

Platt
Borough Green And
Long Mill

9 October 2020

TM/20/02263/FL

Proposal: Demolition of existing buildings and construction of x7 dwelling houses with associated access, parking and amenity space
Location: The Old Dairy Maidstone Road Platt Sevenoaks Kent TN15 8JJ
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1. Description:

- 1.1 Planning permission is sought for the demolition of existing buildings and the construction of 7no. two-bedroom terraced dwellings, along with associated parking, access and landscaping.
- 1.2 The dwellings would be arranged in two terraces, with 4x smaller houses at the front of the site, and a further 3x larger units to the rear. Parking for 7 cars would be located centrally within the site and access is proposed to be sited down one side of the site.
- 1.3 The buildings proposed on the front of the site have been designed to appear as a pair of semi-detached dwellings. They would utilise red facing brick at ground floor level, with white timber weather boarding at first floor and tiled roof. This would be similar to the residential scheme on the adjacent site.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Wendy Palmer to consider whether the proposal represents an overdevelopment, impacts arising to character and whether the site is able to accommodate adequate bin storage, parking and in order to address concerns regarding highway safety.

3. The Site:

- 3.1 The application site is located in the settlement of Platt, adjacent to the main A25 Maidstone Road, on the south side of the road. Platt is defined as a rural settlement under policy CP13 of the TMBCS. The site is located almost opposite Platt Memorial Hall, to the east of the junction of the A25 Maidstone Road and Long Mill Lane.
- 3.2 The site has a long history of various uses, most recently for car sales but it is understood this use ceased some time ago. Consent was granted for the change of use to a veterinary clinic under reference TM/18/02419/FL however this was never implemented. It appears from a recent site inspection that the two-storey building is now being used as offices for the developer. The buildings at the rear of the site are unused however and remain shut.

- 3.3 The site currently contains a number of buildings and hardstanding, with a large two storey building on the road frontage and smaller, low level buildings to the rear. The frontage building is a mixture of brick and render with a gable end facing the street; the building to the rear is timber clad and single storey. All remaining areas of the site are covered in hardstanding. A smaller temporary cabin like structure has also been installed behind the two-storey building.
- 3.4 Next to the site on the corner of Long Mill Lane is a relatively recent development with similar white weatherboarding dwellings. On the other side is a pair of semi-detached dwellings whose gardens border the site.
- 3.5 The immediate area contains both residential and commercial premises, and so has a mixed suburban character.

4. Planning History (relevant):

TM/46/10186/OLD grant with conditions 7 August 1946

Extension to Dairy.

TM/62/10719/OLD grant with conditions 14 February 1962

Conversion of dairy to living accommodation, for Mrs. S.T. Langridge.

TM/78/10322/FUL grant with conditions 12 September 1978

Re-construction of vehicle shelter

TM/81/11254/FUL grant with conditions 24 July 1981

Extension to male toilet block to rear of main building.

TM/85/10583/FUL grant with conditions 22 February 1985

Erect portable single storey cold store following demolition of existing

TM/97/00419/AT Grant With Conditions 2 May 1997

externally illuminated wall mounted sign

TM/99/00347/FL Grant With Conditions 19 May 1999

temporary storage building

TM/03/03184/FL Refuse 18 December 2003

Change of use from depot (sui generis) to mixed use of offices (B1a) and car sales together with permanent retention of portacabin

TM/04/00771/FL Grant With Conditions 13 July 2004

Change of use of depot (sui generis) to offices and open display of cars for internet car sales, including retention of portacabin (Retrospective)

TM/05/02610/RD Grant 24 October 2005

Details of security lights and treatment of frontage pursuant to condition 1 of planning permission ref. TM/04/00771/FL (change of use of depot (sui generis) to offices and open display of cars for internet car sales, including retention of portacabin)

TM/06/00488/FL Grant With Conditions 19 May 2006

Variation to conditions 1 (fence) and 10 (temporary use) pursuant to planning permission ref. TM/04/00771/FL (change of use of depot [sui generis] to offices and open display of cars for internet car sales, including retention of portacabin)

TM/06/03960/OA Refuse 7 August 2007

Outline Application to demolish existing offices and build 8 dwellings

TM/09/00015/FL Approved 20 July 2009

Change of use from disused offices to domestic 2 bed flat

TM/15/03702/FL Application Withdrawn 26 September 2016

Conversion of car showroom building and first floor flat and erect two storey extension to create a single dwelling

TM/18/02419/FL Approved 12 December 2018

Change of use of the 'KARDEN Internet Car Sales' building and associated 'Lock Up Garage' to a Veterinary Surgery with a cattery and pet grooming room (i.e. a change of use from Sui Generis use to D1 use)

TM/20/01704/FL Application Withdrawn 28 September 2020

Demolition of existing buildings and construction of x4 two storey semi-detached houses and a terrace of x3 two storey houses with rooms in the roof, with associated access parking and amenity space

5. Consultees:

- 5.1 PC: Platt Parish Council has considered this new application and do not feel the new application changes our previous objections which we reiterate below. However, we have made a few changes to our comments taking on board the slight alteration and comments made by the applicant in this new submission.
- 5.1.1 Reference has been made to the 2006 refusal for 8 dwellings which at the time was next to the village hall. Now The Old Dairy site is next to 4 houses on the old hall site. This site is exactly the same size as the Memorial Hall and the new houses there are traditional type dwellings. No consideration has been given to any impact the proposed new dwellings will have on those 4 houses, also the overlooking/privacy issues on these properties and other properties in the area, including those who back onto the site from Long Mill Lane and the neighbour to the left.
- 5.1.2 This is overdevelopment of the site both in terms of possible new residents and current residents. Three storey houses are not the norm in this parish. The houses on the old Platt Mill site were acceptable because they were replacing an old mill and were not out of place as they echoed the old building. This small cramped over developed site will have a detrimental effect on the street scene on this section of the A25.
- 5.1.3 The application refers to the site typical of infill development in the locality ie The Ferns and The Brickmakers. These developments might be infill but they have space around the properties. This site would be cramped with small gardens. Developments should look to the future, especially in the light of the pandemic, and provide decent inside and outside space. It is stated that the higher value houses are further from the A25 but it is noted that the middle one has virtually no garden. However, the new application has taken into consideration our concerns about the siting of refuse bins for property 6 and these are now at the front of that property but the location for the cycle storage is still in the rear garden of No. 6. Presumably this means cycles have to be taken through the house? On the layout plan there is a pink dot denoting compost bins but these are not shown on the layout plan for each property.
- 5.1.4 There is concern that the access to the site can safely allow two vehicles to use for delivery services. There is also provision for refuse bins on the front of the site on collection days. However, this looks tight and the Council do not envisage the bins being returned in such a way that they will not overspill on to the footway and this could cause problems for residents with children and pushchairs going to and from amenities and for those at the bus stop. It is noted that the telegraph pole is to re-

sited on the opposite side of the plot near the recently built new houses on the old hall site. It is not clear whether this on to the applicant's land or highway land.

- 5.1.5 The Parish Council understand that the standard parking is 1.5 car parking spaces per property. However, the developer is allowing only one because they say they will not need more than one! If the proposal is for 2 beds which could mean a young couple, a young couple with one child, residents who want to downsize and possibly two first time buyers. Is the intention now not just to build smaller houses which are required but to dictate they can only have one car assuming that this is all they require? A young couple and 2 first time buyers could mean both are working and need cars. Older residents can still be active and need to be in different places at different times, again two cars.
- 5.1.6 Use the bus – think the question has to be asked of the developer if they have looked at the bus timetable – they are not frequent, not after 6 pm and not at weekends. The services run infrequently and wanting to shop locally in Borough Green could mean you wait 2 hours for a bus to bring you home! Question whether there is a bus to get residents to Borough Green railway station early in the morning, certainly not one that takes you to Sevenoaks Railway Station.
- 5.1.7 Yes, the bus stop is outside this site but it is very busy at school times along this stretch of road not just with children using the bus service but those with children walking to and from Platt School with parents and siblings. The footway is also very narrow at this point. Walking to Borough Green has changed dramatically because of the increased traffic along the A25 which is not a dual carriageway. A road which sadly is a nightmare when the large vehicles travel at speed in the wet weather!
- 5.1.8 The noise survey was undertaken on 11 and 12 June – not exactly normal as this was during the first Coronavirus lockdown situation. There was very little traffic to the Platt Industrial Estate which has some 24 hour businesses in operation and obviously no school or hall traffic. There is concern about noise from the OTG site opposite which will not have been in full operation when this survey was undertaken.
- 5.1.9 It is unbelievable that the applicant points out that there are 36 parking spaces at Platt Memorial Hall which is not a public car park and is closed at night. This is a very well used village facility and under normal circumstances could not accommodate parking for more vehicles. The Memorial Hall Trustees and Platt School Governors have acknowledged the need for cooperation when the new school is up and running and will share parking on their respective sites when necessary.
- 5.1.10 It is noted that the area where the hall is located is described as War Memorial Hall, fields and car park. There is a sign up to the effect that the fenced in field is the Platt Primary School playing field and the other field is where the new school is to be built. However, the applicant has not acknowledged this or shown any

awareness of the proposed housing when the existing school site is redundant. In addition, the land to the right of Platinum Way is earmarked for housing.

5.1.11 Currently, local residents from Whatcote Cottages use Platinum Way to park on the grass verge or in the road at night and there appears to be very little space available for extra parking.

5.1.12 However, these cottages are Victorian and unfortunately have no allocated parking which creates parking issues. It is therefore questioned why this application should create a site with insufficient parking thus creating more problems for existing residents not only along the A25 but also Long Mill Lane. The last user of the site, Kardens, created very little traffic and certainly no repair work on site so no noise either. There were no parking issues because there was allocated space on site for visitors and staff.

5.1.13 Crosby Transport Planning state in their submission of 8 October 2020 that in relation to occasional visitor parking, should this not be available in the Memorial Hall car park, there remains opportunities, for on street parking on local roads including Long Mill Lane and, in their opinion this will not cause danger to pedestrians or highway safety or prejudice the free flow of traffic. However, it is questioned whether he has seen the few spaces available in Long Mill Lane because if he had he would be aware that there is virtually no availability in Long Mill Lane. It also stated that KCC Highways in their first observations refer to on street parking as acceptable for visitor parking provision and although they express a preference for on-site provision they confirm that they do not consider that this issue will provide sustainable grounds for a highway based objection.

5.1.14 However, the Parish Council do not believe that KCC are aware that the Memorial Hall car park is private and never available to non-users of the hall. We also believe that they are unaware of the parking situation in Long Mill Lane.

5.1.15 Concern has also been expressed regarding drainage and the lack of maintenance and upgrading on the present system.

5.1.16 Platt Parish Council strongly object to this planning application for reasons stated above. To summarise – over development of site, gross lack of parking, no consideration to neighbours and existing residents and inappropriate design. The applicant has failed to register the two Parish Council recreation grounds which will be required to provide equipment etc. for ever increasing numbers of new homeowners without any offer of financial assistance.

5.2 KCC (H+T): No objections subject to the following matters being secured by planning condition or obligation:

1. Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to/from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management/signage
2. Provision of measures to prevent the discharge of surface water onto the highway
 3. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
 4. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list.
 5. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
 6. Use of a bound surface for the first 5 metres of the access from the edge of the highway.
 7. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
 8. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

5.3 Southern Water: Comments provided.

5.4 TMBC Leisure Services: Request contributions for open space.

5.5 TMBC Environmental Health:

Contaminated land:

5.5.1 The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. There is the potential for previous uses of the site to have caused contamination of the underlying soils and it is therefore recommended that an intrusive investigation be undertaken. I agree

with this recommendation and request the following conditions. (*Officer note: conditions are located at the end of the report*)

Noise:

5.5.2 Notes the acoustic report submitted by PACEconsult in support of this application.

I acknowledge that some attempt has been made to counter the effects of the Covid Lockdown on this report and reviewing these results and that of the noise report for the neighbouring old memorial hall redevelopment (TM/14/03984/FL), the results do appear to be on a par. The results indicate that whilst noise is a concern matters can be dealt with via mitigation. Therefore if you are minded to approve the application I would recommend the following condition. (*Officer note: conditions are located at the end of the report*)

5.5.3 I would also recommend an informative that during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays. 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. Therefore, if it is possible to prohibit the use of bonfires by way of a planning condition, I would advise that a suitable condition be attached if planning permission is to be recommended. Alternatively, an informative should be attached to this effect.

5.6 Private Reps: 5 + site notice/0X/5R/0S

Objections summarised as follows:

- No parking allowed on nearby village hall;
- Inappropriate density of development is proposed;
- Overlooking into adjacent properties;
- Overbearing impact;
- Insufficient parking;
- On street parking not available;
- Overspill of bins into footpath;
- Hazardous to pedestrians;
- Public transport infrequent;

- Open space contributions should go to Platt Parish;
- Parking would cause noise and disturbance;
- Restrictions should be placed on building hours.

6. Determining Issues:

6.1 The site comprises brownfield (previously developed land) which lies within the settlement boundary of Platt, in which there is no objection in principle to new development, subject to it being appropriate to the scale and character of the settlement as set out by policy CP13 of the TMBCS. The key issues are therefore the impact on the character and appearance of the area, neighbouring amenity, noise and parking and highways.

Character and appearance:

6.2 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

6.3 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

6.4 The scheme would see existing buildings on the site demolished, and new dwellings erected in the form of 4x terraced dwellings on the site frontage, and a terrace of three larger dwellings to the rear. The dwellings on the frontage have been designed to appear as a pair of semi-detached properties with those to the rear more reflective of a traditional terrace. Timber clad weather boarding would be used to reflect local vernacular, including the housing scheme adjacent to the site that already uses these materials. This would be paired with red facing brick at ground floor with clay tiles on the roof.

6.5 Access would be provided down one side of the site into a shared courtyard parking area with 7 spaces. Private gardens would be laid out to the rear of each house.

6.6 The approximate density of the development would be 77 dwellings per hectare (dph). For a comparison, the adjacent site on the old Memorial Hall (permission

granted under reference 14/03984/FL) was roughly 40 dph. The former Brick Maker's arms site, now Brickmakers Meadow, is roughly 48dph on a site of around 0.29ha.

- 6.7 However, there is no prescriptive density matrix set out within national or local policy that suggests permission should be refused simply because density is higher than existing. Furthermore, paragraph 122 of the NPPF is clear that planning decisions should support development that makes efficient use of land. This is considered to be all the more important given then Borough's numerous land constraints, such as Green Belt and AONB, which limit the available supply of land for housing, and also given the Council's inability to demonstrate a 5-year housing supply. Therefore, the key issue is whether the density maintains an acceptable design and layout, or whether harm arises to the character and appearance of the area.
- 6.8 In this regard, whilst third party comments expressing the view that the scheme would be overdeveloped are noted, there does remain a good amount of spacing and open areas across the site. The majority of the site area would remain free from built form, with spacing of over 3.7m between the frontage dwellings and the boundary of adjacent neighbouring property Granville, with an additional 2.4m from the house itself. Separation of over 11.3m would be provided between the adjacent houses on the western boundary.
- 6.9 Additionally, the dwellings on the front of the site would retain good sized front gardens where landscaping and planting can be provided, this would improve the existing appearance of the site. Some of the houses would be obscured from the street scene at the back of the site, behind the frontage properties. The choice of materials is considered to be sympathetic to local vernacular and nearby dwellings. The design of the front terrace as a pair of semis would also serve to reduce perceptions of overdevelopment.
- 6.10 Whilst the proposal would see tandem development at depth from the road frontage, the layout of dwellings in this part of Platt is informal and widely varied, already including development at depth for example at nearby The Ferns or Brickmaker's Meadow.
- 6.11 In terms of the location and appearance of bin stores, this was the primary reason for the withdrawal of a previous application. The applicant has demonstrated how bin storage areas would be provided at the rear gardens of all dwellings except plot 6 (as there is no side access to this property's garden). This house would have a bespoke brick bin storage unit incorporated into the front elevation just below the window.
- 6.12 Although further details would be required for the design of the stores for other properties, it is considered that providing these can be securely sealed, their location in the back garden of the dwellings would not be unusual and would prevent the proliferation of bins along the fronts of houses.

6.13 Overall, it is not considered that the scheme would be harmful to the character and appearance of the area, nor would it constitute overdevelopment. Adequate spacing and separation would be provided, and the design is appropriate for local character. Further details of landscaping can be secured by condition. For these reasons, it is considered that the proposal would accord with policy CP13, being appropriate to the scale and character of the settlement. The development would also comply with policy CP24 of the TMBCs, SQ1 of the MDEDPD and paragraph 127 of the NPPF.

Neighbouring Amenity:

6.14 As previously noted, the development retains good levels of separation from all adjoining properties, from a minimum of 6.1m to the neighbouring dwelling Granville, then ranging from between 11.8m – 14m with the houses on the western boundary.

6.15 For the houses at the back of the site, separation between 13.6m and 24m would be provided between the new houses and the neighbouring dwellings that sit behind the site. Although it is accepted that the houses would be closer to parts of these properties' rear gardens, a good level of separation would still remain overall.

6.16 Therefore, it is not considered that any harmful overbearing or overshadowing effects would result. Although the dwellings are taller than existing buildings, the generous level of separation provided would wholly mitigate any harmful impact.

6.17 In terms of privacy, third party comments have been fully noted. However, all side facing windows could be obscure glazed by condition as these do not serve habitable rooms. Although the dwellings on the front of the site have pitched roof dormer windows in the roofspace, these are orientated into the site rather than towards neighbouring gardens, and therefore it is not considered that any harmful overlooking would result.

6.18 For the dwellings at the back of the site, the layout of the rooms at first floor and the windows have been specifically designed to avoid overlooking into the gardens of the properties behind. In these properties the bathroom is located at the back of the dwellings, so the window would be obscure glazed, with the other window serving the landing and this can also be obscure glazed by condition. No overlooking would be possible from these properties at first floor level from the rear. Therefore, it is not considered that any harmful loss of privacy would result here.

6.19 In summary, the good levels of separation would prevent any harmful overbearing or overshadowing impacts, and the careful placement and orientation of windows, with conditions for obscure glazing, would prevent any loss of privacy or overlooking.

6.20 In terms of noise and disturbance from car movements, as raised by some third parties, it is noted that the site has an existing lawful use as a car dealership, and permission has also been granted for use as a veterinary clinic. Both lawful uses would attract a number of vehicle movements and a level of activity to the site and central parking area, and potentially in excess of the number of movements associated with residential occupation. Because of this, it is not considered that there would be any undue or harmful level of disturbance and activity, particularly in the context of background noise from the A25. The Council's environmental health officer has also not objected to this aspect of the development.

6.21 The development would therefore preserve the amenity of neighbouring properties and no policy conflict is identified in this regard.

Highway safety and parking provision:

6.22 When considering matters of parking and highways safety, it is first important to note that the site has an existing lawful, extant use, i.e. as a car sales showroom or as the veterinary clinic. These uses would inevitably attract a degree of car movements (trips) from customers, staff, and deliveries. These would all cease upon commencement of the development. It should also be noted that the site already has an existing access point directly onto the A25. With this in mind, the policy context is set out as follows.

6.23 Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.24 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.25 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly

harm highway safety and where traffic generated by the development can adequately be served by the highway network.

- 6.26 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. The aims of Policy SQ8 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework in respect of these matters.
- 6.27 Kent County Council, as the statutory highways authority responsible for matters of road safety, have considered the scheme in detail, and raised no objection. Accordingly, there is no evidence before the Council to suggest otherwise and the scheme would not have any harmful impact on the safety and operation of the public highway, subject to the imposition of conditions.
- 6.28 In terms of parking provision, the high level of third-party representations on this matter are noted. It should be reiterated that KCC do not consider there to be any highways safety issues arising from the level of parking provision, so parking can only be considered as an amenity issue, for example, would it result in unacceptable displacement of parking causing a nuisance to neighbouring dwellings or undesirable and inconvenient living conditions for future occupiers.
- 6.29 The Council's adopted parking standards set out in the Kent Design Guide Review: Interim Guidance Note 3, explain that parking should be considered based on location, and number of bedrooms. Two different standards apply, depending on whether the site is considered to fall within a village or suburban area. This would equate to a parking requirement of either 1.5 spaces per dwelling or 1 space per dwelling respectively.
- 6.30 Although it is accepted that Platt is more commonly referred to as a village, it is nonetheless joined to the larger conurbation of Borough Green which remains within walking distance from the site. This means that future occupiers have access to all the same services and facilities in Borough Green, including the train station.
- 6.31 Therefore, it is considered difficult to argue that for the purposes of applying the parking standards, the site should be considered rural or a village. This is considered to more accurately apply to isolated villages, for example Crouch, Offham or Wrotham, where there is little to no access to public transport or day to day services. Platt clearly has significant sustainability advantages over these locations that would unarguably fall within the village/rural category envisaged by the parking standards.
- 6.32 Therefore, applying the suburban parking standards, the scheme would be in compliance with the 1 space per unit that is required. However, even if the village/rural standards were to be applied, this would equate to a shortfall of 3.5

spaces. But because of the site's location and lack of availability of on street parking, it is considered highly unlikely that future occupiers would actually own more than one car. The A25 cannot be parked on and the nearest road, Long Mill Lane, is narrow and also very limited for on street parking. Future occupiers of the development would be unlikely to park so far away with no security or oversight on their vehicles, which would not be conveniently located for easy access back to their house.

6.33 Therefore, it is considered far more likely that future occupiers would make an informed choice about whether the level of parking provision proposed would be suitable to meet their needs, and anyone owning two cars would be deterred by the absence of any nearby on street parking anyway.

6.34 The absence of visitor parking is not ideal and accepted as a design flaw. However, given the reasonable proximity of the station and bus stops, public transport would be one option for visitors to reach the site. There are also public car parks within Borough Green that could be used as an alternative.

6.35 In the absence of any highway's safety objection, and the reasonable walking distance to public transport and shops and services, it is not considered that any shortfall in parking provision would justify a refusal of planning permission. As already noted, when the suburban standards are applied, which officers consider to be a better reflection of the area in terms of the definitions set out in the parking standards, the level of parking proposed would actually be in line with adopted standards. Whilst the absence of any visitor parking is not ideal, there are options for parking within reasonable distance, and ultimately it is not considered that any demonstrable planning harm would arise.

6.36 On balance, it is therefore considered that the level of parking provision is sufficient, and no objections are raised under policy SQ8 of the MDEDPD or paragraph 109 of the NPPF.

Other technical matters:

6.37 The Council's environmental health officer has reviewed the submitted acoustic reports and is satisfied that, subject to conditions, an acceptable noise climate can be achieved.

6.38 In other matters, each site would benefit from a private garden area and all units would be dual aspect. It is considered that the development would provide a good standard of amenity for future occupiers.

6.39 Due to the site's previous uses it is considered reasonable and necessary to impose conditions requiring further investigation as to potential land contamination and remediation prior to occupation. Conditions removing permitted development rights are also considered to be necessary to prevent overdevelopment of the site and to avoid a further reduction in the garden space.

Planning obligations:

6.1 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

6.2 Paragraph 56 of the NPPF reflects this statutory requirement.

6.3 The Council's Leisure Team have requested contributions in recognition of the increased impact on public realm and open space in the area, as a result of additional occupants of the development. The contributions sought are set out as follows:

- Parks & Gardens – £6,875 for Leybourne Lakes Country Park
- Outdoor Sports Facilities - £12,614 towards the Recreation ground, Borough Green
- Children's and Young People's Play Areas - £1,656 for Staleys Acre play area, Borough Green play area
- Natural Green Space - £1,724 towards Crow Hill, Borough Green, Platt Woods

Total contributions towards open space: £22,870.

6.4 The level of contributions are set in the MDEDPD policy OS3, which requires all residential developments of 5 units or above (net), to provide open space provision in accordance with the quantitative standards set out in Policy Annex OS3. The form and level of provision of open space will be determined in accordance with the sequential approach and methodology set out in Annex D to the policy.

6.5 The applicant has agreed to pay these contributions in order to comply with the requirements of the adopted development plan. A signed unilateral undertaking (UU) has been signed; as of writing this report is expected to arrive with the Council imminently. This agreement would commit the applicants to paying these sums to the Council prior to the first occupation of the development.

6.6 These contributions would go towards open space used by residents of Platt and the surrounding community, and help to offset any additional maintenance and

upkeep costs as a result of use of these facilities by future occupants of the development.

Overall conclusions and planning balance:

- 6.7 As previously developed (brownfield) land, national policy is strongly supportive of the redevelopment of this type of site. As Members will be well aware by now, Tonbridge and Malling Borough Council cannot currently demonstrate a 5-year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing (whatever the specific type or nature) carries significant weight.
- 6.8 This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts would significantly and demonstrably outweigh the benefits, which is the specific test provided for at paragraph 11 (d) (ii) of the NPPF in terms of applying the presumption in favour of sustainable development.
- 6.9 Although third party concerns regarding the quantum of development have been fully noted, at the same time, the site is not Green Belt or green field land, it is not within a Conservation Area or near to sensitive Listed buildings. Overall, in light of the Council's lack of 5-year housing supply, it is considered important to ensure that brownfield sites like this are used efficiently and provide the optimum amount of housing. In any case, it is considered that the design, layout and level of spacing is sufficient to avoid any harm to the character and appearance of the area and would therefore meet policy expectations for a high standard of design, as well as avoiding harm to neighbouring amenity.
- 6.10 Accordingly, there are no policies in the NPPF that protect areas or assets of particular importance that would provide a clear reason for refusing the development proposed, and furthermore there are not considered to be any adverse impacts would significantly and demonstrably outweigh the benefits of providing 7 new homes on this sustainable, brownfield site. I therefore recommend as follows:

7. Recommendation:

- 7.1 **Grant Planning permission** in accordance with the following submitted details:
Site Plan Additional plan 1 dated 20.11.2020, Elevations Additional plan 2 dated 20.11.2020, Elevations Additional plan 3 dated 20.11.2020, Street Scenes BDS.1696.P02A dated 09.10.2020, Existing Plans and Elevations BDS.1696.P03 dated 09.10.2020, Site Plan BDS.1696.P04C Proposed dated 09.10.2020, Street Scenes BDS.1696.P05A Proposed dated 09.10.2020, Proposed Plans and Elevations BDS.1696.P06A dated 09.10.2020, Proposed Plans and Elevations BDS.1696.P07A dated 09.10.2020, Plan BDS.1696.P08 Separation dated 09.10.2020, Location Plan BDS.1696.P01B dated 09.10.2020, Planning, Design

And Access Statement dated 09.10.2020, Planning, Design And Access Statement Appendix 1/2 dated 09.10.2020, Noise Assessment dated 09.10.2020, Transport Statement Technical Note dated 09.10.2020, Desk Study Assessment Parts 1/3 Contaminated Land dated 09.10.2020, and:

- The applicant entering into a planning obligation under section 106 of the Town and Country planning Act 1990 (as amended) with the Borough Council to make financial contributions towards public open space;
- The applicant has agreed to the contributions outlined within this report. A S106 agreement is currently being finalised and is expected to be received by the time this report is published. For the avoidance of doubt, it is suggested that the S106 should be completed well within 3 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 26 May 2021, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.
- The following conditions:

Conditions

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

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

2. This decision refers to the red-edged site location plan, reports and drawings numbered Site Plan Additional plan 1 dated 20.11.2020, Elevations Additional plan 2 dated 20.11.2020, Elevations Additional plan 3 dated 20.11.2020, Street Scenes BDS.1696.P02A dated 09.10.2020, Existing Plans and Elevations BDS.1696.P03 dated 09.10.2020, Site Plan BDS.1696.P04C Proposed dated 09.10.2020, Street Scenes BDS.1696.P05A Proposed dated 09.10.2020, Proposed Plans and Elevations BDS.1696.P06A dated 09.10.2020, Proposed Plans and Elevations BDS.1696.P07A dated 09.10.2020, Plan BDS.1696.P08 Separation dated 09.10.2020, Location Plan BDS.1696.P01B dated 09.10.2020, Planning, Design And Access Statement dated 09.10.2020, Planning, Design And Access Statement Appendix 1/2 dated 09.10.2020, Noise Assessment dated 09.10.2020, Transport Statement Technical Note dated 09.10.2020, Desk Study Assessment Parts 1/3 Contaminated Land dated 09.10.2020. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

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

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

4. The windows on the first floor south elevation marked as obscure glazed on plan BDS-1696-P07 A, and on the east and west (flank) elevations marked as obscure glazed on plan BDS-1696-P06 A shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the building is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

5. The development hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces 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 and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

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

6. Before the development hereby approved is occupied a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: 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. Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of local amenity and highway safety.

8. The use shall not be commenced, nor the premises occupied until full details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

9. The use shall not be commenced, nor the premises occupied until full details of a scheme for the storage of cycles has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the storage of cycles and preserve visual amenity.

10. Before the development hereby approved is occupied, details of the installation of car charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved and retained thereafter.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with paragraph 110(e) of the NPPF.

11. No development shall take place other than as required as part of any relevant approved site investigation, remediation or demolition 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 historic underground fuel storage infrastructure shall be removed together with any associated hydrocarbon contamination. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of these works.

c) prior to the first occupation of the development the relevant approved remediation scheme shall be completed 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.

12. The effectiveness of the remediation scheme shall be verified in two phases.

a) The first phase will cover the removal of the fuel storage infrastructure and associated contamination and will be submitted prior to commencement of the development.

b) Following completion of the remainder of the approved remediation strategy, and prior to the first occupation of the development, a final verification report shall be submitted.

In each case, the verification report shall scientifically and technically demonstrate the effectiveness and completion of that phase of the remediation scheme at above and below ground level and shall be submitted for the information of the Local Planning Authority.

The reports 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 those 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.

13. Before the dwellings hereby approved are occupied full details of a scheme of acoustic protection of habitable rooms of the proposed dwellings have been submitted to and approved in writing by the Local planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30dB LAeq in bedrooms and 40dB LAeq in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40dB LAeq in bedrooms and/or 48dB LAeq in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78dB L_{Amax} (slow time weighting). The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To ensure a suitable noise environment for future occupants.

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

Reason: To prevent overdevelopment of the site and loss of garden space.

15. The development shall be constructed at the level indicated on the drawing referenced BDS-1696-P05 A received on 09.10.2020

Reason: To accord with the terms of the application and to protect the visual amenity of the area.

Informatives

1. A formal application for connection to the public sewerage system is required in order to service this development. More information is available on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.

c) Where neither of the above is practicable: a sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

- 2 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 addresses to the new properties. To discuss the arrangements, you are invited to e-mail to addresses@tmhc.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.
- 3 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

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