

Kings Hill
Kings Hill

18 August 2021

TM/21/02273/RM

Proposal: Approval of Reserved Matters for Areas 5.2 and 5.3, Kings Hill Phase 5, comprising the construction of 210 residential units and associated works, together with details required by conditions 1, 6, 7, 8, 9, 10 pursuant to Outline Planning Permission TM/18/03034/OAEA

Location: Development Site North and East Of Jubilee Way Kings Hill West Malling Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 Members will recall that this application was deferred from the last meeting of the APC2 in April for the following matters to be explored further:
- Moving the location of the LAP Play Area
 - Incorporating renewable energy systems into the development
 - Provide additional car parking provision
 - Clarify whether the proposed Affordable Housing tenure mix can be adjusted
- 1.2 In response to these matters, twelve additional visitor car parking spaces have been incorporated into the development which will not be allocated to any specific dwelling. These will be provided adjacent to the internal roads.
- 1.3 The main LAP will remain in place where it has already been shown. However, additional pieces of natural play equipment will be placed along the bridleway corridor to provide opportunities of play away from the A228. A new fence will also be installed alongside the northern end of the LAP to discourage children from climbing on the bund itself, which will have an acoustic fence placed on top of it in any case.
- 1.4 Regarding renewable technologies, solar PV panels are to be installed on the roofs of the three apartment buildings containing the 42 affordable flats.
- 1.5 In addition to the above the alignment of the public right of way (PROW) through the site has been adjusted to remove it away from the access road serving some of the dwellings. The PROW is now proposed to run within a landscaped area save for where it has to cross the central access road.
- 1.6 My previous report is attached at Appendix 1 to this report.

2. Reason for reporting to Committee:

2.1 To report the application back following its deferral from the previous meeting of the APC2.

3. The site:

3.1 This site is described as sites 5.2 and 5.3 combined and forms the largest of the three outline submissions. It is bounded to the north-west by the by-pass, to the south and west by the Rolex Headquarters building and associated car parking and open land to the east, which did form an area proposed for allocation in the former draft local plan, known as Broadwater Farm. Sites 5.2 and 5.3 lie to the northern edge of the business park area of Kings Hill estate and comprise two parcels of land, totalling an area of 8 ha. Coalpit Wood (an Ancient Woodland) lies directly to the south of the application site, separating it from existing residential development in Phase 3 of the Kings Hill village.

4. Consultees:

4.1 No further consultations have been undertaken since the application was deferred from the previous meeting.

5. Determining Issues:

5.1 Starting first with Affordable Housing, the tenure mix for the affordable housing has already been formally agreed within the s106 Agreement as part of the outline planning permission between the Council and the developer as being 70/30 Social Rent/Intermediate Housing. There is no scope when determining this Reserved Matters submission to revisit and amend this agreed tenure mix.

5.2 Concerning the renewable technology, solar PVs will be fitted to the roof of three of the apartment buildings, which will also contain the affordable flats. Whilst there is no up-to-date development plan policy concerning the use of this technology, it would certainly align itself with the Council's Climate Change Strategy and be a much-improved position to the one reported to the last APC 2 meeting.

5.3 With regard to the children's play area, there is no scope to simply re-site this elsewhere within the site as the entire layout would have to be changed at this late stage. The position of this within the site is considered to be acceptable both in terms of child safety and air quality. There is a bund standing between the play area and the A228 on top of which an acoustic fence will be located. Railings will also now be posted between the play area and the bund to discourage movement onto it. These safety features combined with parental supervision would be sufficient, in planning terms, to render the area safe for its intended use. With regard to air quality, the proposed layout has not drawn an objection from colleagues in the Environmental Protection Team on this ground. Furthermore, poor air quality tends to occur in confined areas where stationary

traffic builds up. The open aspect for the general locality should not create the conditions to present an air quality issue for those using the LAP.

- 5.4 Notwithstanding the above additional play equipment, in the form of trim trail and natural play equipment, is proposed to be located within the corridor to accommodate the realigned PROW. Details of the specific pieces of equipment can be required by condition. The provision of the additional play equipment exceeds what could be required under the terms of the original planning permission for this site and will provide a good alternative offer to the LAP located at the northern end of the site. As such, the amended details are considered to be acceptable.
- 5.5 Twelve additional car parking spaces will be provided within the site which will not be allocated to specific dwellings within the development. A balance must be struck between providing additional parking and how this affects the landscaping/character of the development. Given that the highway authority considered the previous scheme to be acceptable, it must follow that the increased car parking provision must also be considered acceptable. The additional number of car parking spaces also would not harm the overall character of the development.
- 5.6 The alignment of the PROW has been revised so that it no longer runs along part of the access road serving the development. It will now be located wholly within the green corridor, except where it has to cross the central access road within the site. This will provide a better route for all those using the bridleway.
- 5.7 Taking all of the matters into account the proposed revisions are a modest but marked improvement to the scheme presented to the last meeting of the APC2. The development is still considered to conform to the development plan policies and national planning guidance referred to in my previous report. As such I recommend that this Reserved Matters submission be approved.

6. Recommendation:

- 6.1 **Approved Reserved Matters** in accordance with the following submitted details:

Proposed Layout KIN-BPTW-S01-ZZ-DR-A-0102 C03 dated 25.04.2022,
Proposed Layout KIN-BPTW-S01-ZZ-DR-A-0103 C03 dated 25.04.2022,
Proposed Layout KIN-BPTW-S01-ZZ-DR-A-0104 C02 dated 25.04.2022,
Proposed Layout KH5-BPTW-S01-ZZ-DR-A-0105 C02 dated 25.04.2022,
Proposed Layout KH5-BPTW-S01-ZZ-DR-A-0106 C02 dated 25.04.2022,
Proposed Layout KIN-BPTW-S01-ZZ-DR-A-0107 C02 dated 25.04.2022,
Proposed Layout KIN-BPTW-S01-ZZ-DR-A-0108 C02 dated 25.04.2022,
Proposed Layout KIN-BPTW-S01-ZZ-DR-A-0109 C02 dated 25.04.2022,
Proposed Layout KH5-BPTW-S01-ZZ-DR-A-0110 C02 dated 25.04.2022,
Proposed Layout KH5-BPTW-S01-ZZ-DR-A-0111 C02 dated 25.04.2022,

Proposed Layout KH5-BPTW-S01-ZZ-DR-A-0112 C01 dated 25.04.2022,
Proposed Layout KH5-BPTW-S01-ZZ-DR-A-0113 C02 dated 25.04.2022,
Proposed Layout KH5-BPTW-S01-ZZ-DR-A-0122 C02 dated 25.04.2022,
Proposed Floor Plans KH5-BPTW-B01-ZZ-DR-A-1051 C02 dated 25.04.2022,
Proposed Elevations KH5-BPTW-B01-ZZ-DR-A-2051 C02 dated 25.04.2022,
Proposed Floor Plans KH5-BPTW-B02-ZZ-DR-A-1052 C02 dated 25.04.2022,
Proposed Elevations KH5-BPTW-B02-ZZ-DR-A-2052 C02 dated 25.04.2022,
Proposed Floor Plans KH5-BPTW-B04-ZZ-DR-A-1054 C02 dated 25.04.2022,
Proposed Elevations KH5-BPTW-B04-ZZ-DR-A-2054 C02 dated 25.04.2022,
Proposed Floor Plans KH5-BPTW-B05-ZZ-DR-A-1055 C02 dated 25.04.2022,
Proposed Roof Plan KH5-BPTW-B05-ZZ-DR-A-1056 C02 dated 25.04.2022,
Proposed Elevations KH5-BPTW-B05-ZZ-DR-A-2055 C02 dated 25.04.2022,
Proposed Roof Plan KH5-BPTW-B07-ZZ-DR-A-1060 C02 dated 25.04.2022,
Proposed Elevations KH5-BPTW-B07-ZZ-DR-A-2057 C02 dated 25.04.2022,
Proposed Plans and Elevations KH5-BPTW-T05-ZZ-DR-A-1005 C02 dated
25.04.2022, Proposed Elevations KH5-BPTW-S01-ZZ-DR-A-2023 C03 dated
25.04.2022, Proposed Elevations KH5-BPTW-S01-ZZ-DR-A-2024 C03 dated
25.04.2022, Proposed Elevations KH5-BPTW-S01-ZZ-DR-A-2025 C02 dated
25.04.2022, Proposed Elevations KH5-BPTW-S01-ZZ-DR-A-2026 C02 dated
25.04.2022, Proposed Elevations KH5-BPTW-S01-ZZ-DR-A-2027 C02 dated
25.04.2022, Proposed Elevations KH5-BPTW-S01-ZZ-DR-A-2029 C01 dated
25.04.2022, Other Surface Water Management Strategy part 1 and 2 dated
18.08.2021, Management Plan Landscape and Ecological dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.1 rev B (1 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.2 rev B (2 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.3 rev B (3 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.4 rev B (4 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.5 rev B (5 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.6 rev B (6 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.7 rev B (7 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.8 rev B (8 of 8) dated 18.08.2021,
Landscape Layout 7448.5.2_5.3.HS.6.0 rev B Detailed Hard Landscape dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.1 rev C (1 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.2 rev C (2 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.3 rev C (3 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.4 rev C (4 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.5 rev C (5 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.6 rev C (6 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.7 rev C (7 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.8 rev C (8 of 8) dated
18.08.2021, Planting Plan 7448.5.2_5.3.PP.5.0 rev C Detailed Overview dated
18.08.2021, Noise Assessment dated 18.08.2021, Other Transport Technical
Note dated 18.08.2021, Proposed Floor Plans KH5-BPTW-B03-ZZ-DR-A-1053
C01 dated 18.08.2021, Proposed Elevations KH5-BPTW-B03-ZZ-DR-A-2053
C01 dated 18.08.2021, Proposed Floor Plans KH5-BPTW-B06-ZZ-DR-A-1057

C01 dated 18.08.2021, Proposed Roof Plan KH5-BPTW-B06-ZZ-DR-A-1058
C01 dated 18.08.2021, Proposed Elevations KH5-BPTW-B06-ZZ-DR-A-2056
C01 dated 18.08.2021, Landscaping 7448.LSP.03 REV G dated 28.03.2022,
Proposed Floor Plans KH5-BPTW-B08-ZZ-DR-A-1061 C01 dated 18.08.2021,
Proposed Roof Plan KH5-BPTW-B08-ZZ-DR-A-1062 C01 dated 18.08.2021,
Proposed Elevations KH5-BPTW-B08-ZZ-DR-A-2058 C01 dated 18.08.2021,
Proposed Floor Plans KH5-BPTW-B09-ZZ-DR-A-1063 C01 dated 18.08.2021,
Proposed Elevations KH5-BPTW-B09-ZZ-DR-A-2059 C01 dated 18.08.2021,
Location Plan KH5-BPTW-S01-ZZ-DR-A-0100 C01 dated 18.08.2021, Existing
Site Layout KIN-BPTW-S01-ZZ-DR-A-0101 C01 dated 18.08.2021, Existing
Site Layout KH5-BPTW-S01-ZZ-DR-A-0113- C01 dated 18.08.2021, Proposed
Elevations KH5-BPTW-S01-ZZ-DR-A-2021 C01 dated 18.08.2021, Proposed
Elevations KH5-BPTW-S01-ZZ-DR-A-2022 C01 dated 18.08.2021, Proposed
Elevations KH5-BPTW-S01-ZZ-DR-A-2028 C01 dated 18.08.2021, Proposed
Plans and Elevations KH5-BPTW-T01-ZZ-DR-A-1001 C01 dated 18.08.2021,
Proposed Plans and Elevations KH5-BPTW-T01-ZZ-DR-A-1005 C01 dated
18.08.2021, Proposed Plans and Elevations KH5-BPTW-T01-ZZ-DR-A-1007
C01 dated 18.08.2021, Proposed Plans and Elevations KH5-BPTW-T01-ZZ-
DR-A-1008 C01 dated 18.08.2021, Proposed Plans and Elevations KH5-
BPTW-T01-ZZ-DR-A-1009 C01 dated 18.08.2021, Proposed Plans and
Elevations KH5-BPTW-T01-ZZ-DR-A-1013 C01 dated 18.08.2021, Proposed
Plans and Elevations KH5-BPTW-T01-ZZ-DR-A-1017 C01 dated 18.08.2021,
Proposed Plans and Elevations KH5-BPTW-T01-ZZ-DR-A-1019 C01 dated
18.08.2021, Proposed Plans and Elevations KH5-BPTW-T01-ZZ-DR-A-1021
C01 dated 18.08.2021, Proposed Plans and Elevations KH5-BPTW-T21-ZZ-
DR-A-1022 C01 dated 18.08.2021, Proposed Plans and Elevations KH5-
BPTW-T01-ZZ-DR-A-1025 C01 dated 18.08.2021, Proposed Plans and
Elevations KH5-BPTW-T01-ZZ-DR-A-1027 C01 dated 18.08.2021, Proposed
Plans and Elevations KH5-BPTW-T25-ZZ-DR-A-1026 C01 dated 18.08.2021,
Proposed Plans and Elevations KH5-BPTW-T26-ZZ-DR-A-1028 C01 dated
18.08.2021, Proposed Plans and Elevations KH5-BPTW-T26-ZZ-DR-A-1029
C01 dated 18.08.2021, Proposed Plans and Elevations KH5-BPTW-T29-ZZ-
DR-A-1030 C01 dated 18.08.2021, Proposed Plans and Elevations KH5-
BPTW-T30-ZZ-DR-A-1033 C01 dated 18.08.2021, Proposed Plans and
Elevations KH5-BPTW-T33-ZZ-DR-A-1034 C01 dated 18.08.2021, Proposed
Plans and Elevations KH5-BPTW-T34-ZZ-DR-A-1037 C01 dated 18.08.2021,
Proposed Plans and Elevations KH5-BPTW-T37-ZZ-DR-A-1038 C01 dated
18.08.2021, Proposed Plans and Elevations KH5-BPTW-T38-ZZ-DR-A-1039
C01 dated 18.08.2021, Proposed Floor Plans KH5-BPTW-T41-ZZ-DR-A-1042
C01 dated 18.08.2021, Proposed Plans and Elevations KH5-BPTW-T39-ZZ-
DR-A-1040 C01 dated 18.08.2021, Proposed Elevations KH5-BPTW-T39-ZZ-
DR-A-1041 C01 dated 18.08.2021, Proposed Plans and Elevations KH5-
BPTW-T41-ZZ-DR-A-1043 C01 dated 18.08.2021, Proposed Plans and
Elevations KH5-BPTW-T43-ZZ-DR-A-1045 C01 dated 18.08.2021, Design and
Access Statement KH5-BPTW-XX-XX-DO-A-060 C01 dated 18.08.2021, Other

Technical Briefing Note Aspect Ecology dated 18.08.2021, Arboricultural Assessment dated 18.08.2021, Other Technical note Surface water modelling of Kings Hill area 5.2 and 5.3 dated 18.08.2021, Planning Layout HC-3048-506 sheet 1 dated 18.08.2021, Planning Layout HC-3048-506 sheet 2 dated 18.08.2021, Drainage Layout HC-3048-500 and 501 sheet 1 and 2 dated 18.08.2021

Conditions / Reasons

1. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed "This was approved in accordance with the following submitted details".

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

2. No dwelling shall be occupied until the children's play equipment has been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and retained at all times thereafter.

Reason: To ensure that the play equipment is available for use at the time of first occupation.

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.
8. 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.
9. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
10. The applicant is strongly encouraged to take heed of the advice and comments contained within the consultee responses to this application when preparing further technical submissions to discharge conditions attached to outline planning permission TM/18/03034/OAEA.

Contact: Matthew Broome