-3 storeys) in the NE corner. Blocks 3 of 8 flats (2-3 storeys), 4 (12 flats) and 5 (9 flats) (both 3 storeys) would all on the south site frontage with West Street.

- 1.5 The access would remain as existing, to West Street. This has a footway to the east leading towards the High Street; there is no footway on the western side of the access.
- 1.6 The layout would include 74 parking spaces, 3 external and 3 internal bin stores, 2 external and 1 internal cycle stores, and an area of external cycle stands totalling 50 communal spaces.
- 1.7 The 8 houses and 2 of the ground floor flats would have private gardens with cycle storage/sheds.
- 1.8 The application has been revised since originally submitted to respond to some of the representations made and matters identified by officers. The main changes are:
 - Block 2 near to Courtyard Gardens would now have 2 x bed flats in the roof space rather than 2 x 2 bed flats in a full second floor. This would allow the eaves to drop from 8m to 6m (existing block here is 6.2m to the eaves) and the ridge to drop from 12m to 9.8m (existing block here is 8.4m to the ridge), together with the reconfiguration of all second floor windows to face into the site (and not towards Courtyard Gardens) with the exception of 4 high level roof lights facing east.
 - Block 3 would have the same accommodation, but the amendments propose that the ridge and eaves of the main gable would be reduced by 0.6m. The eaves and ridge of the eastern wing nearest Courtyard Gardens would be reduced by 1.4m.
 - Block 5 would now have one of the 2-bed flats on the second floor replaced by a 1 bed flat in the roof space. This would allow the eaves and ridge of the western wing near Mountain Close to drop by 2m.
- 1.9 The materials palette would be light red multi-stocks, or mid red smooth brick, slate effect concrete tiles, grey/green artificial timber effect cladding to feature double height protruding rectangular “oriel” windows (also grey/green to match), dormers with metal PPC (pre powder coated) cladding, grey gutters and fascias. Feature gables would have brick header courses to the parapet and some gables would have the feature of protruding brick courses.
- 1.10 The frontage hedge and trees would largely be retained, with some removal/thinning to remove suppressed trees or those of less quality. Trees within the centre of the site would be removed to facilitate the buildings and parking, but landscaping would include replacement trees. Two trees are shown to be removed for a brick bin store on the eastern boundary, but these are stated in the submitted tree report to be “category C” trees which means those of “low quality and value” (an Acer and a cherry). A Tree Preservation Order has been served to provide long term protection to important trees along the site frontage to West Street.

- 1.11 The applicant has provided an ecological report that states that mitigation measures will be needed with regard to breeding birds and further survey work for bats and reptiles would be needed due to potentially suitable habitats and features, to inform the need for mitigation measures.
- 1.12 The applicants have advised in their Design and Access Statement that the existing dwellings have been difficult to let due to their aged design and bedsit layout and that there have been long term voids resulting in lost revenue. This experience is not uncommon across Kent, with many Providers reporting difficulties in letting some forms of sheltered accommodation. People's aspirations have changed over time with space standards, access to transport, shops and amenities now at the forefront. The applicant states that the existing dwellings would require considerable investment to bring them up to modern day standards and that the proposed approach to the redevelopment of the site will provide high quality, purpose built homes to high standards of design and thermal efficiency.
- 1.13 A Transport Statement has been submitted which concludes that:
- A parking stress survey has been carried out on the roads in proximity to the site in order to assess the current levels of parking demand in the area, based on the overnight parking levels deemed to show the 'peak' parking demand which is comfortably below the point where an area is deemed to suffer from high parking stress.
 - There is an acceptable provision of parking for this development in accordance with the Council's policy expectations.
 - The results of the worst case scenario PICADY assessment demonstrates that the High Street/West Street junction will continue to operate well within its maximum operating capacity in the AM and PM peak periods. No mitigation measures are considered to be necessary to offset the very minor increase in the use of this junction under the proposals.
 - The roads and turning heads associated with the site will not be compromised by the new development, and will be in keeping with the existing arrangements for refuse collection in the local area.
- 1.14 Prior to formally submitting this planning application, Circle Housing Russet (CHR) carried out its own extensive stakeholder engagement for a redevelopment scheme on the basis of several options, concluding the process with one based upon a wholly affordable housing scheme. However, at a later juncture when this application was submitted, the applicants advised that wide ranging and significant fiscal changes from the July 2015 Budget relating to how Housing Associations are funded and the impact of the removal of HCA grant for Social and Affordable Rented provision had, unsurprisingly, significant implications giving rise to a review of the proposals in relation to tenure. This resulted in a formally submitted tenure mix to include 29 affordable flats (12 flats of Affordable Rent, 17 flats for low cost

home ownership) and 31 units for market sale (23 flats and 8 houses). Low cost home ownership in this case means Shared Ownership. The percentage mix was 48% affordable and 52% market housing. Within the affordable housing offered, the split was 41% Affordable Rent and 59% Shared Ownership. That was the situation at the time of the previous committee report and the Members' Site Inspection.

- 1.15 Since that time, the "*Shared Ownership and Affordable Homes Programme 2016 to 2021*" has been introduced and marks a decisive shift towards support for home ownership. £4.7bn of capital grant is being made available with the expectation that 88% of homes built through the programme will be for shared ownership. CHR has indicated that they would take the opportunity to bid for this grant and consider that they would be able to significantly increase the affordable housing component as follows: 52 affordable flats (17 flats of Affordable Rent, 35 flats for low cost home ownership) and 8 units for market sale (8 houses). Low cost home ownership in this case means Shared Ownership.
- 1.16 The revised proposal addresses the identified housing need across the Borough and has been subject to an independent viability appraisal. It is concluded that it represents a viable proposal and, although it is dependent on the successful grant application, the prospects of the applicant securing this are considered to be good.
- 1.17 The scheme was originally advertised in the press and on site as Major Development. It has also been re-advertised as a departure from the development plan. This period will expire on 18 November 2016.

2. Reason for reporting to Committee:

- 2.1 The scheme has generated a significant degree of local interest and representations.

3. The Site:

- 3.1 The site lies in the confines of the Rural Settlement of Wrotham. The site and Wrotham as a whole is washed over by the AONB. Wrotham Conservation Area is beyond the Courtyard Gardens development to the east; it does not abut the site but lies about 75m away.
- 3.2 The site lies over a Water Gathering Area.
- 3.3 The site measures 0.94 ha and currently accommodates 2 storey buildings previously in use as sheltered housing comprising 57 dwellings (26 x 1-bed sheltered bedsits and a mix of 31 flats – 21 x 1-bed, 9 x 2-bed and 1 x 3-bed). The built form is concentrated in the centre of the site with grass banks, trees and hedges at the periphery. There are currently 28 parking spaces.

- 3.4 The land is generally upwards sloping SE to NW with the SE corner being approximately 128.3m OD rising to approximately 132.3m in the NE corner - a rise of 4m over a distance of 80m (1 in 20). The SW corner is approximately 130m, rising 1.7 m over 116m (1 in 68). The NW corner is the highest at 134.2m but that is at the top of a steep bank and generally the land is 132.3m in the NW corner of the site.
- 3.5 There are mature trees mainly on the southern frontage to West Street and on the western boundary to public footpath MR236 that runs adjacent to Mountain Close and Goodworth Road towards the primary school. The majority are protected under a Tree Preservation Order 16/00011/TPO confirmed on 19 September 2016.
- 3.6 The boundary to Courtyard Gardens comprises a 1.6m high concrete panel wall. A well-maintained hedge belonging to Courtyard Gardens currently screens much of the existing buildings from the amenity areas serving those neighbouring properties.
- 3.7 To the east are over 55's dwellings at Courtyard Gardens and the dwellings and garage courts of 111-116 West Street: ground levels are similar to the application site along the common boundary. There is hedge approximately 4m high belonging to Courtyard Gardens along much of the western boundary.
- 3.8 To the north is a boundary of concrete panel fencing with the bungalows of Childs Way set at levels 133.3m to 132.7m OD. On average, these bungalows have ground levels 1.2m higher than the ground level of the application site, which is set down in the NE corner. There is almost a full Leylandii hedge along that boundary in the gardens of Childs Way, screening most of the gardens of these neighbouring bungalows. Beyond the bungalows are conventional 2 storey houses in Childs Way, which are on rising land.
- 3.9 To the south beyond West Street itself are pairs of semi-detached houses. These are generally 24m from the edge of the site but at a lower land level. Some have hardstandings for parking in their frontages.

4. Planning History (relevant):

MK/4/73/847	Local Government Review Transfer	1 April 1974
	Planning papers transferred to file TM/74/86 on 1/4/74. Proposed wardens scheme comprising 45 flats	
TM/74/86	No Objection	5 December 1974
	Proposed wardens Scheme comprising 45 flats. (previous application MK/4/73/847)	

TM/75/1100 No Objection 30 April 1976

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

TM/77/816 grant with conditions 5 October 1977

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

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

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

TM09/00255/FL Grant With Conditions 20 May 2009

Conversion of existing wardens house into 2 no. residential flats

5. Consultees:- update

- 5.1 KCC (Heritage): The site of the application lies within an area of high potential associated with Early Medieval and Medieval activity. Wrotham is considered to have had a Medieval Bishops Palace complex and was a medieval market town. However, this is an area which has revealed Anglo-Saxon burials and as such this may have been an early medieval settlement too. Although the site has been developed before, there is some potential for archaeological remains to survive on the site and recommend archaeological field evaluation works
- 5.2 KCC (SuDS) - a sustainable drainage scheme for surface water is necessary due to the increase in hard surfacing
- 5.3 EA: no comment
- 5.4 Southern Water: Initial investigations indicate that the developer will need to provide additional local infrastructure for wastewater sewerage system and conditions will be necessary for both surface water and foul sewerage to be approved in consultation with sewerage undertaker.
- 5.5 Kent Police: (Original Comments) Concern that the applicant has not included crime prevention in their DAS and no communication on other issues including a formal application for BREEAM and Secured By Design (SBD) if appropriate. The Design Initiative (KDI) will assist with Crime Prevention and Community Safety.
 - 5.5.1 Kent Police comment that a planning condition should ensure that Crime Prevention is addressed effectively. The use of a condition will address both statutory duties under Section 17 of the Crime and Disorder Act 1998 and will show a clear audit trail for Design for Crime Prevention and Community Safety.

- 5.5.2 Kent Police: (Extra Comments) The applicants have now been in contact and they have promised to commit to Secured By Design (SBD). They have all the necessary information required to get them at least the Silver Award SBD which covers the physical side of the development.
- 5.6 KCC (Developer Contributions): no objection and will not be pursuing any education or other obligations with regard to this application. KCC Social Care has requested 1 Wheelchair Accessible Home be delivered as part of this affordable housing scheme. KCC would also request a Condition be included for the provision of Superfast Fibre Optic Broadband.
- 5.7 KCC (H&T): Car parking is proposed largely in accordance with the standard for a suburban edge/village/rural environment as designated in IGN3, with a shortfall of 3 spaces (74 instead of 77). Desirable to provide 77 spaces if possible at the expense of some landscaping and/or maybe a cycle store where perception is that the cycle parking standard is rarely taken up fully.
- 5.7.1 The applicant's consultant has demonstrated that the development traffic (without discounting the previous over 55's use) will not have a material impact on the operation of the adjoining highway network as measured by industry standards and in the context of current planning policies. The Transport Study has also reviewed crash records and there is no particular crash history that has the potential to be exacerbated by this development. No objection to this proposal but conditions relating to the following are recommended should approval be given:-
- construction vehicle loading/unloading and turning facilities
 - parking facilities for site personnel and visitors
 - prevent the discharge of surface water onto the highway
 - wheel washing facilities
 - provision and permanent retention of the vehicle parking spaces
 - provision and permanent retention of the vehicle loading/unloading and turning facilities
- 5.7.2 It may be advisable to require a construction traffic management plan for approval prior to commencement, designed to maximise safety and minimise disruption during this period.
- 5.8 Kent Downs AONB: The redevelopment offers the opportunity to improve the standard of development, particularly in view of the increased height and density of the proposed buildings and there should be an improved palette of materials to raise the quality of the development here and make it more appropriate to the AONB. Of particular concern are the dark grey slate effect concrete tiles: these do

not successfully emulate natural slate and clay tiles are the predominant roofing material and it is recommended that clay tiles are used, care will also be needed in brick selection. Replacement trees should be included to break up the extensive areas of hard surfacing for car parking.

5.9 Wrotham PC: original comments (summarised)

- The priority occupants of the site in future are elderly people in socially rented stock. This has been the main use of the site for over 35 years and the need for it remains due to ongoing requirements and a dearth of alternative such accommodation in the area.
- The ideal arrangement would be for the renewal of the existing fabric with improved facilities. The conversion of bedsits to one-bedroom flats could be achieved by reconfiguration, with a small loss of overall number of units. Reuse would be the preferred sustainable development.
- Wrotham has a large proportion of socially rented accommodation: the applicant should be responsible for providing social facilities like a hall as a communal meeting place.
- The scheme is fundamentally an over-development of the site. Buildings on the southern frontage of the site are proposed too close to the trees alongside West Street. There would be pressure for lopping or felling them. A greater setback would avoid this and allow more light into properties in summer when the trees are in leaf.
- Removal of attractive mature trees for a cycle store and car parking on the west side of the site demonstrate the pressures from over-development.
- The development has a massive, institutional character quite unsuited to this village: three storeys; high, steeply pitched roofs with gables.
- There is an over-powering mass closer to West Street than the existing building and new buildings on the eastern side would tower over Courtyard Gardens with an overall adverse effect on neighbours to the north and east.
- Nowhere for children (and their supervisors) to play (other than in the few private gardens).
- Car parking arrangement would amount to a significant loss of character.
- Permanent shade will make much of the scheme a more melancholy place.
- Will generate a need for more car parking than the number of spaces to be provided. Kent County Council's guidance is likely to understate car ownership and parking space requirements. If 93 spaces are likely to be needed, but only

74 provided, there would be significant overspill of parking requirements into surrounding streets (mainly West Street) and would exacerbate existing on-street parking there, impede traffic flow, create highway safety problems and impair local amenities.

- Should be a greater proportion of homes for elderly people who are much less likely to use cars, and reduce the over-development on the site.
- The design would be detrimental to the character of the settlement - fails to satisfy Policy CP24.
- Substantial loss of housing for people unable to afford market rents as only 29 dwellings would remain subsidised compared with 57 until now. The number of dwellings with affordable rents would be just 12 (compared with 31 until now). Very substantial loss of affordable housing, by an organisation whose fundamental reason for existence is to provide this kind of home. Instead of retaining support for vulnerable elderly people, the scheme proposes to meet the simpler needs of the affordable sector. Not acceptable on a site specifically provided originally to meet the needs of elderly people.
- St George's Court has been a highly significant sheltered housing facility and there is a lack of alternative schemes like this available in the locality, as indicated by Circle Housing Group's need to decant residents as far away as Snodland and Tonbridge. The large number of affordable dwellings in Wrotham generates an ongoing requirement for affordable sheltered housing for local residents in old age, to remain close to their families and friends in the village.
- Prior to the decanting, about 8 of the flats were unoccupied. No inherent lack of demand. Voids were the bedsit units due largely to the poor quality of the bedsits and the lack of investment in their renewal over the years. Almost all the dwellings with bedrooms were occupied.
- Residents who responded to the Circle Housing Group 'consultation' asked for refurbishment of the site rather than its demolition and rebuilding.
- The need for sheltered affordable housing in the Borough has recently been made clear in the Strategic Housing Market Assessment (SHMA): a 26% growth in the number of people over 55 in Tonbridge and Malling by 2021; with the over 65 population projected to grow by 59%.
- Given that the number of older people and single person households is expected to increase, there will be a notable demand for affordable housing from the ageing population.
- The Borough Council should give special weight to proposals which increase affordable sheltered housing and strongly resist losses in this tenure.

- The Affordable Housing SPD of July 2008 concluded that demand for supported accommodation for older people was predominantly for independent accommodation with external support but will be kept under review.
- The scheme would introduce a large number of families with children of school age: inadequate school places in the village. The secondary school is also understood to be at capacity. An insufficiency of school places would impose difficulties on the education service, local transport and the households unable to secure school places locally.
- Contrary to Policy CP13: the scheme is not appropriate to the scale and character of the settlement: would generate significant additional trips, especially by car; there would be no significant improvement to the appearance, character and functioning of the settlement.
- Policy CP17: only 41% of the affordable homes would be social rented, not 70%. A dismal contribution to local housing need from reducing the supply of affordable housing and by reducing the proportion of the social rented tenure.
- Pedestrian movements would remain roughly the same in the peak hours but reduce throughout the day. However, the total number of person trips across all modes (car, pedestrian, cycling, bus and train) would increase by about 25%. Because of the lack of public transport in the locality, additional vehicular trips will be generated above estimated. Junction of West Street with High Street needs ameliorative measures to assist pedestrian and vehicular movements.
- The proposals should provide at least 77 car parking spaces but only 74 are proposed. 2011 Census data for car ownership in the area immediately surrounding the proposal site shows the proposals would generate a demand for 93 cars to park. The proposals would therefore lead to on street car parking on adjoining residential streets to the detriment of highway safety and the amenities currently enjoyed by existing local residents.

5.9.2 Wrotham PC: comments on revised plans and Transport Statement (summarised)

- The State of the Nation's Housing study by the International Longevity Centre said that demand for retirement housing could outstrip supply by more than 375,000 homes by the middle of this century.
- Fails to comply with CP24: over-development and not appropriate to the scale and character of the settlement.
- There would be deterioration to the appearance, character and functioning.
- Would generate significant additional trips, especially by car, harming the safety of the area.

- Policy CP19 does not apply.
- The existing use is suitable because the proportion of supported elderly residents who drive cars is relatively low, so parking was accommodated within the site and there was no impact on local schools, which are all running at capacity. The proposed use adversely affects the sustainability of the rural location that would be more suitably accommodated in a rural service centre as required by the Local Plan.
- The proposed development would result in a substantial loss of housing for people unable to afford market rents by an organisation whose fundamental reason for existence is to provide this kind of home. Far from the development providing affordable housing, the applicant is selling this off.
- Instead of retaining support for vulnerable elderly people, the scheme proposes to meet the simpler needs of the affordable sector with a majority emphasis on shared ownership rather than affordable rent. Not acceptable on a site specifically provided originally to meet the needs of elderly people.
- Borough Green and Wrotham benefits from a large proportion of affordable housing and in particular the socially rented sector. This in turn generates considerable need for sheltered affordably rented accommodation for the elderly that has been satisfied by St George's Court. This is also evidenced by SHMA findings.
- Fails to meet the social housing requirements of the Local Plan. 8 empty properties were bedsits. A difficulty in renting them is entirely due to a lack of investment in the infrastructure. Needs reconfiguration of the bedsits into 1-bedroom flats and general refurbishment throughout including replacing kitchens and bathrooms. More sustainable than demolition and rebuilding mixed use housing.
- Loses a very important Community Hall with kitchen for the greater elder community in Wrotham contrary to social element of sustainability as set out in paragraph 7 of the NPPF.
- Changes to rooflines are very minor changes to selected buildings, accompanied by marginal changes with no change to roof height, and creation of flat roofs with additional rectilinear protrusions. The steep angle rooflines remain high.
- Reduced impact of the proposals on Childs Way and on Courtyard Gardens is marginal: remains considerable loss of privacy to Courtyard Gardens and the massing of the proposal is barely altered, continues to constitute over-development.

- Lack of public transport in the locality: it is highly likely that additional vehicular trips will be generated above those estimated in the TRICS analyses (six fold increase in vehicular traffic during both highway network peak periods and a fivefold increase throughout the day. Pedestrian movements would double and the total number of person trips across all modes (car, pedestrian, cycling, bus and train) would quadruple.
- A significant impact on the junction of West Street with High Street where visibility, particularly toward the south, is deficient.
- Large increase in pedestrian movements and lack of infrastructure to accommodate them. 2011 Local census data shows will be a demand for 93 cars to park, which exceeds the proposed spaces, leading to car-parking on adjoining residential streets to the detriment of highway safety and the amenities currently enjoyed by existing local residents: overspill of 19 vehicles not 3, parking stress level of 98%.
- The site is not well served by public transport. Two services are commuter coach trips to central London, 2 are school bus services and route 228 provides one service per day. There are in fact 3 local bus services close to the site, one of those, route 222, provides only 5-8 services a day which only serve Wrotham Village at peak times.
- The overnight car parking survey overestimates street car-parking available. The total number of car-parking bays available should therefore be counted as 85 bays.
- Refuse vehicle is required to undertake very long unacceptable reversing manoeuvres, up to 70m long, egress tracking analysis clearly shows the refuse vehicle unacceptably overhanging and crossing footway and verge areas.
- WPC has sought Counsel's advice regarding the use and planning status of the Communal Hall within St George's Court which was built as part of the central complex of supported dwellings and includes a small adjoining kitchen facility with counter. No planning conditioning excluded use external to the complex and has been used for a multitude of uses for at least 30 years. Various Freehold Owners of the Hall have allowed people over 55 years of age externally resident to have unimpeded access to its facilities, also medical and health related services such as physiotherapy, chiropody, GP Nursing Vaccination programmes to both internal and external residents that fulfil the age related covenant criterion. They also allow external entertainers to perform to internal and external residents that fulfil the age related covenant criterion: local Morrismen, Scouts and Guides Marching Band and Bingo Nights. External community clubs have been allowed to book the hall; the Wrotham Historic Society. The use of the hall is clearly discretionary and at the behest of the Freehold Owners. Circle Russet has closed the facility. All community

facilities exhibit similar principles in that there are freehold owners who either directly, or via tenants or management committees provides discretionary access. The arrangement is similar to other community facilities such as the village hall or the pubs of Wrotham. There are other communal facilities in Wrotham although not specifically for that age group and across the borough that provide discretionary use by a management organisation in one form or another over decades and all are within the scope of CP26 of TMBC's Core Policy document so it would be perverse to differentiate between all of these facilities that provide external community access and the Communal Hall located in St George's Court therefore this facility is within the scope of the policy. The proposed development does not include any provision of a communal hall event though there is clearly an ongoing need for the facility as evidenced by the many letters of objection from surrounding elderly residents who are currently denied access to a facility that has been previously available for 30 plus years. WPC is of the view that there is need for local provision of supported elderly places with affordable rented tenure and those people would also require such a facility as before. The non-compliance with CP 26 is another reason for refusal of the application.

- 5.10 Borough Green PC: Wholly support the detailed objections submitted by Wrotham Parish Council and CPRE, and endorse them. Also object to the loss of this important local facility and its impact on the elderly in Borough Green. There is nowhere else locally that provides this important "halfway house" between normal family and village life, and accommodation in a full nursing home, and the area would be diminished greatly by its loss. Already ample social and market housing in Wrotham in particular, and the area in general, and any future are in the developing Local Plan, and the LDF it supersedes. But there are no proposals to replace this loss.
- 5.11 (additional Comments) Borough Green Parish Council absolutely opposes this redevelopment and supports everything already submitted by Wrotham PC. We consider that: 1) it will remove important senior accommodation from the area that is already suffering from a shortage and Borough Green depends on that availability as much as Wrotham itself. A supply of housing of this sort means single elderly can release their large family houses in the area for growing young families. 2) TMBC's housing assessment already acknowledge the need for increased senior accommodation. 3) The proposal for market housing flies in the face of the ethos of senior accommodation in this area begun by the Goring covenant. Whilst the covenant itself is not a planning matter, preserving the elderly community and its services is. 4) Wrotham already has a heavily skewed ration of market to general social housing, and this excess of social housing has caused social problems for many years. To further increase social housing will generate even more problems that various agencies are struggling with already. 5) Whilst the developer has done much work to ensure windows are omitted from the looming proposed buildings and so do not overlook existing residents and try to maintain a lot of their privacy, they are still massive and overbearing. 6) The

proposal seeks to make the case that they are replacing 60 existing with 57 new. The fact that the small flats are being replaced with full dwellings means an increase of population and traffic, in an area with difficult parking and traffic issues already. The West St junction is already difficult.

5.12 CPRE (Tonbridge & Malling district branch): summarised:

- 3 storey steeply pitched blocks are out of character
- incongruous material choice
- does not blend in with the surroundings
- loss of green areas and spacious feel
- little sunlight will penetrate
- overpowering to bungalows on Mountain Close and Courtyard Gardens
- overdominant - eg Block 2 is too massed within 12m of Courtyard Gardens
- urban form, unsympathetic to the village character
- poor design
- should be 2.5 storeys and hipped roofs
- roof space will protrude above the historic roofline and be visible from St Georges Tower and long views of the village
- The developer has not taken account of the AONB
- Insufficient social rented units are provided, contrary to Policy CP17
- Wrotham has an ageing demographic and needs private supported elderly accommodation to support the extensive social housing in the area - eg Courtyard Gardens - this is shown in the TMBC's own SHMA
- The ex-residents were dispersed to Snodland and Tonbridge - evidencing that there is a lack of alternate accommodation in the village. They were happy at St Georges but decanted widely across West Kent to build predominantly private dwellings for the open market
- Local primary and secondary schools are full
- This is major development, not complying with CP13 which allows minor redevelopment

- The change in the types of dwellings will increase trip generation
- Due to lack of local Post Office, GP, shopping and train station, this will increase traffic movements
- 77 parking spaces should be provided not 74 based on standards: it is more likely that 93 cars will be owned
- On street parking will be detrimental to highway safety and amenities
- More car use of the junction of West Street and High Street where there is a lack of footways, harming highway safety
- Damage to listed building at the narrowed junction of West Street and High Street; vehicles have crashed here
- Contrary to CP24 of the TMBCS and SQ8 of the MDE DPD.
- Loss of community facilities used as a venue for meetings, medical services and social interaction. Contrary to paragraph 70 of the NPPF
- Votes on the consultation document were ignored by Circle Homes
- The communal hall has a different use class and this has been ignored in the current application
- There should be a refurbishment of the bedsits to improve cooking facilities and to separate the sleeping and living accommodation. The flats in the complex were never a problem to let
- Contrary to paragraph 7 for the NPPF - fails the social and environment role of sustainable development.

5.12.2 Revisions do not overcome objections:

- The overall form and massing of the blocks of flats, generally 3 storeys with steeply pitched roofs and high gable ends, results in an urban, almost industrial feel that would relate poorly with this historic village environment. The vertical styling of the architecture, close packed into a relatively small site, is discordant with the rest of the rural village and within its AONB setting.
- The chosen materials of a dark red brick combined with slate grey concrete tiles will add to the sombre atmosphere where little sunlight will penetrate. The height and massing has an overbearing and dominant relationship with surrounding architecture which particularly affects West Street and Courtyard Gardens. In particular, the courtyard communal garden currently enjoys a pleasant open aspect to the west with trees above a low tiled roof. This will be replaced with successive tiers of austere flat blocks.

- The amended development proposes habitable rooms to directly overlook the courtyard communal gardens, resulting in a loss of private amenity for all of the residents of the approximately 30 units within the Courtyard Gardens development.
- All of the local schools are full which will result in considerable pressure on West Kent's education services and many more vehicle trips to take children to remote schools. The loss of trees and in particular the 9 in front of the West Street façade will degrade an important village asset. Parking is completely inadequate and will result in significant over spill of vehicles that will grid lock village streets.
- The proposal results in significantly increased vehicle use combined with pavement parking to the detriment of highway and pedestrian safety. Wrotham is classified in the settlement hierarchy as a rural village due to its lack of facilities and services. The LPA's policy is to locate significant major development in rural service centres for reasons of sustainability. This application is completely contrary to those policies and the worst features of the application vindicates the LPA's preferred hierarchy.
- The existing use does not impact schools or parking and generates very few vehicle trips. There is a significant need for 58 warden assisted socially rented elderly dwellings in this part of West Kent. Both Borough Green and Wrotham have significant populations of parishioners in socially rented accommodation and it is convenient to support their parents locally. This need is also evidenced by the LPA's SHMA.
- The temporary loss of the community hall has had a pronounced impact on the remaining elderly populations in Mountains Close, Childs Way and Courtyard Gardens, hence 60 plus objections to this application. Permitting the application would result in a permanent loss to the detriment of the social needs of the surrounding elder community.
- It would be perverse to allow the applicant, a registered social housing provider, to demolish 58 (including ex Warden's accommodation) much needed socially rented affordable homes for supported elderly, in order to build 60 dwellings and sell the majority on the open market in order to provide just 12 socially rented affordable homes.

5.13 Private Reps: (111/73R/0S/0X) and Major development site and press notice. Members are advised that 67 initial letters of consultation were sent on 23 and 30 November 2015, plus site and press notices displayed on 2 December 2015. However, it appears that an anonymous resident utilised the TMBC notification letter, edited it to be a letter specifically seeking objections and posted it by hand to a wider area on Sunday 13 December 2015. This is the reason why a number of

objectors have stated that the time to respond was inadequate, as they are not referring to a bona fide TMBC notification letter.

5.13.1 Seventy three letters of objection from 56 households have been received (summarised):

- 600 people voted for a refurbishment but were ignored
- Distressed by the loss of the existing housing
- Wasteful to knock down this development and rebuild rather than refurbish
- The net loss of social rented is opposite to what Circle were created to do
- Inadequate publicity of the application and inadequate time to respond
- The project has changed from the original redevelopment for 100% affordable – the residents were coerced out under false pretences by force or money
- Density and height/form of roofline dominating and out of character, no building should be higher than any existing
- Changes are tinkering at the edges. Look like Barracks blocks
- Roofline will be 6.5m higher than Courtyard Gardens, overwhelming them
- This will be more intrusive on the old part of Wrotham than the past additional developments
- Change in age of occupants will affect the tranquillity of the area and lead to more anti-social behaviour by more adolescents living in a remote location
- Overdevelopment more suited to London - doubling of built space and massive reduction in green space that will be at the sloping boundaries, unsuited for rest/play/recreation
- Loss of wildlife
- Materials out of character
- The new houses will not meet the needs of Wrotham's elderly population; Wrotham is not prioritised and 3 storeys will be unsuitable
- Inadequate proportion of social rented
- Ignores that the over 55 age group is expanding and needs sheltered housing to relieve pressure on NHS beds

- Wrotham elderly downsizing will not be able to stay in Wrotham
- Circle are incorrect to say there is no need for retirement housing in the area bearing in mind the high proportion of social housing here
- More units should have disabled accessibility
- This is money grabbing, in breach of the covenant
- TMBC has not addressed the issue of the covenant being over riding. Improper and illegal to determine this application in advance of the Lands Tribunal hearing
- There are other Circle housing in Wrotham older than the flats in St Georges but not improved
- Affects bats
- Inadequate infrastructure in Wrotham
- Local schools full so parents will need to drive the children to other schools
- Local GP is over subscribed
- Inadequate bus service, the residents will need to own and use cars, averaging 2 cars each.
- Road and junctions cannot cope with extra traffic, accidents at West Street junction involving several cars and at Battlefields
- Cars will park on pavements, blocking pedestrians with pushchairs, walking frames and wheelchairs
- West Street is full of parked cars at weekends
- This is not a cycle friendly area - the cycle stores will be for children's bikes only
- Inadequate parking - much is already on footpaths and Circle Russet are not interested in dealing with that problem. Parking and road should be completed before the building starts
- Pedestrian route is onto a section of West Street without pavements
- West Street already carries lots of traffic from the social housing as the other access is convoluted via Battlefields, also a narrow heavily parked road and leads to a T junction to a rural lane

- School children will be affected by the danger of construction traffic
- This will remove green areas in an AONB
- Loss of communal hall leaves locals elderly isolated - Wrotham Church, the cricket pavilion and the Village hall are not accessible/safe/warm enough
- Lack of play space for children and amenity space for the adults
- No crime prevention measures
- The subsoil may not cope with this development
- Contrary to local plan where these sorts of development should be in larger settlements not smaller rural settlements like Wrotham
- Disruption/noise/dust/debris by the construction
- Damaged road surface from construction vehicles
- Compensation needed for inconvenience.
- West Street residents affected by vibration and noise in construction period will need compensation
- Historic buildings could be damaged by vibrations from the demolition and construction
- The site workers must park on the site and no surrounding roads
- Block view of the Downs
- Overlooking
- 8ft fences are needed for security
- Risk of motorcycles in the NE corner with consequent noise for neighbouring property
- Refuse stores are too near the boundaries to houses adjacent. Unpleasant activities are banished to the periphery without a thought for the neighbours
- Harms outlook from Courtyard Gardens
- Premature/illegal to make a planning decision as Tribunal has not removed the covenant

- Bought our property in 2013 after being told there were no building plans. Will be overlooked and will seek compensation for property devaluation
- Will harm views from the Downs and the Church
- Drainage problems
- Aware of the Council's relationship with Circle but the Council should represent villagers and local council tax payers
- Will deter walkers as the village will lose its quaintness
- People requiring affordable or social housing will require their own vehicles
- Reduction in rateable band
- TA is wrong to say there are 3 cars between my drive access and my neighbours, and a total of 93 parking spaces along West Street. A ridiculous figure from drawing little rectangles on a piece of paper is not real life: all carried out by a company who are based in South London
- Revisions have not addressed any of the concerns raised by the residents I don't see much point in me listing again all the concerns brought up before as you have not addressed them
- Relying on parking outside all the residents of West Street houses, (which are already taken)
- The amended plans for the redevelopment indicate only minor alterations and make no practical attempt at responding to the very many serious criticisms levelled at the proposal. Does nothing to alleviate the oppressive and overbearing scale of the proposed structures when drawn up against the adjacent buildings in Courtyard Gardens. Will continue to dominate western skyline. Tenants in the new blocks will have a wonderful view of our gardens; we will have a vast expanse of apartment walls, windows and a steep roof to live with. The design, scale and density of the proposed development will totally overwhelm our homes and feature gardens
- Comments made by CPRE Kent are fully endorsed
- We have three second-floor apartments that are directly affected by the loss of privacy from this redevelopment of St George's Court
- The Design and Access Statement has a number of questionable statements made that fail to stand up to scrutiny. Urge TMBC to treat the entire document as suspect. Page 10 - a very misleading representation of the relative scale of the proposed buildings and the existing neighbouring homes. Nobody in

Courtyard Gardens desires “court building/massing”. This high-rise building is a destructive mass impinging upon our privacy to our west. Far from being an opportunity to create, Circle and their designers are planning to destroy a secluded community area by introducing an overbearing and inappropriately considered block to our landscape and skyline. The new building is considerably closer to Courtyard Gardens

- This redevelopment is in the wrong place, is inappropriately designed, will damage the neighbourhood and the entire village, is not what the parish needs and is definitely not wanted by the residents of Wrotham
- These properties will not sell in this area, with its problems
- Suggest lower the buildings to the same level as the houses opposite in West Street, add a footpath and chicanes
- There are too many buildings - tiny flats and houses which will be overcrowded and will inevitably become a hothouse for problems
- there are already fights and threats of violence over the parking in Wrotham due to overcrowding
- There is nowhere for the children to play out in these plans
- What’s the point of gifting land when the authorities can just come along and ride roughshod over it - if they feel the existing plots need demolishing then replace it with something nice and spacious for the elderly of this village
- Circle Housing cannot look after the properties they already have on the estate, carrying out very few repairs and only when they have to. Shocked at the state of some of the properties and the people living in them
- Risk of undesirables shipped in from other areas because they have nowhere else to go all in the name of profit
- The occupiers will mostly work outside the borough; the house prices will be too high for locals, this will ruin community spirit
- Village unsuitable for young people - lack of services or infrastructure or shopping or entertainment facilities for teenagers - suffer mindless vandalism
- The flats here were well kept and spacious and ideal to allow the elderly of Wrotham to be near family and looked after in their declining years.

6. Determining Issues:

Principle of Redevelopment:

- 6.1 The site lies in the rural settlement of Wrotham where policy CP13 applies.
- 6.2 There are 2 distinct strands to CP13. The first relates to new development and states that it should be restricted to minor development appropriate to the scale and character of the settlement. This scheme is major not minor development because it exceeds a gross of 10 units (albeit the net number of dwellings gained is 3 units); however it is not “new development” on an undeveloped site, rather it is the redevelopment of a previously developed site, and so this strand of CP13 does not apply.
- 6.3 However, CP13 goes on to detail matters relating to redevelopment which clearly is the type of scheme represented by this planning application. It states that for redevelopment to be permitted, one of the following should be the case: the overall trip generation is projected to be lower, or there is some significant improvement to the appearance, character and functioning of the settlement or there is an exceptional local need for affordable housing in terms of Policy CP19.
- 6.4 The redevelopment of the site with 60 flats/houses is in conflict with policy CP13 measured against the precise requirements. However, bearing in mind the existing site context and the features of the proposed development, the degree to which the proposal offends the elements of this policy is not great. In other words the degree of overall trip generation does not attract any local highway or amenity concern and the issue over appearance, character and functioning (whilst subjective) is in my view neutral at worst and in some respects might be considered to improve matters slightly (for example relationships between some existing properties and elements of the new development).
- 6.5 Nevertheless, for a positive recommendation it is necessary to identify and assess any other material considerations which would weigh favourably in the planning balance in the specific circumstances of the case, sufficient to outweigh the policy conflict.

Sustainability:

- 6.6 A key policy is CP1 which says that proposals for new development must result in a high quality, sustainable environment. Housing should meet the needs of existing and future residents of the Borough in line with local studies informing the need for, and form of, development required, balanced against the need to protect and enhance the natural and built environment. In determining planning applications, the quality of the natural and historic environment, residential amenity and land, air and water quality should be at least preserved.
- 6.7 CP1 also goes on to state that where practicable, new housing development should include a mix of house types and tenure and must meet identified needs in terms of affordability. Development will be concentrated at the highest density compatible with the local built and natural environment mainly on previously developed land and at those urban and rural settlements where a reasonable

range of services is available and where there is the potential to be well served by sustainable modes of transport. Best use will be made of the existing housing stock. Development must minimise the risk of crime and should make appropriate provision for the infrastructure necessary to serve new development.

- 6.8 Whilst not a Rural Service Centre Wrotham, being one of the largest villages in the Borough, does have some local services and the change from the previous sheltered flats to 60 general needs units has a similar call on local services that are either present in the village or can be found in Borough Green or further afield. I therefore find the site to be acceptable in terms of sustainability.

Housing Needs:

- 6.9 Policy CP15 states that housing will be permitted on sites which accord with the sustainability principles established in Policy CP1, the settlement hierarchy defined in Policies CP11, 12 and 13 and other Core Policies as appropriate.
- 6.10 The application site is part of a much larger area of land that has a covenant for over 55's accommodation dating from when it was transferred to the Borough Council. St Georges Court was built and run by TMBC as sheltered housing under planning permission TM/77/816 in compliance with the covenant. That covenant remained when the land was transferred to Russet Homes Ltd.
- 6.11 The removal of the covenant would be necessary to implement any planning permission should it not relate solely to over 55's accommodation. It is clear that the current proposal is not to be restricted in terms of age of occupation, although 52 of the units are proposed as affordable homes within the current planning definition. There is, however, no express planning control on the land that duplicates or reflects the objective of the covenant. The planning permission was described as "warden housing" but that in itself would not restrict the age of occupation from a planning point of view. The complex is in Use Class C3 (dwellinghouses) with no condition that the units be sheltered or for over 55s. There is simply no planning control from past planning decisions at the application site that could bear in terms of development control on the age of the occupants either in the existing scheme or following a redevelopment. It should also be noted the original implemented planning permission did not include any planning control measures regarding affordable tenure.
- 6.12 The Local Planning Authority cannot lawfully be dictated to by the terms of the covenant in making its planning decisions as a covenant is not a material land use planning consideration. The matter of the covenant is for the landowner and any beneficiaries of the covenant. It is understood that the applicant is pursuing a separate application to the Lands Tribunal to amend the covenant and that is yet to be resolved. Some objectors have repeatedly questioned the LPA's interpretation of the covenant not being a land use planning consideration. However, the NPPG clearly states "*Land ownership, including any restrictions that may be associated with land, is not a planning matter.*"

- 6.13 This is reiterated in the DCLG's 2015 Plain English Guide to the Planning System: Paragraph 54 *"In some instances there may be a covenant on the land or building which restricts its future use. Covenants cannot be disregarded or removed unless this is done by agreement, discharged by the Lands Tribunal or the land comes into single ownership. This is a separate legal regime to planning. The existence of any planning permission does not remove this legal issue, and in some cases a planning permission may not be capable of being implemented without the removal of the covenant."*
- 6.14 Members will note that the PC and the local CPRE refer to an interpretation of the SHMA (Strategic Housing Market Assessment) that they say is justification for the LPA to resist the loss of the sheltered housing here in favour of the gain in non-age restricted affordable housing and market housing. This argument relates to CP1 referring to meeting the housing needs of existing and future residents of the Borough in line with the evolving housing requirements of the South East Plan and local studies.
- 6.15 The objectors are accurate in their comments on the SHMA regarding the loss of social housing and the growth in the numbers of the over 65 age groups. However, the representations do not mention the SHMA Update Report published in June 2015 that takes account of the ONS 2012-based Sub-National Population Projections and the DCLG 2012-based Household Projections for the period up to 2031 (the most current sets of projections available). Based upon this data, the overall household growth between 2011-2031 for T&M is projected to be 25.2% and the growth in the over 65 population is projected to be 62.4%. However, it is not correct in my view for the objectors to state that *'Households are the unit for housing rather than people'*. A vacancy rate needs to be applied because at any one time not all of the housing stock is occupied by a household. Whilst the SHMA does recognise the need for affordable housing for elderly people, it also recognises the need for smaller units, adaptation of existing properties and sheltered/extra care homes, not all of which will necessarily be affordable. The SHMA does **not** conclude that the Borough Council should, as a matter of planning policy, specifically resist the loss of affordable sheltered housing.
- 6.16 I therefore cannot agree with the objectors' statements that the SHMA findings show a transformation from the Housing and Market Needs Survey (2005). The main SHMA Report (March 2014) recognises that public policy *'...may seek, for instance, to promote the delivery of extra care housing which can be tailored to households changing needs as an alternative to residential care...'* Furthermore it states that *'...over time changes in technology, such as telecare, may also influence the extent to which households may be able to remain in existing homes rather than need to move to specialist accommodation...'* The SHMA does give evidence that there is still likely to be a need to support independent accommodation with external support. In any event the SHMA also recognises that there are significant needs for general affordable housing for the Borough to continue to respond to.

6.17 In addition, the NPPF provides a clear framework that promotes housing development by delivering a wide choice of high quality homes. Members will be familiar with the overall thrust of the NPPF and, in particular, Paragraph 49 which states that housing applications should be considered in the context of the presumption in favour of sustainable development. This presumption is described as a 'golden thread' that runs through the NPPF and, taken as a whole, would support the redevelopment and effective use of this Previously Developed site, which is a core planning principle of the NPPF.

Communal Hall:

6.18 The objectors refer to the loss of the public social function that was provided by sharing of the complex's "Communal Hall" to outside groups and non-residents and thus that TMBCS Policy CP26 should apply to safeguard it. This policy seeks to safeguard a range of essential community services to be available for communities to be sustainable; shops, petrol filling stations and public houses, particularly where these might be the only such facilities in a village.

6.19 Objectors refer to a "Communal Hall" at St Georges, which is indicated as a "common room" on the approved drawings from 1977. My interpretation is that it was intended to serve the residents of the complex. Undoubtedly since that time its use has been by the public to some degree. The applicants are aware of the community value attributed to the facility but have chosen not to include it in the redevelopment in this planning application. Whilst I understand the objectors' concerns and disappointment, I have to advise Members that the "Hall" is not safeguarded to continue as a public social facility by any planning condition and there is no development control mechanism that can bear on the matter. The objectors also argue that the Hall was separate enough from the sheltered housing to form its own planning unit rather than being incidental or ancillary to the main planning unit of the sheltered housing complex. The argument is being mooted in order to engage Policy CP26 that protects such facilities. I am not convinced by the argument; the Hall by its ownership, management, nature and size relative to the complex as a whole would have been incidental and ancillary in my view. There is no planning condition and, as it was ancillary and incidental to the housing, I do not consider that it formed its own planning unit.

6.20 In any event, at any time the "Hall" could have closed completely or been restricted to residents only or used for some non-community use without breaching any planning condition or other planning legislation. Its loss and non-replacement is therefore not controllable in development control terms in my view and cannot be a material planning consideration.

6.21 The Communal Hall evolved to become a wider "public" facility only in a discretionary manner rather than a stand-alone facility or building with a specific objective of serving the wider public community. It is distinct from the types of standalone community uses referred to in Policy CP26 as clearly a planning policy

is only worthwhile if it can be brought to bear on matters where planning control is relevant and that is not the case for the common room of St Georges Court.

Affordable Housing:

- 6.22 Policy CP17 of the TMBCS applies: Affordable housing provision will be sought, at a level of 40% of the number of dwellings in any scheme. Unless circumstances dictate otherwise, 70% of the affordable dwellings provided on each site should be social rented housing with the remainder being intermediate housing (which can include shared ownership). Members will be aware that social rented units can no longer be realistically provided by Housing Associations because government grant for new public sector rented homes was switched from social rent to affordable rent in guidance dating from 2011.
- 6.23 The application proposal only has to accord with policy CP17, notwithstanding the previous use of the buildings on site. This is a previously developed site with approved Use Class C3 dwellinghouses, unfettered by any planning conditions restricting occupation or tenure type and the proposal is to construct a scheme which will also be within Use Class C3 dwellinghouses.
- 6.24 The CP17 requirement in terms of absolute numbers of a 60 gross unit residential redevelopment would be 24 and this scheme proposes 52 units. The scheme does not provide social rented accommodation because circumstances dictate otherwise. This is acceptable because it accords with a specific caveat of CP17. Social rent as a tenure is no longer supported in Government Policy to the extent it was when CP17 was formulated back in 2007. Specifically, since 2011, Councils and Housing Associations have effectively been steered by both DCLG policy and grant regimes to replace social rented housing with the product of affordable rent and subsidized home ownership products, such as shared ownership, which can leverage greater borrowing.
- 6.25 The LPA has to take account of shifts in the regulatory, welfare, planning, and funding environments that the applicant, and the Council as Local Housing Authority, are obligated to operate within. Since 2007, when the Core Strategy was adopted, relevant significant changes include the NPPF, which redefined affordable housing to include Affordable Rent within the tenure. It also includes a redefinition of "intermediate housing" to include homes for sale, types of affordable housing and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition of the NPPF. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent.
- 6.26 The final proposed mix of affordable housing on this site would be 17 units of affordable rent and 35 units for low cost home ownership (shared ownership). The percentage mix is now 87% affordable and 13% market housing. The policy requirement of 40% is 24 affordable units. A 70/30 split in favour of rent to intermediate would give figures of 17 rent and 7 intermediate. The proposal

provides an **extra** 18 units of shared ownership provision, which aligns with the current Government objectives towards shared ownership as affordable housing as evident in the terms of the new grant regime 2016-2021. Bearing in mind the overall affordable housing need in the Borough and the opportunity to secure this level of provision on a previously developed site it is, in my view, a consideration that should be welcomed and afforded significant weight in the planning balance for this case.

- 6.27 Outside the planning regime but relevant to it in terms of viability (which is a land use planning consideration) are restrictions on traditional rented provision, the changes to the operation of housing benefit and other provisions contained within the Welfare Reform and Work Act 2016, including the 1% rent reduction in social rent charges to 2020 and the corresponding impacts on a registered housing provider's business plan. These are key drivers for regenerating the site and have a clear and profound influence on development viability.
- 6.28 Therefore from a housing perspective, whilst I can understand the disappointment expressed by objectors concerning the loss of the previous scheme, I am satisfied that the proposed affordable housing number, types, sizes and tenures comply with and exceed the requirements of policy CP17 . If planning permission was to be granted, this provision could be made subject to appropriate planning controls unlike the present circumstances. The proposals are then justified in the current financial regime in which RPs need to operate and are appropriate to satisfactorily meet current local needs to keep this important parcel of housing resource serving housing needs judged in the overall Borough wide context.
- 6.29 A key concern of many objectors is that they would rather a refurbishment takes place with the sheltered nature and age restrictions remaining. However, there is no planning policy that can be engaged to achieve that end in the context of considering the planning application before the Council. In any event, the current proposal would seem to be the most cost effective and practicable way for the applicant, as a registered RP meeting their wider objectives to deliver affordable housing, taking account of the current regulatory and financial regime and local needs. A planning decision needs to be made on the application as submitted on its own merits and cannot be refused because there is an alternative scheme that objectors would prefer.

AONB:

- 6.30 Policy CP7 relates to AONB: development should not be permitted if detrimental to the natural beauty and quiet enjoyment of the AONB, including their landscape, wildlife and geological interest. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.
- 6.31 The site is within the village of Wrotham and enclosed by relatively modern development on all 4 boundaries which is all washed over by the AONB. In the

specific context in which the development will be viewed, I do not agree with the views of objectors (which include the AONB unit and CPRE) that the greater footprint, form or materials or any other aspect of the development impacts on the AONB's overall beauty or landscape interest or indeed has any significant impact on the enjoyment, tranquillity or other merit of the AONB.

Character and Materials:

- 6.32 Policy CP24 (Achieving a High Quality Environment) states 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, density, layout, siting, character and appearance be designed to respect the site and its surroundings; all development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and should make a positive contribution towards the enhancement of the appearance and safety of the area. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside should not be permitted. Policy SQ1 of the MDE DPD has similar objectives (All new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity) and policy CC1 relates to sustainable design.
- 6.33 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty that in the exercise of any powers with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area. The site is 75m from the Conservation Area and there is intervening development such that the redevelopment would not affect the Conservation Area or its setting. Similarly, I do not believe that the roofscape would harm the view from St Georges Church in the village centre.
- 6.34 The materials palette is acceptable in my view. The site is enveloped by relatively modern dwellings of no particular architectural merit and, in my opinion, the materials and form of the proposed development strikes an acceptable compromise between a contemporary design and respecting the local colour palette and key architectural forms. I note the AONB unit request clay tiles, and whilst I share the view that natural materials are sometimes preferable in the context of this site and the immediate built form, I do not consider that clay rooftiles can be justifiably insisted upon. The character and appearance of the buildings will be acceptable and comply with policy in my view.
- 6.35 The new buildings would generally be of larger scale than those existing on site and surrounding properties. However, the higher elements are positioned away from the boundaries with the exception of block 4 to West Street. The front elevation of that block is however over 30m from the dwellings opposite and, whilst

there will be a change of outlook in that respect, I do not consider it will be dominating or overbearing to the residents of those dwellings. There are land level variations due to the local topography and a degree of dig down. The applicants have submitted some 3-D images from 4 viewpoints outside the site and some comparison of massing drawings to illustrate the differences. All aspects considered I find these to demonstrate an agreeable approach. Again, the buildings along the street scene to West Street are undoubtedly of a larger scale than the existing buildings, but the site context, space available and the existence of preserved trees mean, in my view, that the proposed scheme will not be to the detriment of the Street Scene. In fact taking advantage of the space available provides the opportunity to achieve variation in the street scene which, again in my view, could be a positive contribution.

6.36 This analysis indicates to me that the scale, layout and siting would be acceptable overall. The intent of policies to respect the street scene and amenities are not intended to prevent any changes. It is inevitable that the redevelopment of a site built in the 1970s would have greater site coverage and larger form bearing in mind the general policy to make the best use of previously developed land within settlements; the test is whether the proposal is acceptable or not rather than whether there is a change per se.

6.37 The density of the scheme is greater than existing, due to the extra 3 units and the increased internal space of the units proposed, but it is not significantly denser than other areas in the vicinity to warrant refusal.

Residential Amenity:

6.38 A number of objectors refer to impact on residential amenity. The issue of overlooking from windows has been addressed by the revisions to Block 2 in my opinion. In some aspects, overlooking from the proposed scheme is no worse (and in some instances improved) compared with existing, where there is some quite significant loss of privacy already from first floor flank windows.

6.39 Loss of outlook is mentioned by objectors and it has to be remembered that is not an amenity impact that results from being able to see a development. For a scheme to be considered to harm outlook to a degree such as to warrant a refusal, there needs to be an overbearing nature due to the form, height and proximity. I accept that Block 2 is higher and closer than the existing flat block nearest Courtyard Gardens and Childs Way but, whilst it will have more visibility (especially of the roof), that does not equate to a degree of overbearing or loss of outlook that necessarily means the scheme should be refused.

6.40 I do not consider that any of the proposed buildings following the revisions to Block 2 are overbearing or create a loss of outlook to any neighbouring dwellings that is contrary to policy. This has been verified by the additional drawings submitted following the Members' Site Inspection.

6.41 There is no worsening of sunlight or daylight loss to neighbouring property that would justify a refusal of planning permission in my view.

Parking:

6.42 Policy SQ8 on Road Safety states that proposals will need to demonstrate that any necessary transport infrastructure is in place or is certain to be provided. 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. Development proposals should comply with parking standards. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.43 The proposal would provide 74 parking spaces and 60 cycle parking spaces. The adopted Kent Vehicle Parking Standards (IGN3) required 65 spaces for the units and 12 visitor spaces, making 77 in all. For clarification, the parking standards are as follows:

- 9 X 1 bed and 43 X 2 bed flats- 1 space per unit = 52
- 6 X 2 bed houses = 1.5 spaces per unit = 9
- 2 X 3 bed houses = 2 spaces per unit = 6

Unallocated Parking:

This gives a total of 65 spaces which are all to be provided on site. Visitor space standards are 0.2 per unit which equates to 12. Of these, 9 are proposed on this scheme. This leaves a deficiency on site of 3 visitor spaces.

6.44 The 0.2 per unit standard for visitor spaces: "*may be reduced where main provision is not allocated. Not always needed for flats*" (see IGN3, footnote 5).

6.45 The supporting text to the parking standards also states: *Location has a significant influence on vehicle ownership. Where effectively enforced on-street parking controls (or positively managed covenants/agreements) limit the opportunities for residents to own cars that they cannot accommodate in dedicated parking areas, lower levels provision will not cause problems..... Care needs to be taken in these situations to ensure that the reasonable needs of **visitors** are catered for, even if only in nearby public car parks.....However, a design-led allowance for on-street parking will normally be the best way to cater for visitors, and additional vehicles owned by residents, where there are no on-street restrictions in place.*

6.46 There would be a 96% provision, which in my view means there would be a marginal deficit. The marginal lowering of the standard for visitor spaces would be

acceptable here; firstly due to the predominance of flats and in circumstances where the parking is not allocated. Secondly there is adequate scope for some on-street parking in West Street which fronts the site for its entire length. That this part of West Street can cope with a nominal 3 visitors spaces is endorsed in the submitted Transport Statement. I am aware that a number of objectors disagree, but no evidence has been submitted to indicate that the TS is wrong on this point.

- 6.47 Also of relevance is that SQ8 pre-dates the NPPF. The NPPF states that whilst LPAs can set local parking standards, it also states in paragraph 32 that development should only be prevented or refused on transport grounds where the impact is “severe”. It is not considered that such a small parking deficit in this part of Wrotham would create a knock on effect on West Street or beyond that would give a “severe” impact on highway safety. A refusal on parking provision would not be defensible in my opinion, in the light of the test set out in the more up to date national stance set out in the NPPF which reduces the weight that can be given to part 4 of Policy SQ8 and the caveats of the Parking Standards themselves outlined above.
- 6.48 The utilisation of the cycle space provision has been criticised by the objectors as unrealistically optimistic in the light of the local hilly topography. The provision comprises 50 communal internal and external spaces for the flats plus shed spaces for the 10 units with private gardens. The parking standards requirement would generate a need for 77 spaces.
- 6.49 I understand the point being made in a pragmatic sense. The views of the objectors could be met here by a condition for a partial construction of the 50 communal cycle stores, phased in accordance with demand.

Highways:

- 6.50 KCC H&T has not objected to the scheme on Highway grounds and thus paragraph 32 of the NPPF and policy SQ8 of the MDED DPD are complied with in my view. They have suggested conditions regarding construction traffic and it will be noted that there is local concern from the objectors on this matter. The impacts of construction are rarely a matter that can form a reason for refusal. However, it is noted that the access to the site is rather convoluted whether from the east or west. There is a narrow width of the carriageway close to the junction of West Street with the High Street and that is the heart of the Conservation Area and includes both a number of important listed buildings and a pedestrian route to the primary school. In the circumstances of this case, if Members are minded to permit the application, then a planning condition relating to a Construction Management Plan would be necessary and reasonable in my view.
- 6.51 Policy CP2 on Sustainable Transport relates to new development that is likely to generate a significant number of trips. It is my view that the trips from this development would not be significant in the context of the village but, in any event, it is proper planning that new housing should be well located relative to public

transport, cycle and pedestrian routes and with good access to local service centres. The development would be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated, and there is no reason to question why the detailed scheme in compliance with Building Regulations would not ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

Education and KCC contributions:

- 6.52 Policy CP25 of the TMBCS states that the service, transport and community infrastructure necessary to serve development is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.
- 6.53 On this matter, LPAs are obliged to take account of national legislation which states: *“Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework”*.
- 6.54 Essentially, it is not lawful for an LPA to seek developer contributions where there is no evidenced need. Members will note that many of the objectors refer to the need for an enlargement to the local primary school (St Georges) to take account of a high likely pupil production from the development of the site. KCC Education is the statutory body charged with providing evidence of need that is a pre-requisite for any education contribution to be sought from the developer. They are fully aware of the change in occupation type of St Georges Court that would result if the scheme were to be developed as per this application, but their assessment factors in pupil numbers arising in the wider catchment and the situation with regard to other primary schools accessible from that catchment. They conclude that an full and detailed assessment of St Georges Primary School, Platt CE School, Borough Green Primary School and Ightham Primary School indicates that the 5 pupils it forecasts from the 60 new units on this site can be accommodated.
- 6.55 KCC therefore confirm that they cannot provide any evidence of need for education or indeed other financial obligations related to their statutory function with regard to this application. Whilst I understand the local concerns with regard to the primary school, in the absence of a request from the Authority responsible for assessing local schooling needs, there is no justification on which to base a financial contribution.

6.56 KCC does ask that 1 Wheelchair Adaptable Home (under Part M (2) of the Building Regulations) is delivered as part of the Affordable housing on this site to meet local needs, and this has been agreed by the developer.

Ecology/Trees:

6.57 Policy NE3 relates to biodiversity and Policy NE4 to Trees, hedgerows and woodland. There are not considered to be any ecological concerns from the redevelopment in principle. There will be some tree loss as is inevitable with a more intensive use of the site, but the important trees subject to the Tree Preservation Order in terms of public visual amenity are to be retained and conditions will be suggested to minimise any impacts on their long term health.

Waste:

6.58 In accordance with CP1 and the detailed Waste Policy CC2, this is a redevelopment proposals which has demolition forming part of a new build process and so conditions can maximise the potential for the re-use of demolition waste with Site Waste Management Plans to include procedures for minimising waste produced on site as well as sorting, re-using and recycling the waste that is produced. This can also be dealt with by condition.

6.59 Policy CC2 goes on to state that proposals for development should incorporate adequate space for the storage of recyclable and non-recyclable waste, where different waste streams can be segregated and collected, and, in the case of residential schemes, each dwelling with private garden space is equipped, where practicable, with a composting bin.

6.60 The layout in terms of the storage and the collection arrangements have been looked at by the waste team and they have no remaining concerns. It is noted that some objectors are concerned about smell and other problems from the location of external bin stores near to the boundaries but it is not considered that the location of the stores is particularly unneighbourly and the design can be dealt with by condition to minimise such concerns.

Drainage:

6.61 Policy CC3 on Sustainable Drainage and Policy SQ5 on Water Supply and Quality Development relate. Proposal 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 or an appropriate alternative means of surface water drainage is incorporated.

6.62 The views of Southern Water and KCC as the Sustainable Drainage Authority can be dealt with by condition.

Leisure:

6.63 This is a net gain of 3 dwellings and hence the open space policy OS3 of the MDE DPD is not triggered as that is for a net gain of 5 units. However, it is clear that the redevelopment from over 55's sheltered to family housing will have implications for the demand for children's play in particular, and Members may agree that a toddler play area on site is warranted nonetheless. This can be secured by condition.

Crime Prevention:

6.64 Policy SQ9 Crime and Disorder Development proposals for 10 or more dwellings or for commercial developments of more than 1,000 sq. m will only be permitted if they can demonstrate how the design and layout will deter crime, and reduce the fear of crime and anti-social behaviour and that, where appropriate, measures such as the provision of on or off-site CCTV have been considered. Kent police are satisfied that the applicant can secure a Silver award and that such matters can be dealt with by condition.

6.65 The proposal incorporates a mix of units and tenures to the extent that the mix is likely to provide a sound basis for the development of a new local community within the wider community of the village itself. I am satisfied that the scheme can comply with SQ9 and the relevant parts of CP1.

Contamination:

6.66 Given the proposal for private gardens contamination land conditions would need to be attached to any permission. Prior to any demolition works being undertaken, the existing buildings should be assessed for the presence of any asbestos containing materials; and if present a method statement for their safe removal should be approved by the HSE.

Noise:

6.67 The internal layout of the proposed development ideally needs to avoid incompatible uses being adjacent to one another (e.g. bedroom adjacent to stairwell and/or bin store). BS8233:2014 "Guidance on sound insulation and noise reduction for buildings – Code of Practice" advises that "precautions should be taken where practical to minimize noise transfer". Any approval would need a planning condition for a noise insulation scheme, together with appropriate cross-sections.

Other matters raised by objectors:

6.68 Some objectors comment that due to lack of local Post Office, GP, shopping and train station, this redevelopment will increase traffic movements. It is accepted that public transport is not ideal for Wrotham but the level of local services is similar for

the previous use in terms of lack of access to services and there is only a net gain in 3 units.

- 6.69 Some comment that the junction of West Street with High Street needs ameliorative measures to assist pedestrian and vehicular movements. The need for off-site highway improvements is not supported by KCC (H&T) although I do suggest a condition for a Construction Management Plan to deal with potential larger vehicle problems in the construction phase.
- 6.70 Some objectors comment that West Street residents affected by vibration and noise in construction period will need compensation. Provided that the vehicles which use the public highway are legally entitled to do so, this is not a land use planning matter. Similarly, that Historic buildings could be damaged by vibrations from the demolition and construction traffic is not a reason to refuse planning permission and the suggested construction management plan should minimise the risk in any event.

Conclusion:

- 6.71 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.72 The NPPF is a material consideration in planning decisions. The relative weight to be afforded to specific provisions of the NPPF depends to a large extent as to how compatible the Statutory Development Plan is with the direction of Government thinking in the NPPF and any policy changes.
- 6.73 In addition to paragraph 49 referred to above the key paragraphs from the NPPF that bear on the application are as follows:
- Paragraph 8 states that economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
 - Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live and widening the choice of high quality homes. Paragraph 14 states that LPAs should approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- Paragraph 47 requires LPAs to boost significantly the supply of housing
- Paragraph 50 requires delivery of a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should (where they have identified that affordable housing is needed) set policies for meeting this need on site: such policies should be sufficiently flexible to take account of changing market conditions over time.
- Paragraph 55 requires LPAs to promote sustainable development in rural areas such that housing should be located where it will enhance or maintain the vitality of rural communities.

6.74 Based on the analysis of determining issues as set out in this report, I am satisfied that the scheme is in accordance with the development plan except in regard to Policy CP13 for the reasons detailed above. The degree of 'offense' that the proposal offers to policy CP 13 is, in my view, not significant in the overall context of this case.

6.75 I am of the view that the enhanced Affordable Housing proposal of 87% which is significantly over and above the policy requirement of 40% is an important material consideration to which significant weight can be attached. Members will be aware that there have been a series of national housing policy changes which have eroded the ability of LPAs to secure affordable housing from private developers even to the 40% proportion. This is especially the case following the Government policy change which overnight removed the application of CP17 to small sites (under 10 units or 1000sqm) which are extremely numerous in this Borough. In my view, therefore the enhanced affordable housing offered in this application outweighs the "breach" of policy CP13.

6.76 In conclusion, it is important to understand that the starting point for the determination of this planning application rests with the adopted Development Plan. Against that starting point there are other material planning considerations that must be given appropriate regard, not least the requirements set out within the NPPF which is an important material consideration. The weight to attribute to each of those other material planning considerations, on an individual and cumulative basis, and the overall balance is ultimately a matter of judgement for the Planning Committee. My view is that the balance can lie in favour of granting planning permission.

6.77 Members will be aware that the application has been re-advertised as a departure in anticipation of this positive recommendation for approval. However, it is not a type of case that needs to be referred to the National Planning Casework Unit.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 17.09.2015, Location Plan 14-044/D001 received 17.09.2015, Existing Elevations 14-044/D010 received 17.09.2015, Other PRE-APPL ADVICE Appendix to appl form received 17.09.2015, Letter received 18.09.2015, Email received 29.09.2015, Ecological Assessment received 29.09.2015, Tree Report received 29.09.2015, Arboricultural Survey 15-1116-TPP-NT Rev C received 29.09.2015, Topographical Survey 14-044/D005 received 29.09.2015, Letter received 27.10.2015, Email TENURE SPLIT received 27.11.2015, Letter response to objectors received 01.02.2016, Letter response to objectors received 11.02.2016, Site Plan 14-044/D050 A received 02.06.2016, Proposed Floor Plans 14-044/D100 B received 02.06.2016, Proposed Floor Plans 14-044/D101 A received 02.06.2016, Proposed Floor Plans 14-044/D102 A received 02.06.2016, Proposed Floor Plans 14-044/D103 A received 02.06.2016, Proposed Elevations 14-044/D200 A received 02.06.2016, Proposed Elevations 14-044/D201 A received 02.06.2016, Proposed Elevations 14-044/D202 A received 02.06.2016, Proposed Elevations 14-044/D203 received 02.06.2016, Sections 14-044/D300 A received 02.06.2016, Design and Access Statement received 03.06.2016, Transport Statement received 07.06.2016, Viability Assessment TENURE MIX received 30.09.2016, Viability Assessment BUILD COST COMPARISONS received 30.09.2016, Viability Assessment received 10.10.2016, Letter DIXONSEARLE Viability Review received 10.10.2016, Other 3D Massing Views received 17.10.2016, Elevations SK3052 A received 20.10.2016, Plan SK(00)3001 existing/proposed received 20.10.2016, Elevations SK3051 A received 20.10.2016, subject to the following:

Conditions

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

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

- 2 The development shall not begin until a scheme for the provision of affordable housing and wheelchair accessible housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing and wheelchair accessible housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. The provision of a total of 52 units of affordable housing to comprise 17 units of affordable rent and 35 units for low cost ownership (shared

ownership) and the number, type and location of wheelchair accessible housing

- ii. The timing of the construction of the affordable housing, and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements to ensure such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In the interests of securing affordable housing and wheelchair accessible housing.

- 3 The use shall not be commenced, nor the premises 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: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 4 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 5 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.

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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.

- 7 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 (or as otherwise agreed in writing by the Local Planning Authority).
 - (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, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 8 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 9 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
- (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any

existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 10 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the local planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 11 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 12 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: In the interests of highway safety.

- 13 No development shall be commenced on the site until an ecology mitigation strategy has been submitted to and approved by the Local Planning Authority. The strategy shall set out method statements for protecting bats, birds and reptiles during and subsequent to development and shall be carried out as approved.

Reason: In the interest of minimising the impacts of the development on local wildlife

- 14 No external lighting shall be installed within the application site unless details of the location, design, mounting, intensity and shielding of the lighting have been submitted to and approved in writing by the Local Planning Authority, and the schemes shall be installed in accordance with the approved details.

Reason: In the interests of amenity and the control of light pollution.

- 15 The approved refuse storage and collection arrangements 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.

- 16 No building within any part of the site hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone,

electricity, CCTV and communal television services to be connected to that building without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express, prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

- 17 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained. Reason for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Borough/District Council's Core Strategy Plan (dated, page, section) and in line with guidance within The Kent Design Initiative (KDI) and protocol.

Reason: In the interests of Crime Prevention.

- 18 No development shall commence until details of surface and foul water disposal have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the building and retained thereafter.

Reason: In the interests of pollution prevention.

- 19 No development (including demolition of the existing building) shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work have been submitted to and approved in writing by the Local Planning Authority. The plan shall specify access routes into the site for construction traffic and contractors' vehicles, and maximise contractor parking within the site. The plan shall specify protection of listed buildings at the High Street/West Street junction and pedestrian safety measures across and adjoining the site. The development shall be carried out in strict accordance with the details approved.

Reason: To maximise safety and minimise disruption during this period.

- 20 Within 1 month of the commencement of development, details and timetable for the provision of a toddler play space shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with those details prior to first occupation.

Reason: To ensure the availability of toddler play areas for the recreational needs of the occupiers of the dwellings.

- 21 A noise insulation scheme, together with appropriate cross-sections. The use hereby permitted shall not commence until a scheme for sound insulation has been submitted to and approved by the Local Planning Authority and the building has been insulated in accordance with the approved scheme.

Reason: In the interests of residential amenities.

- 22 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

Informatives

- 1 The scheme should be designed to reduce energy consumption having regard to the need for 10% of energy requirements to be generated on-site from alternative energy sources and the potential for recycling water.
- 2 The scheme should be designed to accommodate the BT GPON system currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises and the site should incorporate this infrastructure.
- 3 During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.
- 4 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. No bonfires should be had at the site.
- 5 Planning permission does not convey approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- 6 It is recommended that there be provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 7 Drainage shall be provided within the site such that surface water from the vehicular access, turning areas and parking does not drain into the public highway. Surfaces shall be porous or shall discharge run off to permeable areas within the curtilage or to a soakaway.
- 8 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. 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.

Contact: Marion Geary