

Platt
Borough Green And
Long Mill

18 February 2022
(Extension of Time 10 August
2023)

TM/22/00375/FL

Proposal: Demolition of existing building and erection of 6 houses, 10 parking spaces, new access drive and associated landscaping

Location: The Old Dairy Maidstone Road Platt Sevenoaks Kent TN15 8JJ

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing structures on site and for the erection of 6 dwellings arranged in two rows of 3, with one row to the front facing Maidstone Road and the other row located towards the rear but also facing northwards.
- 1.2 A total of 10 parking spaces would be provided, one dedicated space to each dwelling along with 4 visitor spaces. Bin stores, cycle stores and rear gardens are provided to each.
- 1.3 The parking areas would be accessed from a driveway created to the left-hand side adjacent to Granville, an adjoining property.
- 1.4 The application is a resubmission of a previously refused application for 7 dwellings (ref: 20/02263/FL) which was similar to the current proposal in terms of layout but refused by the Planning Committee for the following reason:
- “The proposal by virtue of the size of the site and the amount, density and resultant layout of development would result in an unduly cramped form of development that would function poorly and be out of keeping with the prevailing character of the area, causing harm to the visual amenities of the locality. The proposal would therefore be contrary to the requirements of policies CP13 and CP24 of the Tonbridge and Malling Core Strategy 2007 and paragraphs 127 and 130 of the National Planning Policy Framework 2019.”*
- 1.5 This revised proposal has sought to address concerns raised previously through the reduction in the number of dwellings, reduction in the height, massing and bulk of the development, along with the provision of an additional 4 parking spaces.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Wendy Palmer to consider whether there is sufficient parking, the access road is adequate for waste and fire access or turning, whether the lack of access to the rear of plot 5 for bikes or garden

waste or in the case of escape route is acceptable, and whether any impact on neighbouring trees would be acceptable; whether the proposal represents overdevelopment; concerns over density.

3. The Site:

- 3.1 The application site is located in the settlement of Platt, adjacent to the main A25 Maidstone Road, on the south side of the road. Platt is defined as a rural settlement under policy CP13 of the TMBCS. The site is located almost opposite Platt Memorial Hall, to the east of the junction of the A25 Maidstone Road and Long Mill Lane.
- 3.2 The site has a long history of various uses, most recently for car sales but it is understood this use ceased some time ago. Consent was granted for the change of use to a veterinary clinic under reference TM/18/02419/FL however this was never implemented. The Officer Report for application 20/02263/FL suggested that the two-storey building on site was being used as offices for the applicant. The buildings at the rear of the site remained unused.
- 3.3 The site currently contains a number of buildings and hardstanding, with a large two storey building on the road frontage and smaller, low level buildings to the rear. The frontage building is a mixture of brick and render with a gable end facing the street; the building to the rear is timber clad and single storey. All remaining areas of the site are covered in hardstanding. A smaller temporary cabin like structure has also been installed behind the two-storey building.
- 3.4 Next to the site on the corner of Long Mill Lane is a relatively recent development with similar white weatherboarding dwellings. On the other side is a pair of semidetached dwellings whose gardens border the site.
- 3.5 The immediate area contains both residential and commercial premises, and so has a mixed suburban character.

4. Planning History (relevant):

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

Extension to Dairy.

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

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

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

Re-construction of vehicle shelter

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

Extension to male toilet block to rear of main building.

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

Erect portable single storey cold store following demolition of existing

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

externally illuminated wall mounted sign

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

temporary storage building

TM/03/03184/FL Refuse 18 December 2003

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

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

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

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

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

TM/06/03960/OA Refuse 7 August 2007

Outline Application to demolish existing offices and build 8 dwellings

TM/09/00015/FL Approved 20 July 2009

Change of use from disused offices to domestic 2 bed flat

TM/18/02419/FL Approved 12 December 2018

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

TM/20/02263/FL

Refuse

26 February 2021

Demolition of existing buildings and construction of x7 dwelling houses with associated access, parking and amenity space

5. **Consultees:**

5.1 Platt Parish Council: Objects for the following reasons (as summarised):

- Platt PC note this is the third application at the site. Object for same reasons as previously, namely the amount of development, density, layout, which would result in cramped form of development that functions poorly and is out of keeping with character of the area
- Additional parking noted but this is at the detriment of garden sizes to the front three dwellings
- Concerns with lack of turning space for delivery vehicles
- Overlooking of existing properties
- Width of access drive insufficient
- Visibility splays from the front of the site
- Lack of public transport options

5.2 TMBC Waste Services:

Guidance provided on the bins required to serve each dwelling. Revised comments received noting hedgerow adjacent to bin presentation area would need to be maintained. Note that the site plan shows a colour coded compost bin on the 'key' but not on the site plan itself.

5.3 TMBC Environmental Health:

Noise

Initially commented on 17/03/2022 noting that amenity areas to the front 3 dwellings may have been subject to excessive noise. An updated report was submitted and the EH Officer subsequently confirmed on 17/03/2023 that the proposal is acceptable subject to conditions and informatives.

Contaminated Land

No objection subject to two planning conditions being imposed.

5.4 Environment Agency:

No objection subject to 6 planning conditions and 2 informatives. Upon re-consultation in March 2023, the EA reiterated their response from the previous year.

5.5 Southern Water:

The applicant/developer will need to submit a formal application to Southern Water for connection to the public foul sewer.

5.6 KCC Highways:

No objection subject to a planning condition and informatives.

5.7 Leisure Services:

On site provision for open space is not possible. Therefore, it would be appropriate to secure contributions towards open space as part of a legal agreement.

5.8 Private Reps: 7/0X/0S/3R: There were 4 representations received from 3 third parties which object to the proposal on the following grounds (summarised):

- Inappropriate density for the area/overcrowding/cramped
- Proximity of development to adjacent properties
- Inadequate parking provision
- Excessive height
- Bin collection area too small for 6 households
- Lack of privacy
- Visual intrusion and dominant form of development
- Rear terrace is overbearing to Wisteria Cottage
- Old Dairy site has a higher ground level

6. **Determining Issues:**

Principle of development

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

Provision of housing

- 6.2 Paragraph 60 of the NPPF sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.3 Paragraph 69 of the NPPF acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. It adds that LPAs should support the development of windfall sites through policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 6.4 The Council does not have an up to date local plan and cannot presently demonstrate a five year supply of housing. Consequently, in accordance with paragraph 11 d) of the NPPF, much of the adopted development plan is out of date for the purposes of determining applications for new housing development. For the purposes of this assessment.
- 6.5 Paragraph 11 d) of the NPPF sets out that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.6 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance, none of which relate to the current application. The proposal must now be assessed on the policies within the Development Plan, where they accord with the NPPF, and this Framework as a whole. It is therefore acknowledged that the provision of 6 new dwellinghouses on previously developed land is a benefit of the scheme which weighs in favour of the proposal. This is a matter to be attributed significant positive weight in the overall planning balance.

Design, character and appearance

- 6.7 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, layout,

siting, character and appearance be designed to respect the site and its surroundings.

- 6.8 Policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 states all new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest and prevailing level of tranquillity; and the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form, and important views.
- 6.9 Paragraph 130 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.10 As set out in the objections received, a concern for local residents and the Parish Council is the density of development being proposed. The Officer Report for the refused 2021 application noted that the 7-dwelling scheme had a density of around 77 dwellings per hectare (dph). By comparison, the current proposal for 6 dwellings would have a density of around 61dph (based on a site area of 978sqm). This is closer to the examples provided previously, such as the site adjacent to the Old Memorial Hall which was built at 40dph and Brickmakers Meadow which was built at 48dph. Other examples of high-density sites include No.6 Sobraon Villas (50dph), Hall Cottage to the south (78dph) and the adjoining Woodmans Cottage (126dph), Stone House Villa (45dph), dwellings in Platt Mill Terrace (with the smallest plot there measuring 58dph), properties in Platt Mill Close (with the smallest plot there measuring 123dph) and No.1 Mill Cottages to the west which has a density of 90dph.
- 6.11 It is acknowledged that the density is still high by comparison to immediately adjoining sites, however, density is not in itself harmful per se; it is the consequences of this density such as visual impacts, availability of parking etc. which are to be considered. These matters are discussed in more detail throughout this report. It should also be noted that the NPPF seeks to discourage developments which are built at too low density as this fails to make optimal and efficient use of available housing land, in particular brownfield sites. A balance therefore needs to be reached between ensuring the density is appropriate for the area and not building too few houses on suitable sites, which includes The Old Dairy site. As set out in the above paragraph, there are examples near to the site which are of a similar or higher density.
- 6.12 Further in this regard, the proposal is now for one less dwelling in an attempt to overcome the previous reason for refusal and the dwellings themselves, particularly those to the road frontage, have been made significantly smaller in height. This has also resulted in significantly less massing and bulk now being

proposed. The dwellings to the rear have been made marginally smaller by introducing half-hipped roofs.

- 6.13 No specific harm was identified in relation to the design of the dwellings previously and again it is noted that these would reflect the general design and materiality of buildings locally, namely those adjoining to the west and facing Long Mill Lane and the use of red brick with white coloured cladding. This would therefore be acceptable. To ensure that the materials are acceptable, it is considered appropriate to request details via a planning condition.
- 6.14 In terms of the landscaping, hedgerows would be used to provide defensible space to the front of each dwelling, along with timber fencing to separate rear gardens. Along the flanks of the site, a 2m high brick wall with piers is proposed. This would assist in providing privacy to existing residential properties as well as the future occupiers of the development. Confirmation of the materials to be used should also be sought via a planning condition, along with details of the other hard surfaced areas around the site, such as parking areas and footpaths. A landscaping condition requiring details of the species of hedgerow would also be appropriate.
- 6.15 The provision of timber bin stores is considered acceptable as these are modest sized structures and required for dedicated bin stores. These should also be secured via a planning condition.
- 6.16 Whilst the proposal is considered acceptable, as set out above, it is considered appropriate to impose a planning condition removing permitted development rights for the dwellings. This would mean that any extensions, alterations or outbuildings would require express planning permission from the LPA.
- 6.17 The proposal is therefore considered to be acceptable with regard to design, character and appearance, subject to planning conditions. This compliance with planning policy is not a benefit of the scheme but rather, demonstrates an absence of harm to which weight should be attributed neutrally in the overall planning balance.

Impact on neighbouring amenity

- 6.18 Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.19 Paragraph 130 (f) of the NPPF advises that:

“Planning policies and decisions should ensure that developments 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”.

- 6.20 As noted above, some concerns have been raised with regard to the impact on existing residential properties that adjoin the site. However, fundamentally, this did not form a reason for refusing the previous application and the proposal under this current application represents a significant improvement in terms of the row of three dwellings to the front and a slight improvement in terms of the row of three dwellings towards the rear of the plot. The separation distances from neighbouring properties would be acceptable. Windows in the flank elevations of the front row of houses and the rear facing windows in the rear row of houses would be obscured glazed and this can be secured via a planning condition. This would ensure that overlooking does not occur.
- 6.21 The above section of the report already sets out that Permitted Development Rights would be removed for the houses, so no dormers or additional windows could be added without express consent from the LPA in any case. This would add a further level of protection to neighbouring properties in this regard.
- 6.22 As was explained in the previous Officer Report, the provision of an access drive to the left-hand side will have some marginal impact on Granville to the east, however there is no evidence to suggest the number of vehicular movements would result in excessive or unreasonable noise compared with the existing lawful use of the site. It may appear to this neighbour that there would be a significant increase, but that it because the existing site is largely disused, besides being used as an office which generates little-to-no noise at all.
- 6.23 It is therefore concluded that the proposal would be acceptable with regard to the potential impacts on neighbours. Whilst there is inevitably always impact on neighbouring sites in built up areas, the level of harm is not unreasonable in this case. The proposal therefore complies with policies CP24 of the Core Strategy and complies with the NPPF.
- 6.24 As with the above section, this is not a benefit of the scheme but demonstrates an absence of harm to which weight should be attributed neutrally in the overall planning balance.

Living conditions of the future occupiers

- 6.25 The submission sets out that the 3 dwellings to the front would each comprise of 70sqm of floor area, whilst the 3 dwellings to the rear would each comprise of 73sqm of floor area. The Government's Nationally Described Space Standards set out that 2-bedroom dwellings with three bed spaces should be a minimum of 70sqm in the case of a two-storey dwelling. Whilst the LPA has not formally adopted these space standards, it does nonetheless indicate that the size of the dwellings would be acceptable.
- 6.26 The outlook from habitable rooms would be acceptable and whilst the rear windows of Plots 4-6 and side windows of Plots 1 & 3 would be obscured, these serve either bathrooms or stairwells and are not in themselves habitable rooms

and do not require outlook in the same way that a bedroom or living room would require.

- 6.27 It is noted that concerns have been raised with the size of gardens and the fact that Plots 2 and 3 have been made somewhat shorter in order to accommodate additional parking spaces. It is important to note that no adopted planning policies, whether at local or national level, stipulate the minimum garden sizes for dwellings on this site. Whilst Plots 2 & 3 do have shorter gardens than Plot 1, they are wider than previously proposed as the refused scheme comprised 4 dwellings to the site frontage. These plots therefore benefit from wider gardens than the previous scheme. In any case, the gardens are considered to be commensurate with a two-bedroom dwelling.
- 6.28 The Council's Environmental Health Officer raises no concerns in relation to the living environment of the future occupiers of the development but has suggested a planning condition be imposed in relation to acceptable noise levels.
- 6.29 The proposal is therefore acceptable in this regard and attracts neutral weight in the overall planning balance.

Highway safety and parking provision

- 6.30 Paragraph 111 of the NPPF states:

“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.”

- 6.31 Policy SQ8 advises that development proposals will only be permitted where they would not significantly harm highway safety.
- 6.32 As noted in the previously refused application at this site, the existing lawful use of the site as a car sales showroom would attract a fairly significant number of daily vehicular movements from staff, customers, delivery drivers etc. This would effectively cease if the development is built out.
- 6.33 Whilst the reason for refusing the previous application raised concerns with the cramped appearance of the development, it did not explicitly state that parking or highway safety were in themselves issues or reasons for refusal. It is understood that concerns have still been raised with regard to adequate parking, however the KCC Parking Standards indicate a requirement of 9 spaces, and 10 would be provided. The Highway Officer has not raised any particular concerns with the proposed access arrangements or visibility from the access.
- 6.34 As such, it appears that there are no reasonable grounds to refuse the application in relation to highway safety or parking provision. The proposal would not result in

unacceptable impacts on highway safety nor would there be any cumulative impacts that would amount to 'severe' risk to highway safety.

- 6.35 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electric vehicle charging points equal to the number of new dwellings and that cable routes/infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.
- 6.36 The proposal is therefore acceptable in accordance with Policy SQ8 of the MDE DPD and accords with the NPPF. This compliance demonstrates an absence of harm to which weight should be attributed neutrally in the overall planning balance.

Other material considerations

- 6.37 As noted at the top of this report, the Environmental Health Officer raises no concerns with regard to contaminated land at the site, subject to planning conditions. The Environment Agency have also been consulted and raise no objection subject to 6 planning conditions. There is some crossover between the planning conditions suggested by those two parties with specific regard to land contamination. The conditions suggested by TMBC Environmental Health are considered to be slightly more detailed and clearer and so these will be imposed.
- 6.38 However, the Environment Agency's comments regarding the need for details of surface water drainage and foul drainage are merited and these conditions should also be imposed so that the LPA can ensure the development will be adequately drained. Similarly, the EA raises concerns with the potential for pile foundations. The application has not explicitly stated whether or not these would be used but the suggested condition is considered reasonable in this case as, if pile foundations are required, they may still be acceptable subject to details being provided.

Planning obligations

- 6.39 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
- 6.40 Paragraph 57 of the NPPF reflects this statutory requirement.

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

- Parks and Gardens – Leybourne Lakes Country Park - £5,893
- Amenity Green Space – Village Green Potash Lane - £2,423
- Outdoor Sports – King Georges Field - £10,812
- Childrens and Young peoples play areas – Stonehouse Field – £1,420
- Natural Green Space – N/A

Total contributions towards open space: £20,548.

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

6.43 The applicant has agreed to pay these contributions in order to comply with the requirements of the adopted development plan. A draft Section 106 agreement has been submitted and is in the process of being ratified by the Council's solicitor at the time of writing. The Section 106 is expected to be finalised by the time of the meeting and an update will be provided to Members at the meeting itself. This agreement would commit the applicants to paying these sums to the Council prior to the first occupation of the development.

6.44 These contributions would go towards open space used by residents of Platt and the surrounding community and help to offset any additional maintenance and upkeep costs as a result of use of these facilities by future occupants of the development.

Planning balance

6.45 As previously developed (brownfield) land, national policy is strongly supportive of the redevelopment of this type of site. As Members will be aware, Tonbridge and Malling Borough Council cannot currently demonstrate a 5-year housing supply. As such, the Council's housing policies are considered 'out of date'. In such circumstances, paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and 11 d) ii states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.46 A 'tilted balance' exercise is therefore required. In this regard and in the absence of a 5-year housing supply, the provision of new housing carries significant positive weight. There would also be benefits to the local economy from the construction of the development itself and subsequent occupation of the dwellings, whose occupants would contribute towards the local economy and by using services and facilities etc.
- 6.47 The report has also identified that certain aspects of the scheme would result in an absence of harm, such as in the case of impacts to neighbours, risk to highway safety, parking provision, design and appearance. These matters attract neutral weight in the overall planning balance.
- 6.48 Should Members disagree with officers and consider that any of the above matters should attract negative weight in the planning balance, then it should be noted that these adverse impacts would need to significantly and demonstrably outweigh the benefits in order for the application to be refused, in accordance with paragraph 11 of the NPPF.
- 6.49 The previous application was refused solely in relation to the visual impacts, as set out in Paragraph 1.4 of this Report. This revised application proposes one less dwelling in order to address previous concerns with density and in addition to this, provides 3 additional parking spaces totalling 10, which is one more than the Parking Standards require. Given that this revised scheme is considered to sufficiently address the concerns raised in the previous application, it is therefore the view of officers that the application should be approved.

7. Recommendation:

- 7.1 That planning permission be **GRANTED SUBJECT TO SATISFACTORY COMPLETION OF A SECTION 106 AGREEMENT** in accordance with the following submitted details:

Location Plan P11 A received 18.02.2022, Section P12 A received 18.02.2022, Proposed Plans and Elevations P19 Refuse store received 18.02.2022, Letter received 18.02.2022, Artist's Impression received 18.02.2022, Environmental Assessment received 18.02.2022, Planning, Design And Access Statement received 18.02.2022, Ground Investigation Report received 18.02.2022, Noise Assessment received 18.02.2022, Transport Statement received 18.02.2022, Artist's Impression received 13.01.2023, Site Plan BDS-1696-P14F Proposed received 13.01.2023, Sections BDS-1696-P15C Proposed received 13.01.2023, Proposed Plans and Elevations BDS-1696-P16C PLOTS 1-4 received 13.01.2023, Proposed Plans and Elevations BDS-1696-P17B PLOTS 5-7 received 13.01.2023, Design and Access Statement Revised received 31.01.2023, and subject to compliance with the following conditions:

Conditions/Reasons

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 development shall take place above slab level until details of the 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 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.

4. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

6. The windows on the first-floor south elevation marked as obscure glazed on plan BDS-1696-P17 Rev B for Plots 4, 5 and 6, and on the east and west (flank) elevations marked as obscure glazed on plan BDS-1696-P16 Rev C in relation to Plots 1 and 3 shall be fitted with obscured glass and, shall be non-opening unless the parts of the window that can be opened are a minimum of 1.7m measured from the finished floor level.

Reason: To prevent overlooking of adjoining properties.

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

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

8. Before the development hereby approved is occupied a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. All planting, seeding and turfing comprised in the approved

scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

9. 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:
- (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 construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - (g) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - (h) Provision of measures to prevent the discharge of surface water onto the highway.
 - (i) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
 - (j) 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.
 - (k) 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>

Reason: To ensure that the development is carried out without disruption or inconvenience to other highway users.

10. Prior to occupation of any dwelling, bin stores shall be constructed to Plots 1-4 and Plot 6 in accordance with drawings BDS-1696-P19 received 18 February 2022 and BDS-1696-P14 Rev F, received 13 January 2023. The bin store to Plot 5 shall be provided in accordance with drawings BDS-1696-P14 Rev F and BDS-1696-P17 Rev B, both received 13 January 2023. Once constructed, the bin stores shall be retained in perpetuity and shall not be used for any other purpose.

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

11. Prior to occupation of any dwelling, full details of a scheme for the storage of cycles shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

12. No development shall take place above slab level until full details of the scheme of acoustic protection against traffic and fixed installations/mechanical plant for the habitable rooms of the dwellings have been submitted to and approved in writing by the Local planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30dB LAeq in bedrooms and 40dB LAeq in living rooms with windows closed. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

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

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

Reason: To preserve the visual amenity of the site and ensure that any future development can be carefully controlled by the Local Planning Authority to prevent overdevelopment of the site and loss of garden space.

14. The development shall be constructed at the level indicated on the drawing BDS-1696-P15 Rev C received on 13 January 2023.

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

15. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

16. No development shall commence above slab level until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by the LPA in consultation with the water undertaker and Environment Agency. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications and connections are made to the sewer network.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF.

17. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the NPPF.

Informatives

1. During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
2. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. Therefore, if it is possible to prohibit the use of bonfires by way of a planning condition, I would advise that a suitable condition be attached if planning permission is to be recommended. Alternatively, an informative should be attached to this effect.
3. The applicant's attention is drawn to the comments received from Southern Water. In particular, it should be noted that a formal application will need to be made for any connection to the public foul sewer.

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

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.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

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.

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.

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.

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/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

5. Drainage: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering

after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Piling: Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
7. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
8. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.

Contact: Daniel Terry