

Kings Hill
Kings Hill

19 July 2021

(A)TM/21/01995/RM
(B)TM/21/02002/RM

Proposal:

Application (A) Reserved Matters application pursuant to conditions 1, 6, 7, 8, 9, 10 and 11 of outline planning permission TM/18/03030/OAEA (Outline Application: Redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access
(Site 5.1))

Application (B) Reserved Matters application pursuant to conditions 1 (reserved matters), 6 (materials), 7 (finished floor levels), 8 (landscaping), 9 (amenity space), 10 (arboricultural report), and 11 (landscape and ecological management plan) of outline planning permission TM/18/03033/OAEA for details of the redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access **(Site 5.6)**

Location:

Application (A) Development Site Between 1 Tower View And 35 Kings Hill Avenue Kings Hill West Malling Kent

Application (B) Development Site Between 23 Kings Hill Avenue And 8 Abbey Wood Road Kings Hill West Malling Kent

Go to:

[Recommendation](#)

1. Description:

- 1.1 Outline planning permission was granted by the Planning Inspectorate for residential developments on parcels of land described as Sites 5.1 and 5.6. Both sites are situated within the business park area of the Kings Hill estate. Each development parcel includes 70 residential units across apartment blocks, with associated parking, landscaping and infrastructure incorporated. In both cases, 40% affordable housing provision was secured.
- 1.2 The grant of outline planning permission in both instances means that the principle of residential development at this quantum on these sites has been accepted and cannot be revisited via consideration of the reserved matters. Furthermore, the off-site impacts arising from the provision of 70 residential units on each of the sites in respect of traffic generation and pressure on local infrastructure have been considered and found to be acceptable by the Planning Inspectorate subject to appropriate mitigation measures already secured by condition and planning obligations. Again, these matters cannot

form any part of the determination of the reserved matters at this time. In all respects, these latest submissions accord with the parameter plans agreed by the inspector.

- 1.3 Members are therefore asked to consider the detail of the scheme relating to the reserved matters, namely appearance, landscaping, layout and scale in addition to external materials, finished floor levels, landscaping details, amenity space, trees, landscape and ecological management.
- 1.4 Given that the outline planning permissions were both allowed at appeal following a conjoined public inquiry and given the overlap in adopted policy position and material planning considerations, it is considered appropriate to report the applications by way of a single report, with two recommendations for Members to consider.
- 1.5 Members will recall that the inspector presiding over the public inquiry in respect of these applications also considered a further site on the Kings Hill estate for residential development. This was also subsequently allowed. The reserved matters for that scheme have also been submitted to the Council for determination and will be reported separately to a future meeting of the Area 2 Planning Committee once remaining technical matters have been resolved. There is no need for the determination of the applications subject to this report to be delayed until that time.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Brown to allow the committee to consider provision of car parking and affordable housing.

3. The Site:

- 3.1 Both sites lie in the business park area of the Kings Hill estate and comprise parcels of land situated in between substantially sized office blocks. They are both located north of Kings Hill Avenue, with Site 5.1 located immediately adjacent (west) of the Kimberley Clarke building and Site 5.6 further west within a small complex of buildings off Abbey Wood Road.

4. Planning History (relevant):

Application A:

- 4.1 TM/18/03030/OAEA

Outline Application: Redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (Site 5.1)

Allowed on appeal 14.02.2020

Application B

4.2 TM/18/03033/OAEA

Outline Application: Redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (Site 5.6)

Allowed on appeal 14.02.2020

5. Consultees:

Application A:

5.1 PC: No objections raised but the following comments made:

- The increase in number of two-bedroom flats will lead to an increase in cars per flats and agreed that there is not enough residential or visitors parking spaces. We acknowledge that Bellway have followed Kent IGN 3 Parking Standard
- The committee ask that the number of parking places for residents and visitors is increased. If the parking allocation is not increased residents will find parking the surrounding Commercial Car Parks
- There is currently only one allocated disabled parking space The committee request that there is an increase of disabled parking for both residents and visitors
- The 4 storey blocks are not in keeping with the commercial building surrounding the new build

5.2 KCC (H+T):

5.2.1 Original representations dated August 2021 requested clarification on the level of cycle storage provision.

Final representations dated October 2021:

5.2.2 Layout: Site development will have one access point from Abbey Wood Road, with accompanying Emergency Access arrangement via A228 Malling Road. Internal layout has been designed sufficiently to handle all types of vehicle expected, such as refuse truck. Car park has been designed to ensure all spaces are accessible regardless of location within the site.

5.2.3 Parking: Vehicular parking consists of 69 un-allocated, 14 visitor and 1 mobility impaired parking spaces. Eight spaces will have active provision for electric vehicle charging points and a further eight spaces for passive provision. Minimum of one secure and covered bicycle space per dwelling is to be provided.

5.2.4 Refuse Storage: Each apartment block is provided with bin store, with collection taking place within 10 metres, between store and vehicle.

5.2.5 Surface Water Drainage: KCC SUDS to provide feedback on this element.

5.2.6 Summary: I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

1. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
2. 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.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

5.2.7 Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

5.2.8 Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

5.2.9 Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

5.2.10 Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in

every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 5.2.11 Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

[DPHEH: the conditions required at paragraph 5.2.6 above were suitably addressed in the outline planning permission and do not need replicating at reserved matters stage.]

- 5.3 KCC (LLFA): Original representations dated September 2021 – holding objection lodged pending further consideration of layout/mitigation measures.

Final representations dated 04 January 2022:

- 5.3.1 This application is supported by a Drainage Statement produced by Herrington Consulting Limited (dated 4th January 2021). The strategy to discharge the surface water runoff is via deep bore soakaways on site. It is noted that a ground investigation report has been provided including soakage test results. The plan provided showing the areas of surface water flood risk is acceptable, however, an evacuation management plan is required as there is an area of high surface water flood risk outside one of the proposed buildings. This can be provided at the next stage. If your authority is minded to approve this application, we would recommend the inclusion of the following conditions with any approval:

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including

any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 5.4 SWS: No objections raised
- 5.5 TMBC Housing Services: General comments made.
- 5.6 TMBC EP: No comments to make
- 5.7 TMBC Waste Services: No comments to make
- 5.8 Private Reps: None received

Application B:

- 5.9 PC: As above
- 5.10 KCC (H+T): As above

5.11 KCC (LLFA): Final representations awaited.

5.12 SWS: Comments provided; no objections raised

5.13 Private Reps: 1 objection received based on adequacy of site boundary treatment and prevention of access to a neighbouring site

[DPHEH – private access rights are not a material planning consideration]

6. Determining Issues:

6.1 The relevant adopted development plan policies relevant to the determination of these applications are:

- Saved policy P2/3 of the TMBLP (Quality of Development at Kings Hill);
- TMBCS: CP1 (Sustainable Development); CP2 (Sustainable Transport); CP11 Urban Areas; CP24 (Achieving a High Quality Environment);
- MDE DPD: NE4 (Trees, hedgerows and woodland); SQ1 (Landscape and Townscape Protection and Enhancement); SQ8 (Road Safety); SQ9 (Crime and Disorder).

6.2 These, along with all other relevant material planning considerations including the NPPF, are discussed within the assessment that follows.

Layout and parking:

6.3 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.

6.4 Policy P2/3 of the saved TMBLP requires development in the Kings Hill Policy area to respect the setting in the wider landscape and minimise visual intrusion.

6.5 Paragraph 130 of the NPPF relates to design. This paragraph states:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are 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);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.6 In both cases, the proposed layouts are intended to respond to the size and shape of the plots and the relationships with surrounding buildings and associated road structures. The apartment blocks are situated amongst integrated parking areas and landscaping. As such, the layouts proposed are entirely acceptable in this locality.

6.7 It is accepted that one key issue when considering the proposed layout is whether the scheme is acceptable in terms of levels of parking provision and type of parking to be accommodated across the development parcels. This has been a key issue on several development sites across Kings Hill (albeit on the residential parts of the estate) over recent months and experiences in those cases are recognised in assessing these reserved matters. In this respect, the requirements of policy SQ8 of the MDE DPD must be recognised.

6.8 The issues of parking, layout and access are recognised by paragraphs 110 and 111 of the NPPF. Paragraph 111 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’.

6.9 Within this context, paragraph 112 sets out that 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.

6.10 The development proposed at both sites would provide for one allocated space per residential unit and 14 visitor spaces each. In terms of the numbers of parking spaces provided and the layout they will take across each of the developments, I am satisfied that the proposals meet the adopted requirements set out in IGN3: Residential Parking. A key matter here will be that the parking will require careful management on an ongoing basis to ensure it is not misused, particularly given that the immediate land use context in this part of the estate is commercial in nature. As such, an informative should be added encouraging the developer to engage early with the Parish Council about strategies around how they might best do that.

Appearance, scale, design and materials:

6.11 The details in respect of both sites fully accord with the approved parameter plans in terms of developable areas and maximum heights. The key consideration in both instances is ensuring that the built form and detailed design of the apartment blocks are of a suitably high quality in their own right and in doing so not jarring with the aesthetic of the commercial buildings which surround them. It would, for example, be visually inappropriate for the apartments to be treated in a manner that did not suitably reflect the more commercial character of the commercial part of the estate. I consider that the scale and appearance of the apartment blocks successfully achieves this, aided by the detailed design and careful use of materials across both developments.

6.12 It is noted that the design of the buildings across the two sites is very similar and, again, in this context that is quite appropriate; it would, in my view, be over-elaborate and visually jarring to seek to incorporate individual design solutions for each of the residential parcels on this part of the estate given their location and relative proximity to each other. Ensuring continuity in design across the parcels allows for both developments to come forward in a coherent manner, both suitably reflecting the immediate context of the built environment.

6.13 The schemes are therefore considered to be in accordance with the relevant adopted policies and paragraphs of the NPPF.

Landscaping, levels and boundary treatments:

- 6.14 The proposed landscaping schemes for each of the sites follow similar design principles to the approach adopted across the wider commercial part of the estate, which is appropriate here; with areas of soft landscaping interspersed amongst communal areas and parking spaces. Again, the buffers included are in accordance with the approved parameter plans.
- 6.15 It is acknowledged that neither of the sites make limited provision for public open space or play space, for example. This is because the legal agreements included provision for contributions to be made towards local facilities instead for the most part; this approach being endorsed by the inspector at the time of the appeal. However, in respect of both sites condition 9 required details to be submitted within the context of the landscaping scheme as follows:
- amenity space, children's play area, and natural green space to be provided within the site along with a timetable for provision and a scheme for future management of the spaces.*
- 6.16 The condition required that full details of any fencing and equipment to be installed also be provided.
- 6.17 At the time of writing this report, officers have sought further clarification on the provision of this level of detail. It will either be the case that details pursuant to condition 9 will be submitted separately via a fresh application or further clarification will be provided upfront and addressed as a supplementary matter.
- 6.18 Proposed levels would be similar to existing ground levels and would appropriately relate to adjacent land. These levels are therefore acceptable.

Ecology and biodiversity:

- 6.19 The landscape details submitted include soft and hard landscape proposals, a LEMP, ecological survey update and arboricultural survey and protection plan. As required by condition 11, the LEMP for each site sets out
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

6.20 In all respects, the details submitted are acceptable. Most notably, incorporating measures and management in respect of:

- Retaining woodland, hedgerows and existing trees
- Maintaining a buffers to Ancient Woodland
- Incorporating new planting including wildflower and amenity grassland
- Maintaining dark corridors where possible to do so
- Creating faunal enhancements including bird and bat boxes, log piles and hibernacula

Drainage and technical matters:

6.21 In this respect, full regard is had to the representations made by KCC as the LLFA. They have made their final representations in respect of Application A (site 5.1) although at the time of writing these were still awaited in respect of Application B (site 5.6). Given the conclusions on Application A and the recommendation that conditions be imposed on the reserved matters to require further submissions at a later date, I am confident that a similar technical solution can be found for Application B and the representations can reasonably be reported as a supplementary matter once received.

6.22 In terms of noise in respect of both sites – a Noise Impact Assessment has been prepared by Acoustic Principles. This confirms the predicted amenity levels around the apartments are generally below the upper noise level of 55 dB LAeq,16 hour given in BS 8233:2014. No mitigation is required to reduce the amenity levels. Indicative glazing and ventilation have been suggested to ensure that the internal noise levels are equal to or below the guidance in BS 8233:2014. Acoustic Principles has also carried out a survey of potential industrial noise sources from the surrounding office buildings. This assessment has determined that the surrounding offices have a low impact upon this site. It is therefore concluded that noise should not be a material consideration as this preliminary assessment has shown that, with suitable mitigation, it is possible to achieve compliance with national guidance.

6.23 EP have agreed with these conclusions and have not sought to make any detailed representations on either scheme as a result.

6.24 Members will be aware that recent approvals for reserved matters across other development parcels at Kings Hill have included a condition requiring a construction management plan to be submitted for approval. This is not required in

this case because in allowing the outline permissions, the inspector imposed such a condition meaning that such details will need to come forward for formal approval in due course in any event.

Affordable housing provision:

6.25 Both sites provide for 40% of affordable housing each, this is in accordance with the requirements of the legal agreement approved by the inspector in allowing the appeals.

Climate change, sustainability and renewable technologies:

6.26 It should be noted that adopted policies CC1 and CC2 within the MDE DPD are considered to be out-of-date. This is because The Housing Standards Review in 2014 removed the voluntary Code for Sustainable Homes and made it clear that local plans should not be setting any additional local technical standards or requirements relating to the energy performance of new dwellings. The energy performance of new build homes is a matter for the national Building Regulations.

6.27 Notwithstanding this position, it is clear that (whilst not adopted for Development Management purposes) the Council's corporate Climate Change Strategy is a material consideration. As such, it is for the decision maker to decide what weight should be afforded to it in the overall balance.

6.28 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states that where the local plan is silent on a specific issue (which is the case given that the adopted policies are out of date and the current position with the new local plan progression), the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. This application must therefore be determined in accordance with the requirements set out within the NPPF, as follows:

6.29 Within the NPPF, at paragraph 152 it states that:

"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."

6.30 Additionally, paragraph 157 of the NPPF advises:

"In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

6.31 Since the original submissions were made, the developer has provided additional supporting information in recognition of this issue.

Bellway Homes is a FTSE 250 company with National influence and as such takes climate change and environmental matters very seriously. These matters sit at the core of our corporate responsibilities, with policies which specifically look to monitor and actively manage carbon emissions as well as manage environmental impacts. We are therefore delighted that the proposals for Kings Hill comprise the new “Enhanced” range. This is a controlled product from design to completion with all dwellings having been refined to maximise energy performance, minimising energy consumption and carbon emissions.

The majority of the sites are registered under the 2013 Building Regulations, with only a minority of plots to be completed under the new Part L 2021 following the 1-year transitional period. In addition to meeting the regulatory requirements, Bellway have committed to meeting 10% of the energy demand through the use of renewable energy technologies. Any plots constructed under Part L 2021 will additionally deliver a 31% reduction in CO2 emissions above current standards.

The overarching energy strategy for the development is to follow a ‘fabric first’ approach to energy demand reduction. The proposed fabric specification is therefore significantly better than the fabric values required to meet AD L1A 2013 in order to reduce energy demand as a first principle as set out below.

The proposal will exceed current Part L of Building Regulations, which contains requirements relating to the conservation of fuel and power. In particular, Bellway’s fabric first approach exceeds building regulations as follows:

- *External walls 20% improvement*
- *Floors 40% improvement*
- *Roof 50% improvement*
- *Windows 35% improvement*
- *Air tightness 50% improvement*

These enhancements deliver long term benefits in reducing carbon emissions, which are embedded for the life of the building (not the lifespan of equipment),

thus future proofing the homes. Allied to this, the increased energy performance also has the long-term benefit of reducing energy bills

The planning application demonstrates that a range of sustainable design considerations will be incorporated within the development design, including:

- *Reducing greenhouse gas emissions from energy use (Fabric First)*
- *Provision of renewable energy (10% energy demand met by renewables)*
- *Sustainable transport measures, including electric vehicle charging provision*
- *Efficient use of materials*
- *Reduction in water consumption*
- *Provision of green infrastructure and ecological protection and enhancement measures*

6.32 Across each site, 10% of the parking spaces (equating to 8 spaces) will be provided with active charging provision and 10% passive provision for future conversion (a further 8 spaces).

6.33 Members are understandably keen to ensure all developers maximise all possible opportunities for incorporating renewable technologies and energy efficiencies into new builds across the Borough. However, it is important to recognise that planning decisions in these respects can only be made in accordance with adopted policy and having regard to any relevant material planning considerations. Equally, there is no need for planning decisions to seek to replicate requirements under other legislation such as the Building Regulations. As such, whilst Members may prefer to see all parking spaces fitted with electric vehicle charging points and installed with features such as solar panels, there is no policy basis to require this. The measures that have been incorporated into the construction and design are acceptable in policy terms. Nevertheless, Members are able to include an informative strongly encouraging the developers to explore all available opportunities for incorporating such technologies as far as reasonably possible. This is reflected in the recommendation that follows.

Concluding remarks:

6.34 The reserved matters details, the subject of this application, are wholly in line with the requirements of the outline permission so as to be considered acceptable. The layout of the site, the design of proposed apartment blocks, the level of and location of parking provision, the mix of units, the position and type of landscaping, are all considered to create a housing development that is sensitive to its surroundings.

6.35 It is not common practice to include conditions on the approval of a reserved matters application, however it is possible when required. I would recommend in this instance that conditions and informatives be imposed consistent with those imposed on the reserved matters for other residential developments granted across the wider Kings Hill estate over recent months, in addition to those required by KCC (SUDS) in respect of drainage matters.

6.36 On this basis the proposals overall are therefore considered to be in full accordance with local and national planning policy and guidance and are therefore considered to be acceptable.

7. Recommendations:

Application A

7.1 **Approve reserved matters and discharge conditions** in accordance with the following submitted details: Proposed Plans and Elevations 020 received 16.07.2021, Proposed Plans and Elevations 021 received 16.07.2021, Location Plan 001 received 16.07.2021, Other Briefing Note received 16.07.2021, Other Levels Strategy received 16.07.2021, Other Surface Water Management received 16.07.2021, Other LEMP VF2B received 16.07.2021, Planning Statement received 16.07.2021, Tree Protection Plan received 16.07.2021, Tree Report received 16.07.2021, Noise Assessment received 16.07.2021, Transport Assessment Technical Note received 16.07.2021, Other Surface Water Technical received 16.07.2021, Site Plan 002 received 07.02.2022, Street Scenes 015 received 07.02.2022, Proposed Floor Plans 022 Moore received 07.02.2022, Proposed Elevations 023 Moore received 07.02.2022, Proposed Plans and Elevations 024 Outbuildings received 07.02.2022, Design and Access Statement received 07.02.2022, Letter Additional information received 07.02.2022, Plan 004A Refuse and Cycle received 06.10.2021, Boundary Treatment 005A received 06.10.2021, Plan 006A Materials received 06.10.2021, Plan 007B Tenure received 06.10.2021, Parking Layout 008A received 06.10.2021, Drawing 009A M4C2 Location Plan received 06.10.2021, Landscaping 7448.A.5.1_PP_HL.1.0C received 06.10.2021, Landscaping 7448.A.5.1_PP_HL.1.1C received 06.10.2021, Landscaping 7448.A.5.1_PP_HL.1.2C received 06.10.2021, Landscaping 7448.LSP.03_5.1.B received 06.10.2021, Email received 05.01.2022, Letter EC/3048/13602 received , Drainage Statement received 20.01.2022, Letter EC/3048/13602_Rev 2 dated 19.01.2022 subject to the following:

Conditions

- 1 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm)

can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 2 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate a postal address to the new property. To discuss the arrangements, you are invited to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised

to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 2 The developer is strongly encouraged to consider all available opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.
- 3 The applicant, and any subsequent management company responsible for the development once completed, are strongly encouraged to enter into early and ongoing liaison with Kings Hill Parish Council regarding the management and enforcement of parking across the development to ensure this takes place in an appropriate and rigorous manner at all times.
- 4 The applicant is strongly encouraged to investigate all appropriate design-based and site management solutions for preventing unacceptable and unauthorised vehicle parking across the development, ensuring in particular (but not necessarily limited to) the clear demarcation of visitor parking bays and where on-street parking is prohibited.
- 5 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 6 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 7 The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Application B

- 7.2 **Approve reserved matters and discharge conditions** in accordance with the following submitted details: Street Scenes 015 received 19.07.2021, Proposed Plans and Elevations 021 Bateman received 19.07.2021, Proposed Plans and Elevations 024 Outbuildings received 19.07.2021, Drawing HC-3040-505 Levels received 19.07.2021, Arboricultural Assessment received 19.07.2021,

Landscape Statement _ ecological received 19.07.2021, Noise Assessment received 19.07.2021, Planning Statement received 19.07.2021, Other Surface water mangement received 19.07.2021, Other Technical briefing note received 19.07.2021, Transport Assessment received 19.07.2021, Location Plan received 06.10.2021, Drawing 003A Massing plan received 06.10.2021, Drawing 004A Refuse and cycle plan received 06.10.2021, Boundary Treatment 005A received 06.10.2021, Drawing 006A Materials plan received 06.10.2021, Drawing 007B Tenure plan received 06.10.2021, Parking Layout 008A received 06.10.2021, Block Plan 009A received 06.10.2021, Landscaping 7448.A.5.6_PP_HL.1.0C received 06.10.2021, Landscaping 7448.A.5.6_PP_HL.1.1C received 06.10.2021, Landscaping 7448.A.5.6_PP_HL.1.2C received 06.10.2021, Landscaping 7448.LSP.03_5.6.B received 06.10.2021, Site Plan 002 received 07.02.2022, Proposed Plans and Elevations 020 Talbot received 07.02.2022, Proposed Plans and Elevations 022 Moore received 07.02.2022, Proposed Plans and Elevations 023 Moore received 07.02.2022, Letter received 07.02.2022, Design and Access Statement received 07.02.2022, Letter received 20.01.2022, Drainage Statement received 20.01.2022, subject to:

- Any conditions required by KCC as Local Lead Flood Authority in their (awaited) final representations, to be reported as a supplementary matter and:

Informatives

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate a postal address to the new property. To discuss the arrangements, you are invited to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The developer is strongly encouraged to consider all available opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.
- 3 The applicant, and any subsequent management company responsible for the development once completed, are strongly encouraged to enter into early and ongoing liaison with Kings Hill Parish Council regarding the management and enforcement of parking across the development to ensure this takes place in an appropriate and rigorous manner at all times.
- 4 The applicant is strongly encouraged to investigate all appropriate design-based and site management solutions for preventing unacceptable and unauthorised vehicle parking across the development, ensuring in particular (but not necessarily limited to) the clear demarcation of visitor parking bays and where on-street parking is prohibited.

- 5 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 6 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 7 The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Contact: Emma Keefe