

East Malling and Larkfield
East Malling, West Malling
and Offham

21 February 2024

TM/23/01962/FL

Location: Garage Block Rear of Addison Close East Malling West Malling Kent

Proposal: Demolition of existing garages and construction of 4 x 3 bed 5 person dwellings including car parking, cycle parking, refuse and landscaping (resubmission of 23/00862/FL)

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1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing two rows of garages and the construction of a terrace of four 3-bedroom two-storey dwellinghouses, alongside associated car parking to serve the dwellinghouses and re-configured car parking within the close to serve the existing residents and new dwellinghouses.
- 1.2 The proposed terrace shall front onto Dickens Drive, with one property having two driveway spaces provided on a tandem basis, with the other properties having their parking within allocated parallel parking adjoining the southern-most house and within the close on an unallocated basis. Parking for existing residents shall remain within Addison Close, with a total of 11 spaces being provided in the close, as well as spaces for ad-hoc parking on the access road.
- 1.3 The proposed dwellings shall have a gable roof, with the gables to the north and south elevations. The materials are proposed to comprise of red brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes.
- 1.4 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the new gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. Refuse bins are to be stored to the front of each property.
- 1.5 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH 'Everyone Deserves a Roof Over Their Head' to provide wholly affordable housing for rent. The buildings proposed will be modern methods of construction (MMC) with the homes being largely manufactured off-site. The homes are designed to be zero carbon in operation.
- 1.6 The dwellings are designed for the higher adaptable Part M4(2) standard and to provide step free access. The homes exceed national space standards and follow

inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Michelle Tatton to enable the committee to consider the impact of the proposals in relation to parking provision, highways and the density of development.

2. The Site:

2.1 The application site is located within the urban confines of East Malling, within the Winterfield Lane public sector housing estate.

2.2 The Winterfield Lane Estate represents a later phase of post-war public-sector housing based on the Radburn principles. The area is designed around a central footpath flanked by communal open space which runs north/south with footpaths leading off at right angles. Two storey low height with shallow pitch roof terraced properties line and face onto this central space with other short terraces of houses leading off from this. The central landscaped section of the development is not accessible to vehicles, and therefore exhibits a quieter character. An extensive network of footpaths crosses the site. Glimpses of the North Downs can be seen to the west from the footpaths. Vehicular access is via a ring road around the periphery of the development, with short cul-de-sacs leading off either side to communal car parking and garage blocks. To the south of the area, along the boundary with Chapman Way, there are three storey town houses.

2.3 The application site is to the east of Dickens Drive, Winterfield Lane and a tree belt which separates the two roads. It is west, north and south of four terraces of houses, which are predominately owned by Clarion housing association. 19-22 Blatchford Close are to the north of the site and north of the proposed terrace, 1 Addison Close is to the east of the proposed dwellings, 1-5 Addison Close are to the north of the proposed parking area, 9-10 Addison Close to the east of the proposed parking area and 13-20 Blatchford Close to the south of the proposed dwellings and parking area, with the majority having their rear elevations overlooking the development site. The adjoining houses along Blatchford and Addison Close are predominately finished in red brickwork and grey concrete roof tiles, with white UPVC windows, whilst one terrace includes properties finished in buff brickwork. Boundary treatments currently comprise of low-level metal railings, hedges and timber fences to the front gardens, with rear gardens comprising of close-boarded fence panels and the brickwork walls of garden outbuildings.

2.4 The site is relatively flat and contains the cul-de-sac of Addison Close, two rows of garage blocks (finished in red brickwork with flat roofs) with hardstanding in front, areas of amenity space by way of lawn and hardstanding, internal access pathways and parking within the turning circle at the end of the close. There are no existing boundary treatments.

- 2.5 Parking within the close is predominantly along the access road, within the turning circle and on the hardstanding within the garages. The current guidelines for garage sizes are 3.6m (width) x 5.5m (depth), whilst the existing garages are much smaller (their external measurement is approximately 4.8 metres by 2.7 metres). Six garages are however currently let-out.
- 2.6 There is an extant permission for the redevelopment of this site by way of the demolition of one set of garages and the provision of further parking and soft landscaping (TM/12/03503/FL). This site is one of six sites that were granted permission under this permission, however only two were completed at Hardie Close and Owen Close (the other two garage sites at Shaftesbury Close and Walpole Close were granted permission under a separate consent). This application for is an alternative scheme of redevelopment of that consented.

3. Planning History (relevant):

TM/12/03503/FL Approved 11 January 2013

Development of 6 garage sites into car parking (secure) courtyards. Demolition of 6 garage plots to be replaced by car parking areas. Implementation of a variety of tree planting

TM/23/00862/FL Application Withdrawn 1 September 2023

Demolition of existing garages and construction of 4 x three bedroom dwellings including car parking, cycle parking, refuse and landscaping

4. Consultees:

- 4.1 Consultation responses are summarised below. The full text is available on the Councils website.
- 4.2 PC: Recently met with Clarion, which was appreciated. Pleased that the height difference with the existing dwellings have been addressed.

Noted and appreciated that parking bays have been increased in size and have allotted 2 spaces per household. Still have concerns over parking due to the existing estate being constricted for parking.

It is argued there are opportunities for displaced existing residents to park on existing roads. Clarion states correctly though that they have no control over these roads - they are KCC controlled and any new yellow lines are a Borough Council issue.

Based upon an early Sunday morning survey (busiest time for parked vehicles), and looking at the plans provided the following conclusions are drawn:-

- a. Morris Close: 18 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net gain of just 2 spaces

b. Blatchford Close: 14 marked spaces to be provided (6 allocated for new builds). 14 vehicles counted, a net loss of 6 spaces.

c. Addison Close: 16 marked spaces to be provided (8 allocated for new builds). 18 vehicles counted, a net loss of 10 spaces

d. Tyler Close: 11 marked spaces to be provided (6 allocated for new builds). 10 vehicles counted, a net loss of 5 spaces.

A total net loss of 19 spaces.

Appreciated that no count was given for possible parking on the access road to the parking courts, Clarion admitted they could be used. These could be formalised by the marking with bays of sufficient size - 6 metres in length to allow for manoeuvring. There is a possibility of an extra 3 bays in each case giving an extra 12 spaces, with a shortfall of 7 bays.

There is an area at the north-eastern end of Morris Close which, if converted to hard standing could possibly supply three more bays and the area to the side of No.20 Dickens Drive could similarly be utilised. It is felt the worst impact will be on Tyler Close.

There should be gaps left on any on street parking to allow for pedestrian access to footpaths and for passing places (around the bend at the northern end of Dickens Drive and the footpath out to the A20).

- 4.3 TMBC Waste Services: Advice and guidance provided on amount and design of waste storage. Areas should be sited no more than 25 metres from the collection vehicle, with storage areas able to accommodate a 240 litre bin, a 55 litre recycling box and a 22 litre food waste bin for each dwelling, with space for plastic and glass.
- 4.4 TMBC Environmental Health (noise): The Applicant had submitted an amended Noise Impact Assessment, which details measurements taken at the site of the existing noise climate and of the appropriate standards/tools. The Assessment has taken account of earlier concerns and is content with the conclusions. Suggest informatives to cover demolition/construction working hours and bonfires.
- 4.5 TMBC Environmental Health (contaminated land): The Preliminary Geo-Environmental Risk Assessment adequately presents the findings of the desk study and site walkover, recommending intrusive investigation. The Geo-Environmental Assessment does not identify widespread contamination, however this is not complete due to existing garages. Access to garages is required to fully inspect for asbestos, and the made ground needs to be inspected below the garages to inform a remediation strategy. Therefore two contamination conditions are recommended.

The first recommended condition was queried with Environmental Health, who have advised that although the report does mention it was not possible to assess soils

beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the

remediation strategy proposals, the amended condition is acceptable, subject to an informative relating to contamination verification works.

- 4.6 TMBC Housing: The Planning Statement and Design & Access statement seem to be unchanged compared to the withdrawn schemes. Comments provided under the earlier applications still stand. The planning statement states the homes developed will be provided as affordable housing for rent, meeting M4(2) accessibility for rented affordable housing, which is supported.

The design and access statement includes reference to the third bedroom being used as an office, marked as a study. Seek clarity from the applicant if they intend to allocate these homes to households on the Council's Housing Register and therefore the household housing need will fit to the property size and suitable occupancy of a 3bed home, i.e. not allowing for a spare room for use as an office.

Use of a Unilateral Undertaking considered suitable to secure the affordable rented accommodation.

- 4.7 KCC LLFA: The application is a revision to a previously withdrawn application. The Drainage Strategy remains unchanged, however believe the principles for managing surface water remain the same and can be accommodated. The proposed drainage system will continue with a connection to the foul drainage sewer. Advise that non-return valves should be utilised, and existing blocked pipes should be cleansed. Note that the detailed drainage design is to be compiled, as such recommend conditions for detailed drainage design and verification report.

- 4.8 KCC Ecological Advice Service: Sufficient ecological information has been provided. Bat survey provides sufficient information, despite not being in accordance with best practice guidelines. Recommended conditions for biodiversity and lighting and ecological enhancement. Conditions were subsequently queried with KCC Ecology, who justified the reasoning for such conditions based upon the ecological survey and requirements of planning policy.

- 4.9 KCC Highways: One response provided for all four applications due to the close proximity of each development and to assess the cumulative impact as a whole.

Vehicular access:

The developments shall be served by existing junction arrangements.

Sustainable Travel:

The site is close to existing pedestrian pathways and bus services. 1.5km from East Malling Station.

Traffic Impact:

13 dwellings expected to generate seven trips during am peak, and five trips in pm peak. This is not a severe impact based upon the NPPF.

Car Parking:

Transport Statement assesses the parking across the sites. There are 64 garages across the sites, with only 26 rented out. Each site will comprise of car parking for the new residents, visitor bays and parking for existing residents.

- Morris Close: 6 resident bays, 1 visitor bay and 11 overspill spaces.
- Blatchford Close: 6 resident bays, 1 visitor bay and 7 overspill spaces.
- Addison Close: 8 resident bays, 1 visitor bay and 7 overspill spaces.
- Tyler Close: 6 resident bays, 1 visitor bay and 4 overspill spaces.

The provision meets Interim Guidance Note 3 (IGN3) standards for the proposed number of parking spaces for the new dwellings and visitor spaces.

The Parking Beat Survey shows that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, there is no evidence to indicate that there is a lack of provision within the proximity of the development.

To ascertain if there is sufficient residual capacity the applicant has then compared the number of empty spaces (83). Acknowledge the developments could cause inconvenience to existing residents, where parking is available in locations away from being directly outside of their homes, and there may be an increase to illegal parking. The number of spaces required (36) is less than what is available on street within the wider surroundings (83). As such, KCC Highways consider that the applicant has demonstrated that any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity. The developments would displace parking, but there is capacity in the vicinity.

Cycle Parking:

Cycle secure storage is proposed within the curtilage of each dwelling, according with (SPG4) Supplementary Planning Guidance Note 4 "One space per bedroom.

Turning and Servicing:

Refuse collection will be from the kerbside, the same as for the existing estate.

Personal Injury Collision Record:

Applicant has undertaken Personal Injury Collision (PIC) analysis for the latest 5-year period. There are no historic traffic collisions or data trends.

Summary and Recommendation

KCC Highway confirms, that provided the following requirements are secured, then no objection will be raised:

- Construction Management Plan
- Provision and permanent retention of the vehicle parking spaces
- Provision of measures to prevent the discharge of surface water onto the highway
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision and permanent retention of the vehicle turning facilities
- Provision and permanent retention of Electric Vehicle chargers

Series of standard informatives provided.

A follow-up response was provided by KCC Highways on 29.11.2023, confirming that amending parking spaces to remove allocated provision would be acceptable in principle to KCC Highways.

- 4.10 KCC Archaeological Advice Service: The site lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road. Remains associated with prehistoric or later activity may survive. In view of the archaeological potential, recommend a condition for phased programme of archaeological work is placed on any consent. This condition was queried with KCC Archaeology, who justify that this condition is necessary and the most appropriate, given the level of archaeological potential and how the garages sites will likely have not been subject to previous deep excavations.
- 4.11 Southern Water: Southern Water require a formal application for a connection to the public sewer to be made by the developer. The proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate can be permitted if proven to be connected and there will be no overall increase in flows into the system. Will need to confirm final discharge point before commencing work. Is indicated that SuDS will be maintained privately. Notwithstanding this, SuDS can be adopted if they meet guidance, however if not adopted, sufficient maintenance must be ensured. Recommend SuDS scheme, implementation details and maintenance details are submitted to the LPA for approval. Recommend informative in relation to submission of foul and surface water drainage details. A public sewer may cross the site. If found during works, ownership shall need to be identified before proceeding with works.
- 4.12 Private Reps: 42 letters despatched & 2 site notices (consultation undertaken twice due to website downtime as a result of new IT system). Responses received: 0X(raising no objection)/50R(raising objection)/0S(in support). Objections summarised as follows:
- Existing area struggles with parking/traffic – more cars than spaces, with double parking, illegal parking, lack of safe walking paths, difficulty for emergency and

waste collection vehicles to gain access – resulting in waste remaining. Issues illustrated in photo diaries. Reference made to a 2010 East Malling Local Parking Plan, produced by TMBC Parking Team.

- Demolition of garages to provide parking to residents would be acceptable. Garage plots were originally proposed to be redeveloped for parking given the parking issues in the locality – planning applications were approved – only four were completed.
- Existing garages are not disused – Clarion is not renting them out.
- When estate was built, the garage areas were designed to accommodate cars on the existing estate as the houses do not have their own parking and there were fewer cars, there are now more cars and delivery vans on the road. Several residents also have work vehicles park in the area.
- More cars caused by HMOs.
- Challenge of both residents and guests trying to find parking spaces.
- Adding more properties will make the traffic/parking issues worse, with more illegal parking, difficulty with access (including emergency services), parking disputes/antisocial behaviour, safety issues and reduced quality of life. The proposal increases housing and reduces parking for existing residents on the roads, on the garage sites, within the closes and in the garages.
- Social housing estate includes large proportion of disabled, families, etc. who would struggle to park far away from their houses.
- Unfair parking provision – 2 new spaces per new property, existing properties have to park on road with limited provision.
- Concerns about loss of open space.
- Where are disabled people supposed to park? Close has 5 disabled residents who need to park close to their houses, only 1 disabled bay is proposed.
- Impact upon mental health/reduced quality of life
- Loss of a view
- Loss of sunlight
- Loss of privacy.
- Issues with flies, worsened by the proposal.
- Reduction in property value.

- Impact upon visual amenity.
- Overpopulation of a densely populated area, with inadequate services/infrastructure. Development makes this worse, lack of open space/green areas and overcrowded streets.
- Affordable rented properties should be provided in new developments, rather than in existing overpopulated estate.
- Existing residents should be considered and not disadvantaged as a result of the development proposals – does not meet with government's aims for levelling up and social mobility. Proposals do not reflect needs of the existing residents.
- Why are more houses being built when existing houses are not being maintained?
- 250 houses also being built in the locality.
- Suggest number of proposed houses is reduced, allowing for more landscaping and car parking. Suggest hardstanding is converted to parking only.
- Suggest proposals are refused, re-sited or amended to be sustainable.
- Suggest development of a playground area instead.
- Additional parking spaces provided within revised applications will not be sufficient.
- Contrary to TMBCS policies CP1 CP2, CP7 CP11 CP15 and CP17, contrary to development plan
- Fails to meet NPPF requirements for 'social objective'
- Previous residents comments/suggestions/ideas appear to have been ignored.
- Proposal do not provide a safe and accessible environment.
- Issues with communication and limited timeframes to respond.
- Amended plans similar, only show one extra unallocated space, however it is one of the allocated spaces.
- Plans propose 2 spaces per new house, however existing houses do not even have one space each – is unfair. 20 3 bed houses in Addison close, with insufficient parking as existing.
- Allocated bays will result in tension between existing and new residents.

5. Determining Issues:

Principle of Development:

5.1 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five-year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the [National Planning Policy Framework 2023 \(NPPF\)](#). For decision taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

5.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the [Planning and Compulsory Purchase Act 2004](#)) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.

5.3 Policy CP11 of the [Tonbridge and Malling Borough Core Strategy 2007 \(TMBCS\)](#) is the most relevant to the determination of this application as it addresses the matter of the principle of development for residential development in the urban confines of East Malling. Policy CP11 outlines that development will be concentrated within the confines of urban Areas. The development involves the provision of residential dwellinghouses within the urban confines. Therefore, the principle of development is acceptable, complying with Policy CP11.

5.4 With regards to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in Footnote 7 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that the remainder of the assessment takes place.

Affordable Rented Housing:

- 5.5 There is a need for Affordable Housing within the Borough of Tonbridge and Malling, as demonstrated within the [Housing Needs Survey 2022](#), with table C7 showing a net need of 283 dwellings per annum.
- 5.6 The proposed dwellings are to be developed by Clarion Housing Group and EDAROTH to provide wholly affordable housing for rent. The dwellings are designed to meet higher adaptable M4(2) accessibility standard and to provide step free access. The homes exceed national space standards and follow inclusive Lifetime Homes principles, so they can be adapted to meet people's changing needs. This will provide much-needed affordable rented provision within the Borough and the approach is considered acceptable to TMBC's Housing Officer. The dwellings will be secured as affordable rented via a unilateral undertaking legal agreement. It should be noted that this is a higher level of provision than that required by policy CP17 of the TMBCS, which does not require the provision of any affordable housing for such minor developments. Therefore, this provision of affordable rented dwellings holds significant weight in favour of the proposed development.
- 5.7 Comments from the Housing Officer regarding the third room being used as an office are noted, however are not applicable to this application – only being applicable to the application at Tyler Close, under ref. TM/23/01974/FL.

Design, Character and Appearance:

- 5.8 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:
- “1. 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, density, layout, siting, character and appearance be designed to respect the site and its surroundings.*
- 2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.*
- 3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted...”*
- 5.9 Policy SQ1 of the [Managing Development and the Environment Development Plan Document 2010 \(MDE DPD\)](#) states:

“All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

5.10 These policies within the LDF are broadly in conformity with those contained within the NPPF.

5.11 In particular, paragraph 135 of the NPPF seeks to ensure that development:

“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.”

5.12 Furthermore, paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

5.13 Chapter 11 of the NPPF is specifically focused on ‘Making effective use of land’. Paragraph 123 states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”

5.14 Paragraph 124 then goes on to explain that planning policies and decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”

“d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);”

5.15 Paragraph 129 details that:

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”

5.16 The [Medway Gap Character Area Appraisal](#) notes the following locally distinctive positive features:

- *“Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation*
- *Central footpath flanked by open space which creates an informal, spacious character*
- *Glimpses of the North Downs to the west*
- *Green edges to the north, south and west of the character area created by mature tree belts, which can on occasion be glimpsed between properties*

- *Traffic free pedestrian network*
- *Enclosed private character due to limited views into and out of the site”*

5.17 It also notes the following negative features worthy of enhancement:

- *“Streetscape of the ring road marred by high walls and fences and garage blocks*
- *Traffic noise in the north from traffic travelling along the A20”*

5.18 The proposal involves the demolition of the existing two garages blocks. These buildings are of no special architectural interest and are noted within the character area appraisal to be features worthy of enhancement. As such their demolition is considered acceptable and the development represents a visual enhancement to the area.

5.19 The proposal would result in the loss of the area of hardstanding adjacent to the existing parking court. This area has no defined use, however from public representations it can be ascertained that these areas are used for informal play by children. Given the estate has a central green corridor, and within the adjacent estate there is an area of green space, both of which offer better play space than the existing square due to the proximity to many parked cars and regular vehicle movements, it is felt that the loss of this space would be acceptable. Therefore, on balance the provision of four affordable units is a better use of such an area.

5.20 The proposed terrace measures approximately 8.26 metres high to the roof ridge, 6.2 metres to the top of the eaves, 10.23 metres deep and 25.3 metres wide. The dwellings shall be single-fronted, with shallow gable pitched roofs. The proposed roofs have been designed with a shallow pitch of 22 degrees in an attempt to appear visually similar to the existing properties with their shallow-pitch, low-height roofs. These are proposed changes since the previously withdrawn submissions, with the changes being the reduction in roof ridges by 1.47 metres, with eaves by 0.3 metres and roof pitches being reduced to 22 degrees. For comparison, the existing dwellings are also terraces, and measure approximately in-between 6.35 to 7.1 metres to the roof ridges and 4.77 to 5.6 metres to the top of the eaves (depending upon the surrounding land levels), with gable pitch roofs and single frontages. The existing terraces also measure approximately 7.3-7.6 metres deep, with the terraces varying in width. As noted within the Character Area Appraisal, the area contains a “Strong cohesive character created by the uniformity of building design, a limited palate of materials and low levels of individualisation” which are considered to be locally distinctive positive features of the estate.

5.21 It is acknowledged that the proposed ridge and eaves heights would be higher than the existing dwellinghouses, however this can be partially attributed to how the dwellinghouses are built to meet the [‘Technical housing standards – nationally described space standards’](#) (NDSS) both because they will be used for social housing and to ensure they are future-proofed. The NDSS set-out that “*the minimum*

floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area”, whilst the proposed floor to ceiling heights vary between 2.3-2.5 metres, with the majority of rooms being 2.5 metres. The proposed dwellings therefore exceed the NDSS in relation to floor to ceiling heights, but this is considered to enable them to be future-proofed. The space standards also set-out minimum requirements for gross internal floor areas and storage, resulting in the dwellinghouses being deeper than houses within the existing estate, which therefore naturally results in an increase in height and bulk compared to the existing dwellinghouses. It is acknowledged that the proposed terraces shall be slightly higher and more bulkier than the existing dwellings, however there are examples of three-storey townhouses to the south of the estate and existing infill developments also comprise of elements of bulkier development. It also has to be noted that the applicant has amended the designs of the dwellings to lower their height since the previously withdrawn applications and given the separation with the existing dwellings it is considered that the height differences would not be overly noticeable. The proposed dwellings would also be in-keeping with the general urban grain and layout of the estate by way of the designed site layout and because the proposed dwellings are also terraces. Overall, on balance it is considered that although the proposed dwellinghouses would be slightly larger in bulk, mass and scale, this design is clearly justified given the NDSS, future proofing and by way of the layout and form which is in-keeping with the existing estate and dwellings.

- 5.22 The development site comprises of brownfield land and would re-utilise existing underutilised land to help meet the demonstrated need for affordable rented accommodation. This is in specific compliance with paragraph 124 of the NPPF, and holds significant weight in the planning balance in favour of the development.
- 5.23 The proposed four dwellings shall occupy the site at a density of 36 dwellings p/ha. This is less dense than the existing estate, however this is attributed to how the development site accommodates areas of car parking for both the new and existing residents, whilst the dwellings have been designed to exceed the nationally described space standards. The development site retains areas for parking, pedestrian pathways, gardens for each dwelling and is similar to the layout of the existing estate, whilst the development would remove the garages which can attract antisocial behaviour, it is therefore considered to ensure safe and healthy living conditions. The development therefore makes a good use of the available land, being appropriately dense whilst ensuring the proposals are in-keeping with the character of the locality and ensuring safe and healthy living conditions, complying with paragraphs 123, 124 and 129 of the NPPF.
- 5.24 The proposed dwellings shall comprise of red brickwork laid in various bonds to add visual interest, grey roof tiles and dark grey windows, doors, gutters, soffits, fascia's and rainwater pipes. The mixture of materials proposed are of a palette considered in-keeping with the existing built form within the vicinity. The specific materials for each element have not been provided, therefore these details shall need to be required via planning condition to ensure a suitable mix of materials come forwards.

- 5.25 The proposed terrace shall be of a slightly more modern design to the immediate surrounding terrace properties. However, on balance and given the site's location and proposed materials palette, the design is considered to be acceptable and would not appear visually intrusive or harmful to the site's surroundings.
- 5.26 Each property contains a garden shed/storage building; however no details have been provided of their appearance. As such, a condition is recommended requiring the submission of details of the storage building.
- 5.27 The landscaping of the site will comprise of a tarmac parking court and driveways, with pathways and patios finished in concrete paving. The boundary treatments include double board timber fences to the gardens, with low-level railings to the front of each property. The gardens shall be finished in lawn. This is considered acceptable. It is acknowledged that much of the landscaping would be hard surfaced, however this is considered appropriate given the need within the locality for parking and the existing situation which is subject to much hard surfacing. To obtain specific details for landscaping, it is considered reasonable to attach a planning condition requiring the submission of detailed plans for landscaping.
- 5.28 Overall the density, scale, form, materials and landscaping of the proposed dwellinghouses are considered acceptable and would appear in-keeping with the street scene and character of the area, complying with policies CP24 and SQ1 and paragraphs 123, 124, 139, 135 and 139 of the NPPF.

Residential Amenity:

- 5.29 Policy CP1 of the TMBCS sets-out that that the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications the quality of a range of matters, including residential amenity, will be preserved and, wherever possible, enhanced.
- 5.30 Policy CP24 of the TMBCS 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.
- 5.31 Paragraph 135 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 5.32 The [Kent Design Guide](#) in relation to privacy advises that:

“a flexible approach needs to be taken over privacy distances. Minimum distances are not prescribed, but developers must be able to put forward a good case for distances proposed depending on the circumstances.”

- 5.33 The dwellings would be approximately 9.6 metres from the adjoining dwellings. They would however be at a 90-degree angle from these neighbours, which prevents direct overlooking into the neighbouring properties windows. It is acknowledged that there would be a close relationship with the neighbour's gardens, however this is a common occurrence across the Winterfield Lane estate, where houses are aligned at 90 degrees to each other, resulting in mutual overlooking and therefore not providing grounds for refusal in relation to impact upon neighbouring privacy. As such, it is considered that there will be no unacceptable impact upon neighbouring levels of privacy.
- 5.34 In relation to impact upon sunlight, daylight and outlook, given the orientation of the proposed terrace and its separation with the neighbouring properties (approximately 9.6 metres separation to the east, 14.6 metres separation to the south and 11.9 metres separation to the west), there will be no unacceptable impact upon neighbouring levels of sunlight, outlook and daylight as a result of the development.
- 5.35 Overall, given the above assessment, the proposal would not have an unacceptable impact upon neighbouring amenities, complying with policies CP1 and CP24 and paragraph 135 of the NPPF.

Highways Safety and Parking Provision:

- 5.36 Policy SQ8 of the MDE DPD states that:

"1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied."

- 5.37 Paragraph 114 of the NPPF states that in assessing development applications, it should be ensured that appropriate opportunities to promote sustainable transport

modes have been taken up, given the type of development and its location, that safe and suitable access to the site can be achieved for all users, the design of transport elements reflect current national guidance and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

5.38 Paragraph 115 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”.

5.39 Paragraph 116 goes on to state that, within this context, applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.40 The parking standards for TMBC are currently set-out within the [KCC Parking Standards KHS Interim Guidance Note 3: Residential Parking \(IGN3\)](#), which sets-out the quantum requirement for residential developments. Additionally, there is the [Kent Vehicle Parking Standards Supplementary Planning Guidance 4 \(SPG4\)](#) which sets-out the design requirements for parking bays.

5.41 The evidence base for IGN3 is considered by the Council to be out of date and to provide insufficient levels of parking provision for modern developments. As such, IGN3 will be used for the base-line assessment, however the review will also be based upon an assessment of the individual detail of the development in question, site-specific circumstances and the prevailing locational characteristics in accordance with the [Position Statement in respect of Kent County Council Interim Guidance Note 3: Residential Parking Standards, August 2021](#).

5.42 In accordance with the IGN3, garages do not count towards parking provision. This is because of the enclosed nature of such spaces, the majority of people do not use garages for parking, instead using it for storage. Additionally, as noted within the Kent Vehicle Parking Standards SPG4, to ensure such spaces are used for parking and storage, garages should measure 5.5 metres long by 3.6 metres wide – the garages do not meet these space standards. The garages within the Winterfield Lane estate were built in the 1960s, however cars have increased significantly in size, as such the garages cannot accommodate many modern cars. Therefore, for the purposes of this officer's assessment the existing garages shall not be counted towards parking provision and cannot be considered as usable parking bays or to contribute towards parking in the locality. Members are reminded that this is the position taken for all new development proposals, as such for the purposes of consistency the existing garages cannot be considered as parking spaces. The hardstanding in-front of the garages however is used for parking, as such this area shall be considered as areas for parking within the officer's assessment. It is noted however that the applicants Transport Assessment has considered parking within the currently rented out garages, and this is considered acceptable as it enables the consideration of a 'worst case scenario' whereby all garages contain cars.

5.43 The existing situation includes ad-hoc parking within the close for approximately 15 cars, alongside parking on the hardstanding in-front of the garages for approximately 6-8 vehicles. Parking within the close will remain as part of the proposals, but will become formalised and a dedicated disabled bay will be created. The parking in-front of the garages would be lost as part of the proposals, however the existing area of hardstanding beside the end of Addison Close would be converted to parking. Ad-hoc parking along Addison Close will remain. The current submissions include more parking provision than the previously withdrawn applications (7 spaces extra for all four sites).

5.44 In summary, the proposal involves the provision of the following spaces within Addison Close:

- 5x allocated spaces to serve some of the new dwellings.
- 1x disabled bay.
- 10x unallocated parking bays (which would be to serve the proposed dwellings, their visitors and existing residents).
- Retention of existing ad-hoc parking along Addison Close (approximately enough space for 9-10 cars).

5.45 The proposed provision for the new dwellings would include five on plot spaces, alongside sharing parking with the existing residents by parking either within the parking area in the close or by parking on street. The parking survey demonstrates that there would be sufficient parking in the locality to allow for the new dwellings to park two cars each using the allocated bays and in the close and for one visitor car

within the shared parking court, whilst also allowing existing residents to park. Given that each dwelling can park two cars either on plot or within the parking court in the close/on street, the provision is higher than that within the adopted parking standards (IGN3) and this is considered to be an acceptable level of provision of parking for development within the urban confines.

- 5.46 In relation to parking for existing residents, it is relevant to also assess whether the loss of the existing parking would have a material impact on parking pressure in the surrounding highways, and whether this would have an impact on highway safety. Material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.
- 5.47 It is understood that local residents are able to park in the site without any restrictions or need for a permit. The existing parking situation is fully understood as a result of the illustration of the parking issues within the public representations and as witnessed during site visits during various times of day and late evening during the week. Residents' concerns are fully appreciated, with the existing road network appearing busy with cars, however the assessment for this proposal is whether there is sufficient capacity within the surrounding highway to allow for the parking associated with the proposed development without making the existing situation worse.
- 5.48 The submission therefore includes a Transport Statement which assesses the development proposals as a whole in order to capture the cumulative impact of the four development proposals. This has been reviewed by KCC Highways as Local Highways Authority, who have raised no concerns with this report. Within the Transport Statement, the Parking Beat Survey identifies that the existing parking demands do not exceed the capacity of availability of parking in the area. As such, the Transport Statement does not evidence any lack of provision within the proximity of the development. The specific details from this survey are as follows:
- 5.49 To provide the baseline data, Parking Beat Surveys were conducted from Thursday 3rd through to Friday 4th November 2022. This parking survey was undertaken on the roads within close proximity to the Sites (Howard Road, Temple Way, Dickens Drive, Owen Close, Tyler Close, Addison Close, Blatchford Close, Morris Close, Hardie Close, Shaftesbury Close and Walpole Close). The parking beat surveys were undertaken every 15 minutes during the morning (AM), afternoon (PM) and off-peak (OP) periods (06:30 – 09:30, 15:00 – 18:00 and 23:00 – 02:00 respectively). They were undertaken at a time when there were no significant roadworks, were not on a Monday, Friday evening or weekend and were not during a holiday period. It is acknowledged that parking pressures ebb and flow during the course of the day/week. This survey however includes hours when it is assumed that there would be maximum pressure on parking spaces when residents are not in work (the OP period).

5.50 The survey assessed the theoretical parking capacity of the surveyed area based on an average vehicle length of five meters and a width of three metres as per the Lambeth Parking methodology. On this basis the applicant argues there are 308 current legal parking spaces available within the proximity of the Sites. Where sections of road were observed to be narrow, and therefore vehicles parking on both sides would block the flow of traffic, it has been assumed that vehicles are only able to park on one side of the road.

5.51 The results of the survey indicate that the maximum total parked vehicle occupancy was 220 parked vehicles, which occurred at 23:00 – 23:15. This equates to a maximum parked vehicles occupancy of 71%, indicating that there is currently capacity to support additional on-street parking in the vicinity of the site. The results indicate that the maximum total parked vehicle occupancy on each road was:

- 15 for Howard Road in the AM peak (maximum capacity 22 vehicles);
- 26 for Temple Way in the OP period (maximum capacity 65 vehicles);
- 45 in Dickens Drive in the OP period (maximum capacity 63 vehicles);
- 21 in Owen Close in the OP period (maximum capacity 25 vehicles);
- 11 in Tyler Close in the AM peak (maximum capacity 12 vehicles);
- 19 in Addison Close in the AM peak (maximum capacity 17 vehicles);
- 13 in Blatchford Close in the OP period (maximum capacity 14 vehicles);
- 15 in Morris Close in the OP period (maximum capacity 15 vehicles);
- 19 in Hardie Close in the OP period (maximum capacity 25 vehicles);
- 18 in Shaftesbury Close in the OP period (maximum capacity 24 vehicles); and
- 24 in Walpole Close in the OP period (maximum capacity 26 vehicles).

5.52 The results indicate that there were 135 (AM peak), 147 (PM peak) and 88 (OP period) vacant spaces on the day of the survey across the three time periods, and each road, with the exception of Addison Close, remained within theoretical capacity.

5.53 To assess the overall impact of the developments on on-street parking, analysis has been undertaken to determine if the existing displaced and additional vehicles arising from the development will have adequate on-street parking provision within the local area. A breakdown of the change in on-street parking space is provided in Table 5-1. A total of 17 on-street spaces will be retained. Whilst 41 will be lost as part of the proposals, 47 on-street spaces including four accessible spaces will be provided (in addition to 12 off-street spaces). This equates to a total net increase of six on-street spaces. For Addison Close specifically, this shall be:

- 13 spaces shall be lost.
- 4 remain unaltered.
- 5 on-plot spaces proposed.
- 11 proposed, with a new on-street capacity of 15 (decrease of two spaces).

Table 5-1 - Net increase in parking spaces

Plot	Lost spaces on-street	Unaltered spaces on-street (retained)	New spaces provided			New Legal On-Street Capacity	Net change On-Street Capacity
			Total	On Plot (allocated)	On street (unallocated)		
Morris Close	9	6	18	2	16	22	+7
Blatchford Close	10	4	14	3	11	15	+1
Addison Close	13	4	16	5	11	15	-2
Tyler Close	9	3	11	2	9	12	0
Total	41	17	59	12	47	64	+6

5.54 It is then necessary to assess future on-street parking demand, which has also been assessed by the applicant. This will change because:

- New residents: 47 unallocated on-street spaces will be provided for existing residents, new residents and visitors, as well as 12 allocated spaces within the plots to serve the proposed dwellings.
- Displacement from demolished garages: a total of 26 garages are currently let out. To assess a worst-case, these are assumed by the applicant to all contain parked vehicles.

5.55 To calculate the future on-street parking demand, the maximum existing demand from the parking surveys and additional future changes have been assessed in table 5-2.

Table 5-2 - Future Parking Demand

Plot	New units			Existing Garages Let	Existing Demand*	Total future On-Street demand
	Total Demand	Provided for within Plot	On-street Demand			
Morris Close	7	2	5	8	15	28
Blatchford Close	7	3	4	5	13	21
Addison Close	9	5	4	6	19	29
Tyler Close	6	2	4	7	11	22
Total	29	12	17	26	58	100

*Taken from the parking beat surveys, as presented in Section 3.6.2.

5.56 Finally, it is then necessary to assess the on-street parking impact to ascertain if there is sufficient residual capacity to enable the development without detrimentally

impacting existing residents. Where there is insufficient capacity on the road the plot is located on, it is assumed that any vehicles displaced would want to park on the closest available roads with vacant on-street capacity. In this way, vehicles from Morris Close and Blatchford Close are assumed to displace onto Dickens Drive, Hardie Close and Shaftesbury Close, whilst vehicles from Addison Close and Tyler Close are assumed to displace onto Howard Road, Temple Way, Owen Close and Walpole Close.

5.57 Table 5-3 summarises the analysis with the total number of vacant spaces being the capacity on-street minus the total future on-street demand. This shows that there would be a total of 36 overspill vehicles from the four roads, however there are 83 available spaces on the surrounding streets.

Table 5-3 - Parking Displacement Analysis - Batched

Plot No.	Road	New Legal On-Street Capacity	Total max number of vehicles parked (incl. illegal parking)*	Vacant spaces	Total vacant spaces on other nearby streets	
1	Morris Close	22	28	-6	31	Dickens Drive, Hardie Close and Shaftesbury Close
2	Blatchford Close	15	21	-6		
3	Addison Close	15	29	-14	52	Howard Road, Temple Way, Owen Close and Walpole Close
4	Tyler Close	12	22	-10		
Total		64	100	-36	83	

*Parking Beat Survey (2022)

5.58 In relation to the development at Addison Close, the fourteen displaced vehicles can be accommodated on Howard Road, Temple Way, Owen Close and Walpole Close. It is acknowledged that there are three other garage site applications within the immediate vicinity under consideration at this time, therefore the analysis also considered the cumulative effect. When considering all development proposals, the maximum number of existing parked vehicles and the additional vehicles created by the developments can be displaced onto the local road network, therefore the submitted Transport Assessment demonstrates there is sufficient capacity on the surrounding streets to accommodate all parking needs. This is because the number of spaces required as a result of the developments (36) is less than what is available on street within the wider surroundings (83). Members should note that this has been done on the basis of a worst-case scenario where all let garages (26 No.) contain a parked vehicle.

5.59 Therefore, the Transport Statement shows that there is parking within the existing estate to accommodate the development proposals without unacceptably impacting the existing residents. While it is noted that there has been a number of objections from residents about the loss of parking and increased pressures to the area, it is considered that the 6 potential cars being displaced could be accommodated in the area, and that their displacement would not result in any highway safety concerns.

Even when considered in combination with other developments proposed in the area the evidence indicates that there is adequate capacity for the potential displacement. As stated before, material planning considerations generally only relate to highways safety and any impact on convenience of residents is not considered to be a matter that would warrant refusal of this application.

- 5.60 Members should note that KCC Highways consider that the applicant has demonstrated with sufficient confidence, any overspill parking can be accommodated, without resulting in any unacceptable impacts upon highway safety, or capacity.
- 5.61 This assessment has also been carefully reviewed by the case officer, who has calculated a different number of total existing on-street capacity of approximately 261 spaces. Despite this difference in numbers, it is still considered that there is sufficient space on the highway to accommodate overspill parking from the developments based upon the survey numbers (total parked vehicle occupancy of 220 vehicles (paragraph 5.51) as well as the additional parked vehicles as a result of the proposed development. It is therefore considered that there are no grounds to warrant a refusal of planning permission based upon highways safety/parking provision.
- 5.62 Concerns from neighbours have been received about cars currently parking illegally/dangerously and there are concerns that the displacement of the cars from the site will exacerbate the problem, resulting in antisocial behaviour. In the parking survey submitted with the application, it is noted that the figures of currently unrestricted parking have been established by looking at current availability on the surrounding roads. The block plans that were submitted in this survey show that they have only measured areas where there is sufficient room to park a car fully in the road, and still allow sufficient room for a car to pass on the highway. Therefore, there would be no evidence to suggest that the 14 cars displaced from the site would have to result in parking on the pavement or in unsuitable locations.
- 5.63 Concerns from residents regarding allocated bays causing tension between residents is fully appreciated. As such, amendments have been sought which have resulted in all parking bays within the Close (those not on plot) being changed to unallocated spaces.
- 5.64 In relation to access to the development sites, the existing junction arrangements will remain, with a new driveway and re-arranged parking area, alongside associated turning in the close, with refuse collection from the kerbside, similar to the existing dwellings. These arrangements are considered acceptable to KCC Highways. Concern has been raised by public comments regarding the access of emergency vehicles and refuse collection vehicles. No change to the existing access point is proposed, and as addressed above it is considered that the displaced cars can be accommodated and that there is sufficient on-street parking which would not impact access for emergency vehicles and refuse vehicles.

- 5.65 The 13 dwellings across all four sites are expected to generate seven trips during the AM peak hour and five trips in the PM peak hour. This is an acceptable level, not considered to result in a severe impact upon highways safety. In relation to sustainable travel, the sites are within the existing built confines, which has a range of existing pedestrian footways, with links to nearby bus services. There is also East Malling Station, approximately 1 mile from the site, which provides train links to Maidstone, Ashford and London.
- 5.66 Secure cycle storage is proposed in the shed within the rear garden of each dwelling. More details of this storage area and its permanent retention can be sought via planning condition.
- 5.67 KCC Highways have recommended a series of conditions and informatives. These are recommended to be attached to the decision notice, apart from the EV chargers' condition. It is recommended that a condition requiring the EV infrastructure to be installed and retained is attached instead, with the detailed specifics recommended by KCC to be covered by an informative as Building Regulations cover the detailed design of such provision. It is noted that KCC Have recommended a condition for a Construction Management Plan, despite a Construction Environmental Management Plan already having been submitted. Given that this plan includes areas which require further clarification and to allow the plan to be amended accordingly once construction proposals are more advanced, it is considered reasonable to attach an appropriately worded condition.
- 5.68 In light of the above assessment and the lack of objections from KCC Highways, I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

Flood Risk and Drainage:

- 5.69 Policy CC3 of the MDE DPD sets out that development will not be permitted if it has an unacceptable impact on the water environment and if development proposals do not incorporate SuDS appropriate to the local context. It advises that SuDS will need to have appropriate maintenance and management agreements in place. It advises where it is not practicable to use SuDS, it will need to be demonstrated that an appropriate alternative means of surface water drainage is incorporated.
- 5.70 Policy SQ5 of the MDE DPD requires that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.
- 5.71 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 173 of the NPPF goes on to explain that when determining any planning

applications, local planning authorities should ensure that flood risk is not increased elsewhere.

- 5.72 The site is within flood zone 1 and consequently has a low risk of flooding from rivers. The site is also not within a surface water flood risk area, and therefore has a low risk of flooding from surface water.
- 5.73 The proposed drainage strategy recommends for surface water runoff generated by the proposed development to be restricted to 2 l/s for all events up to and including the 1 in 100 year plus 40% climate change event, thereby providing betterment over the existing brownfield situation. Therefore, in order to achieve this restriction, attenuation will be provided in the form of underground geocellular storage crates and permeable paving within proposed car parking spaces. Surface water runoff stored on-site will discharge to the existing private surface water sewer network. Foul flows generated by this development will discharge to the existing public foul sewer network.
- 5.74 The LLFA have reviewed the proposals from a surface water drainage perspective and are content with the drainage scheme, subject to conditions relating to detailed design and verification of the drainage installed. As such, these two conditions are recommended in relation to surface water drainage.
- 5.75 Southern Water have recommended an informative relating to foul drainage. Informatives cannot require the submission of details, therefore to ensure appropriate drainage, a detailed foul drainage scheme condition is recommended. Southern Water also advised that the proposed surface water drainage strategy comprising of a connection to the foul sewer with a reduced flow rate can be permitted if proven to be connected and there will be no overall increase in flows into the system. Advice has also been provided in relation to maintenance and implementation. These details can be required under a slightly amended LLFA condition as detailed above. Guidance relating to SuDS and foul drainage have also been provided by Southern Water, as such informatives are recommended to inform the applicant of this information.
- 5.76 I am therefore satisfied that, with the suggested conditions, the development would accord with the requirements of policies CC3 and SQ5 and the NPPF.

Ecology and Biodiversity:

- 5.77 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 5.78 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make

provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

- 5.79 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.
- 5.80 These policies broadly accord with the policies of the NPPF. In particular, paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.81 Section 40 of the [Natural Environment and Rural Communities Act 2006](#) places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity.
- 5.82 The submission is supported by a Preliminary Ecological Appraisal (PEA). This report has been reviewed by KCC Ecological Advice Service, who advise the report contains sufficient ecological information.
- 5.83 The PEA advises that the site offers minimal suitable foraging and commuting habitat, as it comprises hardstanding and buildings, set within a residential location with light disturbance from street lamps. However, higher quality foraging and commuting habitat is present in the form of tree lines along Winterfield Lane, approximately 15m west, linked to arable fields, further tree lines and open green space to the west and south. Therefore, the site itself is considered to have negligible value for foraging and commuting bats, with the habitats within the site's zone of influence considered to provide moderate suitability. The PEA goes on to advise that as artificial lighting can cause disturbance to bat activity, should any external lighting be required, it should incorporate bat sensitive lighting designs to ensure that light levels are not increased above existing levels. The Dusk Emergence Bat survey notes that no bat roosts were identified within the garages, however the survey recommended any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors. Whilst it is acknowledged that street lighting must adhere to KCC requirements for highway lamps, lighting is proposed within the development on the houses, as such a condition requiring the incorporation of sensitive lighting design for biodiversity shall be necessary to mitigate against potential adverse effects on bats (and other nocturnal wildlife).
- 5.84 Policies NE2 and NE3, alongside paragraphs 180 and 186 of the NPPF all support and promote the enhancement of development sites for biodiversity (as outlined above). Provision in the form of wildlife friendly landscaping, habitat features such as

bat boxes and certain bird boxes can contribute to the provision of space for priority species. Therefore, to secure ecological enhancement, a condition is recommended requesting for details of how the development shall enhance biodiversity.

5.85 Overall, considering the results of the Ecological Appraisal and with the series of planning conditions attached, it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including policies NE2-NE4 of the MDE DPD and the NPPF.

Contamination:

5.86 Paragraph 189 of the NPPF states that planning policies and decisions should ensure that:

“a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

5.87 Paragraph 190 makes clear that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”*.

5.88 A Preliminary Geo-Environmental Risk Assessment has been produced to support the planning applications. This study assesses the likely environmental issues associated with soil and groundwater conditions that may affect the proposed development of the plots. It found that widespread contamination has not been identified during the investigation. Based on the low concentrations of contaminants identified and the residential end use of the plots, the risk posed to future occupants on human health is considered to be low to moderate. The report recommended an intrusive investigation, an asbestos survey for existing garages prior to demolition and a post demolition watching brief during the construction works to further assess the areas beneath the existing garages footprint to assess potential contamination risks, which should inform a Remediation and Verification Strategy.

5.89 The Geo-Environmental Assessment presents the findings of the intrusive investigation. Widespread contamination was not identified; however, it was not possible to fully assess the site due to the current garage structures still being in place. Made ground was found in both borehole locations.

- 5.90 An asbestos survey has been provided, however access to the garages was not available, but this sets out appropriate measures to safely demolish the existing garages.
- 5.91 These reports have been agreed by the Council's Environmental Protection officer, who has recommended two conditions. The first condition was queried by the applicant. Environmental Health have advised that although the report does mention it was not possible to assess soils beneath the garages, only a watching brief was recommended. Therefore, as long as this is completed following demolition, with a description included in the remediation strategy proposals, the amended condition proposed by the applicant is considered acceptable, subject to an informative relating to contamination verification works.
- 5.92 Accordingly, a number of conditions have therefore been recommended to be imposed on any permission granted. With these conditions attached, the development would adhere to paragraph 189 and 190 of the NPPF.

Noise:

- 5.93 Paragraph 191 of the NPPF states planning decisions should ensure that new development is appropriate for its location. In doing so they should avoid noise giving rise to significant adverse impacts on health and quality of life. Paragraph 180 e) of the NPPF states planning decisions should contribute to and enhance the local environment by preventing new and existing development from being put at unacceptable risk from noise pollution.
- 5.94 The submission includes a Noise Impact Assessment. This is a revised Noise Impact Assessment to address previous comments by the Environmental Health Officer. The assessment has been undertaken to identify the key noise sources which may have the potential to impact upon the proposed residential development across all four plots. Accordingly, the assessment has used a measured baseline noise data to complete an assessment in line with BS8233 whereby glazing and ventilation has been specified to achieve guideline internal noise levels. For glazing and ventilation design, baseline noise measurements have been used to determine the amount of sound insulation required to meet BS8233:2014 guideline internal noise levels. Noise levels measured during a baseline survey have also been used to consider the noise exposure to future sensitive dwellings using World Health Organization (WHO) Guidelines for Community Noise 1999.
- 5.95 The soundscape around the sites is dominated by traffic on the neighbouring A20, other sources noted as being audible during the baseline survey were road traffic on the distant M20 and on local roads (Dickens Drive, Howard Road and Winterfield Lane) plus noise from distant aircraft. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.
- 5.96 The Baseline Noise Survey was completed on a typical weekday to quantify the existing day and night noise environment that could adversely impact the proposed

development. It found that the measured baseline levels are equal to or lower than would be expected from examination of Defra strategic noise mapping. Therefore, to present a reasonable worst case, Defra strategic noise mapping levels were used where they are higher than measured levels. Noise levels measured on Site exceed WHO guidelines for serious annoyance in some locations.

- 5.97 An indicative façade mitigation strategy has been proposed to achieve guideline internal noise levels as such the façade mitigation strategy has been uprated by +3dB. The Noise Assessment shows that, the predicted level of noise across the sites can be mitigated to have no adverse impact providing good acoustic design is incorporated to the development.
- 5.98 Environmental Health advise that this report has addressed previous concerns raised in the withdrawn submission, and that they are therefore content with the conclusions of the report.
- 5.99 Overall, given the details of the submitted information and the comments from Environmental Protection, the development would accord with paragraphs 180 and 191 of the NPPF.
- 5.100 Environmental Health have advised regarding light, working hours and bonfires. As such, relevant planning informatives shall be attached to make the applicant aware of these issues.

Archaeology:

- 5.101 Paragraph 200 of the NPPF states that “...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
- 5.102 An Archaeological Assessment supports this planning application, which assesses the impact of the proposals on any potential archaeological remains. The Archaeological Assessment brings together the available archaeological, historical, topographical and land-use sources to assess the likely potential and significance of any heritage assets within, or in the vicinity of the Sites.
- 5.103 The site is within an Archaeological Notification Area, lies east of an area of prehistoric and Roman settlement activity and is south of a possible Roman road following the alignment of the A20. The Archaeological Assessment considered that the sites lie in the agricultural field systems associated with the Iron Age and Roman settlement foci identified in the area, although the extent of the occupation is unknown and may include activity within the sites. Likewise in the Saxon and medieval periods the sites would have been in the common fields for strip farming or part of the manor. The sale of the manor in 1555 led to the enclosure of the park and associated landscaping, potentially destroying earlier features or preserving them beneath the newly established meadow. Lying at considerable distance to

Bradbourne House (approx. 800m), this part of the park is unlikely to have been intensively used prior to its sale and the construction of Clare House. Features of the short-lived formal garden may survive towards the southern end of the site as these features were often simply covered with soil rather than removed. Remains associated with prehistoric or later activity may survive on site.

5.104 Therefore, given this archaeological potential KCC Archaeology have recommended a phased programme of archaeological work condition to be attached to the decision notice. This condition is considered justified given the likelihood of archaeological remains being present given the location of the site and that garages will not have been subject to deep excavations. A phased programme of archaeological work will be more a more suitable and robust mechanism to secure any archaeological remains than a watching brief.

5.105 Overall, to adhere to paragraph 200 of the NPPF, it is considered reasonable to attach the programme of archaeological work condition, safeguarding archaeological remains.

Other issues raised by public comments:

5.106 Concerns have been raised regarding impact upon mental health/reduced quality of life. The concerns regarding parking are fully appreciated and addressed above, and the assessments demonstrate the parking proposals are acceptable in planning terms and therefore cannot be resisted. In relation to any other impacts upon mental health/quality of life, it is considered the proposals would not have any other unacceptable impacts.

5.107 Concerns have been raised in relation to loss of a view, issues with flies/worsened by the proposal, reduction in property value and issues within Clarion's maintenance. All of which have no bearing upon the acceptability of the proposal as these are not [material planning considerations](#).

5.108 Concerns have been raised with regards to the overpopulation of a densely populated area, with inadequate services/infrastructure. The density of the proposal has been demonstrated within the submissions to be similar to the existing estate and can be accommodated within the area without detriment to visual amenity (detailed above). In relation to impact upon services, the application does not reach the threshold for developer contributions and as such contributions to services cannot be sought and neither can the three separate applications be treated as one because the sites are not contained within one continuous red line site.

5.109 Concerns have been raised with how the plans do not provide a safe and accessible environment. The plans allow for pedestrian pathways around the development, parking courts and alleyways, all similar to the existing estate. As such, these are considered acceptable in relation to the creation of a safe and accessible environment.

- 5.110 Concerns have been raised in relation to communication and limited timeframes to respond. The applications have been consulted on according to and beyond that required in legislation. As such, sufficient time to provide comment and good publicity regarding the proposals has been provided to residents by the Council.
- 5.111 Comments have stated that affordable rented properties should be provided in new developments. Affordable rented provision is being sought in new developments as well as being within this application.
- 5.112 Concerns have been raised that existing residents should not be disadvantaged as a result of the development proposals. As detailed above, the proposals have been assessed and are considered to not result in an unacceptable impact upon existing residents.
- 5.113 Comments suggesting amended schemes are noted, however as the current applications have been assessed as being acceptable, amendments cannot be sought. Amendments were previously sought, which have provided additional parking spaces across all four developments and to lower the eaves and ridge heights.
- 5.114 Comments state that that proposal is also contrary to policies CP7, CP15 and CP17, which are not detailed specifically above. Policy CP7 is not applicable to the development site, policy CP15 is a time expired policy (only lasted up until 2021) and the development complies with policy CP17 as the development provides 100% affordable dwellings.
- 5.115 Comments state that resident's comments suggestions/ideas appear to have been ignored. As the applications are minor planning applications, there is no requirement for public consultation. Despite this, engagement has been undertaken as detailed within the Planning Statement (chapter 4).

Unilateral Undertaking:

- 5.116 Regulation 122 of the CIL Regulations (2010) sets 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”

- 5.117 Paragraph 57 of the NPPF reflects this statutory requirement.

- 5.118 In order to secure the affordable rented units as such in perpetuity, the applicant has proposed a unilateral undertaking. This has been reviewed by the legal and housing teams and is considered appropriate and an acceptable means to secure the accommodation as affordable rented.

Planning Balance and Conclusions:

- 5.119 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.120 The proposed development would provide four affordable rented properties for occupation by people on the Council's Housing Register, helping contribute towards the recognised need within the Borough. The development would redevelop a series of rundown garages, improving the visual amenity of this section of the East Malling estate. It is acknowledged that the development will have some impact upon parking on the estate for the existing residents and the scale of the proposed terrace is larger than existing dwellings, however on balance the development is not considered unacceptably harmful, especially considering the housing proposed is affordable rented, how the issues identified are not considered unacceptable for the reasons detailed within the report and the demonstrated acceptability of parking provision within the applicant's transport assessment, to warrant a refusal of planning permission.
- 5.121 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 5.122 It is therefore recommended that planning permission be granted subject to the legal agreement (unilateral undertaking) securing the housing to be used as affordable rented only and various planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion.

6. Recommendation:

- 6.1 **Grant Planning Permission** subject to the following:
- 6.2 A unilateral undertaking to secure the affordable rented as such in perpetuity.
- 6.3 The following Planning Conditions:

Conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Wide - Location Plan - Plot 3 5209219-ATK-03-00-DR-AR-021521 P4
- Site Wide - Existing Site Plan - Plot 3 5209219-ATK-03-00-DR-AR-021522 P1
- Site Wide - Demolition Site Plan - Plot 3 5209219-ATK-03-00-DR-AR-021523 P1
- Site Wide - Existing Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022521 P1
- Site Wide - Existing Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022522 P1
- Site Wide - Proposed Site Plan - Plot 3 5209219-ATK-03-00-DR-AR-021524 P7
- General Arrangement - Block Type 2 - Typical Floor Plans 5209219-ATK-03-ZZ-DR-AR-011503 P7
- Site Wide - Proposed Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022523 P7
- Site Wide - Proposed Site Elevations - Plot 3 5209219-ATK-03-XX-DR-AR-022524 P7
- General Arrangement - Unit Type 2 - Typical Floor Plans & Sections 5209219-ATK-ZZ-XX-DR-AR-011512 P4
- Planning Statement (including Affordable Housing Statement and Parking Provision) 5216960-ATK-RP- 001 January 2024
- Design & Access Statement January 2024
- Air Quality Constraints and Opportunities Appraisal Statement 21-2202.02 December 2021
- Noise Impact Assessment 21-2202.03 May 2023
- Preliminary Ecology Appraisal 551918_Plot1_pwApr22FV01_PEA April 2022
- Dusk Emergence Bat Survey RT-MME-159081-01 October 2022
- Preliminary Geo-Environmental Risk Assessment 21-2202.01 December 2021
- Geo-Environmental Assessment 21-2202.01/GEA January 2022
- Drainage Strategy 21-2202.04 February 2022
- Transport Statement including traffic and collision data 5216960-TS02 January 2024
- Archaeological Desk-Based Assessment 2549 January 2022
- Asbestos Demolition Survey J260461 January 2022

Reason: To ensure the development is carried out in accordance with the approval, to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraphs 135 and 140).

- 3 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 4 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 5 The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping and boundary treatment has been submitted to and approved in writing 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: In the interests of visual amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2023 (paragraph 135).

- 6 No development shall take place until arrangements for the management of any and all demolition and construction works (a Demolition and Construction Management Plan) have been submitted to and approved in writing by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
- The days of the week and hours of the day when the demolition and construction works will be limited to and measured to ensure these are adhered to.
 - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to):
 - Routing of demolition, construction and delivery vehicles to/from site

- Parking and turning areas for demolition, construction, delivery and site personnel/contractor's vehicles
 - Timing of deliveries
 - Provision of wheel washing facilities
 - Temporary traffic management/signage
 - How/where materials will be offloaded into the site
 - The management of all other construction related traffic
 - Measures to ensure these are adhered to
- The specific arrangements for any external storage of materials or plant throughout the demolition and construction phase.
 - Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination.
 - The controls on noise and dust arising from the site with reference to current guidance.

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

Reason: In the interests of general amenity and highway safety and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 7 The development hereby permitted shall not be occupied until the area shown on the Proposed Site Plan as vehicle parking and turning spaces have been provided, surfaced and drained. Thereafter they 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 or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: To ensure that adequate parking is provided, maintained and retained, as development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 8 The development hereby permitted shall not be occupied until details of the cycle parking/storage sheds to serve the development have been submitted to and approved by the Local Planning Authority. The cycle parking/storage sheds shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 9 There shall be no discharge of surface water onto the public highway.

Reason: Development of hardstanding without the suitable disposal of surface water is likely to lead to unacceptable surface water run-off onto the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 10 Notwithstanding the electric vehicle charging points shown on the submitted proposed site plans, prior to the first occupation of the development hereby approved, car charging point infrastructure shall be provided at a ratio of 1 point per dwelling and shall thereafter be maintained and retained.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 114-116).

- 11 No development, other than demolition, shall take place until a detailed remediation method statement informed by the approved site investigation report (21-2202-01/GEA), which details how the site will be made suitable for its approved end use through removal or mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. 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.

The development must then be carried out in accordance with the approved remediation scheme.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

- 12 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 2023 (paragraphs 189-191).

- 13 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place 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 be based upon the principles contained within the Drainage Strategy report (23rd February 2023- Report reference 21-2202.04). The submission shall also 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 submission shall specify the responsibilities of each party for the implementation of the SuDS scheme and include a timetable for implementation.

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 and 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, to ensure that the development does not exacerbate the risk of on/off site flooding and in accordance with Managing Development and the

Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraph 173). These details and accompanying calculations are required prior to the commencement of construction 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.

- 14 The development hereby permitted shall not 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 in writing 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 the development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, to ensure that the development as constructed is compliant with and subsequently maintained and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2023 (paragraphs 173 and 175).

- 15 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the development and retained thereafter.

Reason: In the interests of pollution prevention, to ensure that adequate sewage infrastructure is present and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ5.

- 16 The development hereby permitted shall not be occupied until a lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: To ensure the protection of wildlife species and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraph 180) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 17 Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. This shall include retention of durable bat and/or bird boxes suitable for species of conservation concern. The biodiversity enhancement measures shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To ensure the development provides net gains for biodiversity and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3, the National Planning Policy Framework 2023 (paragraphs 180 and 186) and section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 No development, other than the demolition of any buildings or removal of hardstanding, shall take place until the applicant, or their agents or successors in title have secured:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and in accordance with the National Planning Policy Framework 2023 (paragraphs 200, 203, 205, 209 and 211).

- 19 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 windows or similar openings shall be constructed in the dwellings other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and the National Planning Policy Framework 2023 (paragraph 135).

- 6.4 The following informatives:

Informatives:

- 1 In the interests of good neighbourliness, the hours of construction, including deliveries, should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

- 2 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
- 3 To mitigate against potential adverse effects on bats (and other nocturnal wildlife), and in accordance with the National Planning Policy Framework 2023, it is recommended that the Bat Conservation Trust/Institute of Lighting Professionals' 'Guidance Note 8 Bats and Artificial Lighting at Night'¹ is consulted when designing any lighting design to serve the development.
- 4 Contamination verification works shall need to include sampling of the soils beneath the garages once formation levels have been achieved.
- 5 In relation to the sustainable drainage scheme, it is recommended that:
 - Non-return valves are installed within the last chamber prior to connection to prevent against backflows.
 - If existing blocked pipes are to be re-used, these should be cleansed and re-investigated to confirm their suitability for reuse.
- 6 Your attention is drawn to the comments available online by TMBC Waste Services in relation to the design and provision of refuse storage and collection.
- 7 Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC). 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.
- 8 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 KCC whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
- 9 Works on private land may also affect the public highway. These include works to retaining walls which support the highway or land above the highway, and to signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
- 10 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.

- 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 KCC'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
- 12 All Electric Vehicle chargers provided for residential properties should be provided to Mode 3 standard (providing a 7kw output) 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>
- 13 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 14 Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> Reference should also be made to the New Connections Charging Arrangements documents: <https://www.southernwater.co.uk/help-advice/connection-charging-arrangements>
- 15 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available at: <https://www.water.org.uk/sewerage-sector-guidance-approved-documents>
<https://ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

Contact: Andrew Longman