

**East Malling And
Larkfield**
East Malling

3 November 2020

TM/20/02454/FL

Proposal: Development of 2no. detached houses with associated access, parking, and gardens
Location: Land Between 166 And 194 The Rocks Road East Malling West Malling Kent
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1. Description:

1.1 This is a resubmission of an application previously refused by APC3 at the meeting of 20 August 2020. As with the last scheme, this latest proposal is for 2x new detached dwellings on land situated between 166 And 194 The Rocks Road. The application makes various changes in order to seek to overcome the last reason for refusal. The changes can be summarised as follows:

- House 1 moved away from neighbouring boundary at 166;
- Revised topographical survey data provides accurate ground levels;
- Streetscape assessment provided;
- Full landscape strategy; and
- Clarification of Highways land ownership

1.2 The dwellings have been designed to be reflective of the edge of village/rural setting, deploying materials and forms that are generally characteristic of properties found in the surrounding area and the Conservation Area.

1.3 The dwellings are proposed to be sited on either side of the site, fronting the road, with oak framed garages located in the middle. Parking and landscaping would be provided with a central shared access point. Gardens are laid out for each dwelling to the rear with a communal front drive.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Michelle Tatton to consider if the application has overcome previous concerns which lead to the ground of refusal.

3. The Site:

3.1 The site is a parcel of land located between two dwellings on the southern outskirts of East Malling. It lies just outside of the defined settlement boundary of East Malling, and beyond the Conservation Area, in designated open countryside as set out under policy CP14. Behind the site are new build dwellings granted

permission under reference 15/00547/FL. Although outside of the designated village boundary residential development now surrounds the site on all sides and the area is difficult to distinguish from the formally designated village limits.

3.2 Accordingly, the character of the site remains that of an edge of village location rather than purely rural. No other relevant designations exist.

4. Planning History (relevant):

TM/92/00247/OA refuse 10 December 1992

outline application for detached chalet style dwelling

TM/19/02663/FL Application Withdrawn 22 January 2020

Development of 3no. detached houses with associated gardens and parking

TM/20/00483/FL Refuse 21 August 2020

Development of 2no. detached houses with associated gardens and parking

5. Consultees:

5.1 PC: This site marks the transition from the more built-up area along The Rocks Road as it leads out of East Malling into the countryside to the south. The road here is a one track one, at a lower level than the land either side, and the extent of the carriageway is now clear after recent resurfacing. It can be described as a rural lane with hedges including along the frontage of this site. The site itself is outside the settlement boundary of East Malling.

5.1.1 The Parish Council has yet to be convinced that the extent of the limits of the public highway is correctly described. This is not a case of where the Highway Authority owns the land under the highway as is the case for new modern roads (as implied in the application) and the extent of the highway is a matter of historical evidence and the factual position on the ground. The Parish Council have noted the properties on either side claim ownership of the hedges in front of their properties and that they are not within the limits of the highway. Given this the sight lines cannot run through either of these hedges.

5.1.2 The last application was refused on the basis that visibility splays to serve the development in any event could not be achieved without causing unacceptable harm to the character and appearance of the locality. The Parish Council struggle to see how the fresh application changes the position. It is considered the appearance of the lane and rural street scene would be adversely affected.

5.1.3 It is noted the building has been moved a little from the adjoining bungalow at 166 but on that issue it is felt that it could be moved further still which would reduce the impact on 166 which it is considered would be desirable.

Additional representation received on 13 January 2021:

5.1.4 The Parish Council remains concerned about the sight lines as the letter from KCC Highways of 30th November indicated 43metres was required but the letter now received of 7th January 2021 now seems to accept a reduced figure of 29 metres. The first letter talks about trimming back hedges, but it is not specific which hedges are involved. IF the hedges are outside the plot involved but are those belonging to the properties either side it is not clear at all this would be possible.

5.1.5 If hedges involving other people are involved, it would seem the Certificate A may be incorrect and notice should be served on those adjoining owners. This needs to be tied down as suggested in the first letter from KCC before this application proceeds.

5.2 KCC (H+T): Ordinarily this type of application would be a matter, which does not require the highway authority to comment. However, a safety concern has been raised over the site access and it is deemed necessary for KCC to respond. Speed surveys were undertaken and formed the basis of a response for a previous application on this site. The survey results showed 85th percentile speed of 24mph, this equates to required visibility splays of 29 metres (32 metres including for car bonnet length), which is achievable from the proposed development.

5.2.1 The Rocks Road is single track that has low vehicle volumes and as previously mentioned recorded 85th percentile speed of 24mph. Taking these factors into consideration - The Rocks Road does not offer any safety concerns due to the low speed and the development is for two dwellings with one joint access only, therefore, I confirm that provided the following requirements are secured by condition or planning obligation, then KCC would raise no objection on behalf of the highway authority:-

5.2.2 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

(f) Provision of measures to prevent the discharge of surface water onto the highway.

5.2.3 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.

5.2.4 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:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

5.2.5 Provision and maintenance of 2 metres x 32 metres visibility splays at the access with no obstructions over 0.6 metres above carriageway level within the splays, prior to use of the site commencing.

5.3 KCC Archaeological Officer: The site of the proposed works lies in an area of potential associated with Medieval and Post Medieval agrarian activity. Remains associated with Post Medieval or earlier activity may survive on the site and as such I recommend the following condition is placed on any forthcoming consent.
(Officer note: conditions located at the end of the report)

5.4 TMBC Environmental Protection: During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties 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 Holidays.

5.4.1 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. I would thus recommend that bonfires not be had at the site.

5.5 Private Reps: 19+ site notice/0X/14R/5S:

Objections summarised as follows:

- Road too narrow
- Impact of lorries
- Nearby cottages are old and could be damaged
- Query where parking will occur
- Loss of wildlife

- Semi-rural area not suitable for further housing
- Houses are not of an acceptable design
- Loss of sunlight
- Query land ownership
- Question provision of visibility splays
- Destruction of hedgerow
- Too overbearing
- Loss of outlook
- Shown as unsuitable on TMBC call for sites
- Disagree with streetscape assessment
- Question ecology survey as site was already cleared
- Access could be blocked
- Not enough parking
- Many ponds in the area
- Request condition on lighting
- Full daylight and sunlight submission should be provided

Representations in support summarised as follows:

- Application has thought about how the houses would fit in with the surroundings
- Site abandoned for years
- Scheme is for everyday people that want to build a couple of houses
- 300 houses approved down the road
- No concerns from waste services
- No objection from Natural England
- Highways have no concerns

- House has moved away from No. 166
- Visual improvements
- NPPF states there should be a presumption in favour of development

6. Determining Issues:

- 6.1 Firstly, it should be made clear that the scope of this application is to consider whether the sole reason for refusal advanced by the Council in respect of the last scheme has been overcome (and whether in doing so any new harms/policy conflicts arise). For the avoidance of doubt, the previous reason for refusal is set out as follows:

“The Local Planning Authority is not convinced on the basis of the evidence put before it that visibility splays sufficient to serve the proposed development in a safe manner without causing unacceptable visual harm to the character and appearance of the rural locality can be provided. As such, the proposed development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.”

- 6.2 Case law has established that consistency in the decision-making process is important to ensure public confidence in the development management system. Like for like cases should be determined in a consistent manner. Aside from the noted changes set out at the beginning of this report, the proposed development is otherwise the same as previously considered, and therefore must be determined consistently insofar as most matters were considered acceptable in the last case.
- 6.3 To this end, the Council did not advance reasons for refusal with regards to neighbouring amenity/loss of daylight/sunlight, design of the dwellings, the principle of residential development on this site, its sustainability or on the grounds of harm to ecology. Furthermore, no reason for refusal was advanced on concerns over construction feasibility, damage to neighbouring properties, impact on the nearby Conservation Area or on additional car movements.
- 6.4 Accordingly, the key matters for consideration now are whether the evidence submitted demonstrates that the required visibility splays can be provided without causing unacceptable visual harm to the character and appearance of the rural locality.

Provision of sufficient visibility splays:

- 6.5 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. Paragraph 110 goes on to state that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.6 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.

6.7 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.

6.8 Members will note the detailed response provided by KCC (H+T) in these respects. They raise no concerns with the proposed provision of splays, noting that for two dwellings the number of additional movements will be minor. They also note that the road has low recorded speed and low existing vehicle movements. Subject to the imposition of conditions securing the required splays, they do not raise any highways safety objections.

6.9 Additionally, their assessment includes consideration of whether the splays are likely to be possible within the extent of the applicant's land ownership/highways ownership and raise no concerns in this regard. This also includes the provision of

additional landscaping and planting that are now proposed to preserve the rural character, alongside the necessary visibility splays.

- 6.10 Therefore, whilst the volume of third-party objections in this regard are noted, the Council does not have any evidence before it to suggest that a highways safety issue would arise. I would reiterate that for two houses additional vehicle movements are going to be minor, and the low recorded speeds on the road mean that extensive visibility splays are not required, since approaching traffic would be mindful of the width of the road and existing driveway access points.
- 6.11 Overall, it is considered that there is simply no case to suggest that the proposed splays would result in any unacceptable highways safety impacts. This is the required test set out at paragraph 109 of the NPPF; which makes it clear that permission should only be refused on highways safety grounds if there would be an “unacceptable” impact. This represents a high bar to clear, and there is no evidence that anything approaching “unacceptable” safety impacts would occur.
- 6.12 Accordingly, the scheme is considered to wholly comply with the requirements of policy SQ8 of the MDEDPD and paragraph 109 of the NPPF.

Whether unacceptable visual harm would occur to the character and appearance of the rural locality:

- 6.13 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.
- 6.14 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).
- 6.15 The revised scheme now includes provision for additional tree planting along the front boundary, and in combination with the confirmation from KCC that the required splays are acceptable, it can be seen that only a small area of hedgerow would need to be removed to provide access and splays. The site frontage would otherwise remain planted and provide effective screening from the development. The additional trees would also enhance the semi-rural/edge of village character and provide some measure of enhancement above the existing position, where the site does not contain any prominent tree specimens. Planting of these trees prior to occupation can be secured by condition.

6.16 Accordingly, in light of the ground of refusal advanced on the last scheme, it is considered that the additional planting and clarification on the extent of required splays is sufficient to ensure that no unacceptable visual harm would occur to the character and appearance of the rural locality. Since the design of the dwellings was not identified as harmful in the last application, the development is considered to be in accordance with paragraph 193 of the NPPF, CP24 of the TMBCS or SQ1 of the MDEDPD.

Other Matters:

6.17 As previously noted, no concerns were raised by the Council on the last application with regards to neighbouring amenity, ecology, or impact on the nearby Conservation Area. The location of the dwelling for plot 1 has also been moved to pull it further away from the northern boundary with neighbouring property 166, so if anything, this offers a further betterment over the previously determined application. Furthermore, the scheme in its revised form gives rise to no new issues or harms. Nonetheless, for the avoidance of doubt, the relevant policy and conclusions are addressed again below.

Principle of development/1992 appeal decision/call for sites:

6.18 A number of third-party comments have referred to the 1992 appeal decision which dismissed an application for residential development on the site. Reference is also made to the outcome of the 2017 call for sites process which found the site unsuitable for a local plan allocation. Since all these matters are relevant to whether residential development can be accepted on the site in principle, it is considered necessary to address them under this heading.

6.19 The site lies in designated countryside, where policy CP14 seeks to control new development to a closed list of exceptions, of which residential development is not one. However, 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. 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. As a result of the tilted balance being engaged and the presumption in favour of new housing, conflict with policy CP14 is no longer sufficient justification to resist the delivery of housing on sites like this. This is because local plan policy designations for countryside areas do not fall within the definition of “policies in the NPPF that protect areas or assets of particular importance” and therefore the tilted balance and presumption cannot be disengaged on this basis.

6.20 Furthermore in broad policy terms the circumstances of the current application are very similar to a number of applications permitted on appeal across the borough, in edge of settlement locations close to existing dwellings. In light of this whilst the

application is contrary to CP14 the site cannot be considered inherently unsustainable and because of the Council's 5 year housing position the presumption in favour of development must apply.

- 6.21 In terms of the 1992 appeal, I note comments from the Parish Council and third parties that suggest that there have been no material changes since that decision. However, I cannot agree with this view. The adoption of the NPPF and the presumption in favour of sustainable development, the requirements to meet in full the objectively assessed housing need and maintaining a 5-year housing supply mark very significant changes in circumstances. Over 28 years have passed since that appeal decision and, given the substantial change in the policy context, the application can and must be considered afresh.
- 6.22 As to the site being found unsuitable under the "call for sites" process as part of the local plan evidence base gathering, this is an assessment to consider if land is suitable for formal allocation in the new local plan. There are different criteria that are considered under this assessment, and sites must be able to accommodate a minimum level of development. The fact that a site was excluded from this process does not preclude an application being made and neither is it any form of justification in itself to prevent permission being granted, if the proposal is considered to be compliant when assessed against adopted and national planning policy.
- 6.23 Additionally, in its reason for refusal on the last scheme, the Council did not take issue with the principle of residential development on the site.
- 6.24 Accordingly, neither conflict in principle with policy CP14, the 1992 appeal decision nor the outcome of the call for sites process provide sufficient justification to resist the principle of residential development on the site. The only means to disengage the titled balance under paragraph 11 (d) (ii) of the NPPF is if the benefits of granting permission are significantly and demonstrably outweighed by any adverse impacts.

Neighbouring amenity:

- 6.25 Each building would not extend beyond the rear building line of adjacent properties. Plot 1 is set significantly far back from the adjacent dwelling at 166; this has been increased in comparison to the previous scheme as noted earlier in the report. House 2 is almost completely in line with the neighbouring properties rear elevation. A good level of separation would be provided between the boundaries and this is not dissimilar to the relationship between other nearby dwellings and their neighbours.
- 6.26 Accordingly, it is not considered that the development would result in any harmful overbearing, overshadowing or loss of light. Neighbouring garden areas would remain largely unaffected regardless of the height and bulk of the new buildings.

- 6.27 It is noted that a neighbour has submitted a letter by surveyors Smith Marston considering the potential impact on sunlight to the adjacent dwelling at number 166. The letter suggests that there would be a loss of sunlight to one of the habitable rooms on the side of the property, and that a detailed sunlight assessment should be carried out. It is also noted that the letter does not suggest more than a single side room would actually be affected.
- 6.28 In any event, in the last application, in which the proposed dwelling was located closer to this property, the Council did not advance reasons for refusal on the grounds of harm to neighbouring amenity/loss of sunlight/daylight. In not refusing the application on these grounds, the Council formed a judgement that overall whilst there may be some change in outlook and light to the adjacent neighbour, it would not as a whole result in harm that would justify a refusal. This is a balanced judgement that the Council was entitled to make, in default, by not refusing on these grounds.
- 6.29 It may be that there is a change in sunlight to this one room as a result of the proposed development. However, the increased separation from this property would improve the position above the last scheme which, as noted, was considered to be acceptable on balance.
- 6.30 I am therefore of the view that this letter does not amount to a material consideration sufficient to alter the Council's previous stance on this matter. The loss of some light to a single side facing room, where the remainder of the dwelling and its rooms and garden are otherwise unaffected, is not considered sufficient grounds to withhold permission, all the more so in light of the Council's previous conclusions.
- 6.31 As the letter notes, *"It is at the discretion of the Council to grant planning permission despite a failure of the scheme to fully meet the targets within the BRE guide in relation to loss of daylight and sunlight."* Officers agree with this assessment and consider this to be an example of such a case.
- 6.32 The letter also suggests *"where a Council has stated that the BRE guide will be used.... there is a legal requirement for that course of action to be adhered to by the Council."* The Council does not have BRE guidance written into adopted policy nor has it ever stated that it will be used as a point of reference, informally or otherwise, to consider daylight and sunlight impacts. Therefore, it is not considered that there is any policy basis to consider this matter in any further detail, again in light of the conclusions set out above. As a result, there is no legitimate expectation by applicants or neighbours that BRE guidance would be applied, and so there would be no *"procedural failure[s] of the Council to adhere to their own laid-out standards in relation to the correct consideration of the effect of a loss of daylight and sunlight"* as suggested in the letter.
- 6.33 Ultimately BRE guidance on daylight and sunlight impacts is indeed guidance and no more than "rule of thumb" that may indicate the effects of a development on

daylight and sunlight. It is still for the Council to form an overall judgement. The letter itself does not actually amount to a full technical assessment of daylight and sunlight anyway, it is only the opinion of the author as to what the effects may be.

6.34 Drawing all these factors together, I do not consider there to be any justification for a refusal on amenity grounds. This scheme has only improved the position last time and, notwithstanding the contents of this letter, the Council is entirely justified in taking an “on balance” approach and concluding that regardless of some change in light to a single side room, the neighbouring property as a whole would be otherwise unaffected and their amenity would not be harmed.

6.35 In terms of privacy whilst rear terraces are proposed, privacy screens would be installed to prevent overlooking, and all side windows at first floor and above can be obscure glazed and non-opening by condition. As such, it is considered that the development would not have a harmful impact on neighbouring amenity.

Conservation Area:

6.36 The East Malling Conservation Area ends further to the north and there is intervening development in between. As such it is not considered that the site makes any positive contribution to its setting and neither would the development be harmful to its setting. The significance of the Conservation Area as a designated heritage asset would be preserved.

6.37 Accordingly no policy conflict with paragraph 193 of the NPPF, CP24 of the TMBCS or SQ1 of the MDEDPD is identified.

Ecology and protected species:

6.38 Paragraph 175 of the NPPF requires developments to not harm biodiversity or protected species. This is consistent with the aims of policy NE3 of the MDE DPD that seeks to avoid harm to biodiversity.

6.39 The applicants have provided a professionally prepared ecology survey which was unable to find evidence of protected species being present on the site. Whilst third party comments suggesting that the site was cleared prior to the survey are noted, this does not require planning permission and protected species are still protected under different legislative regimes from harm. The survey does not recommend further work is required and therefore notwithstanding third-party comments there is no technical evidence that protected species would be harmed by the development. The approved landscaping scheme can also incorporate measures to improve biodiversity on the site and this will be secured by condition. Accordingly, the development would comply with policy NE3 of the MDEDPD and paragraph 175 of the NPPF.

Conclusions and overall planning balance:

- 6.40 As before, the development would provide two new homes towards local shortfall. 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. 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. The policies referred to in the NPPF are a closed list and refer, among other things, to areas such as Green Belt, Listed buildings or AONB. None of these apply here.
- 6.41 There are no relevant policies that would provide a clear reason for refusing the proposed development. Furthermore, there is no planning harm identified in terms of character and appearance, neighbouring amenity, parking and highways or protected species. No adverse impacts would occur that would significantly and demonstrably outweigh the benefits of providing two new homes.
- 6.42 Members will be aware that only if the adverse impacts significantly and demonstrably outweighed the benefits could permission be refused. My conclusion given the preceding assessment is that there are no significant or demonstrable adverse impacts that could lead to a refusal of planning permission and as such the following recommendation is put forward.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Statement summary of changes dated 03.12.2020, Archaeological Assessment dated 04.01.2021, Block Plan 150C Proposed dated 03.11.2020, Site Layout 151E Proposed dated 03.11.2020, Proposed Plans and Elevations 152B House 1 dated 03.11.2020, Proposed Plans and Elevations 153C House 2 dated 03.11.2020, Street Scenes 154F dated 03.11.2020, Proposed Plans and Elevations 155C Car Barns dated 03.11.2020, Street Scenes 156A Comparison dated 03.11.2020, Topographical Survey 20195_01 dated 03.11.2020, Block Plan 75 dated 03.11.2020, Site Layout 76 dated 03.11.2020, Location Plan dated 03.11.2020, Assessment Section 1-2 Streetscape dated 03.11.2020, Assessment Section 3-5 Streetscape dated 03.11.2020, Planning, Design And Access Statement dated 03.11.2020, Ecological Assessment dated 03.11.2020, Landscaping 0375-20-B-21 dated 03.11.2020, Statement dated 07.12.2020, subject to the following conditions:

Conditions

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

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

- 2 No 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.

- 3 The windows on the first and second floor side elevations marked as obscure glazed shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be affected before the building is occupied and shall be retained thereafter.

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

- 4 The development hereby approved shall not be occupied until the areas shown on the submitted layout for vehicle parking spaces, turning, visibility splays and access onto the highway has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no obstruction or permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access or visibility to the site and reserved parking spaces.

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

- 5 The garages shown on the submitted plans shall be kept available at all times for the parking of private motor vehicles and not enclosed.

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

- 6 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 residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 7 The scheme of landscaping and boundary treatment shown on the approved plans referenced 0375/20/B/21 and received on 3rd November 2020 shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

- 8 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

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 address(es) to the new property/ies. 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.

Contact: Adem Mehmet