

**Tonbridge**  
Higham

**TM/24/00806/PA**

**Location:** Smith and Sons Builders Yard, 4 Orchard Drive, Tonbridge, TN10 4LU

**Proposal:** Redevelopment of the builders yard and residential garden land associated with no.4 Orchard Drive to provide 3no. residential dwellings, including associated amenity, parking, landscaping, and other associated works.

**Go to:** [Recommendation](#)

---

**1. Description of Proposal:**

- 1.1 This application seeks full planning permission for the redevelopment of the former builders yard together with residential garden land associated with no. 4 Orchard Drive, to provide three detached dwellings, incorporating associated amenity, parking, landscaping, and other associated works.
- 1.2 The proposed dwellings would be accessed via the existing access from Orchard Drive, with car parking in the form of two allocated spaces per dwelling.
- 1.3 Plots 1 and 2 comprises identical (but handed) four bed, two-storey dwellings, plot 3 proposes a one and half storey three bed dwelling.
- 1.4 The design of the dwellings seeks to emulate the materials as used on existing buildings within the immediate area. Plots 1 and 2 feature open gables on the front and rear, whereas plot 3 features open gables to the north flank elevation. The main elevational treatment proposed is primary facing brick on the ground floor with weather boarding above.

**2. Reason for reporting to Committee:**

- 2.1 This application is referred to committee by Councillor Dennis King on the grounds of the impact on the neighbouring properties by reason of the increase in height and change of orientation to plot 3.

**3. The Site:**

- 3.1 The application site is located on the eastern side of Orchard Drive within the urban area of Tonbridge. The site is approximately 0.20 hectares in size comprising part builders yard associated with S. Smith & Sons (Builders) Ltd, alongside a portion of the garden area associated with no.4 Orchard Drive.
- 3.2 As noted above the site is access via an existing access from Orchard Drive.

3.3 The site falls within flood zone 1 with the site falling within an Area of Archaeological potential.

4. **Planning History (relevant only):**

21/01938/OA - Approved - 09 December 2021 (extant - Plot 3

Outline Application: demolition of an outdoor swimming pool and the erection of a three bedroom single storey detached bungalow with two car parking spaces

21/00937/OA - Approved - 25 May 2021 (expired – Plots 1 and 2)

Outline Application: Erection of 2no detached 4 bedroom dwellings with associated access, parking and soft landscaping

14/00340/OA - Approved - 25 March 2014

Outline Application: 2 No. detached 4 bedroom dwellings with associated access, parking and soft landscaping

10/01873/OA - Approved - 22 October 2010

Outline Application: Two detached residential units with parking facilities

52/10071/OLD - Grant With Conditions - 01 April 1952

Builders yard.

5. **Consultees:**

5.1 TMBC Environmental Health Protection:

Environmental Protection

5.2 Due to the proximity of significant numbers of other houses to this proposal a condition is recommended in relation to the submission of a construction management plan.

*Prior to commencement of development, arrangements for the environmental management control of all demolition and construction works shall be submitted to and approved by the Local Planning Authority.*

*Reason: In the interests of general amenity and highway safety.*

Contaminated Land

5.3 The site has a long history of use as a builder's yard which may have led to contamination of the underlying soils. It is therefore recommended that three conditions are imposed to ensure the site does not pose a risk to future residential.

1. Standard Contamination 1 (no phasing) (Site Characterisation)

*No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:*

*(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;*

*(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.*

*If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.*

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

**2. Standard Contamination 2 (no phasing) (Submission of Remediation Scheme & Implementation):**

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

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

*The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a*

*timetable of works to be undertaken to make the site suitable for its approved end use.*

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

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

3. Standard Contamination 3 (no phasing) (Verification):

*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).*

Kent County Council Ecology

- 5.4 Initial comments received (22 July 2024) - We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application.
- 5.5 Protected Species - This includes further clarification on the likelihood of reptiles being present within the site. Reptiles can be found within gardens and a review of satellite photos suggests that there has been some suitable habitat within the site for at least 10 years. Therefore, it is possible that a reptile population could be present within the site.
- 5.6 A precautionary mitigation approach has been proposed but it is our view that a precautionary mitigation approach is only acceptable when there is suitable habitat to

move the reptile population in to. As all the land within the applicant's ownership is being developed, we advise that clarification is sought on where reptiles, if present, will be pushed to.

- 5.7 Biodiversity Net gain - This application was received in May 2024. Under the Environment Act 2021, all planning applications for development (unless exempt<sup>1,2</sup>) submitted on or after 2nd April in England, will have to deliver at least a 10% biodiversity net gain. A BNG report and a PDF version of the metric has been submitted and a plan of the habitats within the site has been included within the Preliminary Ecological Appraisal. We advise that the submitted information is not sufficient to enable TMBC to consider mandatory BNG. We advise that a copy of the metric in excel format must be provided.
- 5.8 Revised Comments (05 August 2024) - We have reviewed the ecological information submitted in support of this application and advise that sufficient information has been provided to determine the planning application.
- 5.9 Protected Species - When we previously commented we required further clarification on the likelihood of reptiles being present within the site and the stability of the proposed precautionary mitigation approach. The applicant provided some additional information. We recommend that a precautionary mitigation strategy for reptiles and breeding birds is submitted as a condition of planning permission. We recommend the following wording:

*Prior to any vegetation clearance a precautionary mitigation approach must be submitted to the LPA for written approval. It must include the following:*

- *Ecological survey of the site (if existing survey over two years old)*
- *Overview of the mitigation strategy*
- *Detailed methodology*
- *Plans showing where works will be implemented.*
- *Timings of the works*
- *Details of who will carry out the works.*

*The plan must be implemented as approved.*

- 5.10 Lighting - Lighting can have a negative impact on bats (and other nocturnal species) and therefore, any lighting must be designed to minimise light spill. We recommend that if planning permission is granted the lighting condition has the following requirements:
- Be designed following best practice guidance within Bat Conservation rust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial
  - Lighting at Night'1 Downward facing and on motion sensors
  - Plan showing location and types of lighting.

- 5.11 Biodiversity Net Gain - The submitted metric has detailed that a BNG for habitats of 38% is anticipated. However, to achieve this it is proposed to create moderate condition other neutral grassland and as a habitat plan of the proposed development has not been submitted it is difficult to understand where the habitat will be created.
- 5.12 In July 2024 the statutory metric guidance was updated to address what information should be included within the metric for private gardens. If the other neutral grassland is located within the gardens and not within a communal area with a management plan, we advise that the information within the metric is incorrect. As the updated guidance has detailed that all gardens must be recorded as vegetated or unvegetated gardens.
- 5.13 From reviewing the proposed site plan it's our understanding that all the grassland is within private gardens and therefore it is unlikely that 10% BNG can be achieved within the site. However, when determining the planning application details of the proposed, habitats do not need to be provided and instead can be provided within the Biodiversity Gain Plan. As such we are satisfied that information addressing this error does not need to be submitted prior to determination.
- 5.14 If planning permission is granted, LPA are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice. The applicant should submit a biodiversity gain plan along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.
- 5.15 Ecological Enhancement Features - Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system.
- 5.16 We advise that if planning permission is granted an enhancement plan is submitted as a condition of planning permission. We suggest the following wording:

*Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.*

#### Private Representations

- 5.17 There were five representations in total two were not against the redevelopment of the site per se, but raised observation and concerns, which are incorporated into the summary as follow:

- The existing private road structure is currently shared under a covenant for repair amongst the existing residents. If the developer is now adding parking for additional cars, the developer will need to maintain the private road during construction, and the covenant will need to be expanded to include the 3 new properties.
- The access from Orchard Drive would need to be widened due to the increased level of traffic.
- Existing services to the plots are near or at capacity.
- All services will need to be improved to sustain 3 additional properties, and ensure that they are not linked to any existing property.
- The entry road for plot 3 runs alongside the property line of 4 Orchard Drive, which is elevated from the existing builders yard. This will need to be re-enforced to ensure there is no risk of subsidence to 4 Orchard Drive.
- Plot 3 was originally planned to be a single storey building, and is still described as such, but is clearly not. With its height and the windows to the new upstairs 'mezzanine' it will obstruct light from existing structures and affect people's privacy.
- The height of the roof of the proposed property on Plot 3 would be 6.8m to the ridge. The roof is much too high for where the proposed property is positioned.
- Now that the proposed property has been rotated, it will be too close to my boundary fence and that of my neighbour, the length running parallel to the fences.
- Plot 3 is also wider and longer than the original outline application. The proposed property and my house will be back to back, with a distance of only 8.859m between them, corner to corner. This is far too close.
- Having a building this long, so high, and so very close to my boundary will severely and permanently affect my sunlight and light in habitable rooms.
- There has been a complete disregard to the light of the properties on the boundary of Plot 3, when emphasis has been given to the light and sunlight in the new properties
- The tree fence that provides privacy to our garden should not be cut down.

## 6. **Determining Issues:**

### Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010. The National Planning Policy Framework (“NPPF”) and the associated National Planning Practice Guidance (“NPPG”) and National Design Guide are important material considerations

Principle of Development

6.3 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). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2023) must be applied. 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.

6.4 It has been established that, in the absence of a 5-year housing land supply, the Development Plan is out of date when considering housing developments. For the avoidance of doubt, the Council’s latest position statement (December 2023) indicates 4.36-years supply.

6.5 With regard to the application of the presumption in favour of sustainable development, regard must first be had as to whether any restrictive policies within the Framework as stated under paragraph 11 d (i), (footnote 7), provide a clear reason to refuse the proposed development. In this case the site falls within the urban area of Tonbridge, and there are no restrictive policies within the Framework (under footnote 7) that would provide a clear reason to refuse the development. Therefore, in this case paragraph 11 d (ii) is engaged.

6.6 Policy CP11 of the Tonbridge and Malling Borough Core Strategy (TMBCS) sets out that in accordance with the principles of sustainability, as set out in policies CP1 and CP2, development should be concentrated at the urban areas where there is the



greatest potential for re-use of previously developed land and other land damaged by former uses. Development at the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport". The policy is considered up-to-date, and the proposed development accords with these aims and the requirements of this policy. Thus, there is no objection in principle to the development.

#### Other material considerations in regard to the principle of development

- 6.7 In addition, the principle of residential development on this site has already been established with the grant of TM/21/01938/OA, TM/21/00937/OA, and TM/14/00340/OA (see history section for details). Of these applications, TM/21/01938/OA is an extant permission for which Reserved Matters need to be submitted by 8 December 2024, for the erection of one single storey detached bungalow (Plot 3), as such weight will be afforded to this in the planning balance. This outline permission has been granted subject to the requirement to obtain further approval in respect of the appearance, means of access, landscaping, layout and scale of the approved development.
- 6.8 In regard to TM/21/01938/OA, (Plots 1 and 2) this application expired on 24 May 2024. This permission again was granted with all matters reserved. However, weight will still be afforded to this decision in the planning balance as there has been no change in site circumstances or national and local plan policies since the decision was made.

#### Provision of Housing

- 6.9 Paragraph 60 of the NPPF sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.10 Paragraph 70 of the NPPF acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. It adds that LPAs should support the development of windfall sites through policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. To make effective use of land, Paragraph 124 of the NPPF requires planning decision to 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
- 6.11 With regard to the above, it is acknowledged that the provision of three dwellings would be considered a small site which, together with other windfall sites in the Borough, would make an important contribution to housing supply. As already mentioned above, it is a material consideration in this case that two outline

permissions have been granted for two two-storey detached dwellings and one single storey detached bungalow respectively, which are comparable to the current residential scheme in quantum. This in itself is a matter to be attributed significant weight.

- 6.12 The provision of new dwellings given the shortage of house building in the Borough is a matter that attracts significant positive weight in the overall planning balance, but this weight is scaled to the fact that only three dwellings are proposed in the context of the overall housing need in the Borough.
- 6.13 Concluding on the principle of development, the site is in a sustainable location broadly accords with the spatial strategy set out in the TMBCS, which seeks to encourage development to concentrate within the confines of the urban area of Tonbridge amongst other large settlements. The principle of developing the site for three houses has been established by virtue of the grant of two outline planning permissions in 2021. Further, the proposal, if permitted, would contribute positively towards the supply of homes while making effective use of land in accordance with Chapter 11 of the NPPF. As such, there is no objection to the principle of development.

#### Assessment on Character and Appearance

- 6.14 Paragraph 135 of the NPPF sets out that planning policies and decisions should ensure that developments:
- 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;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - 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;
  - 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
  - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.15 Development of poor design that fails to reflect local design policies and government guidance on design should be refused as set out in paragraph 139 of the NPPF.

6.16 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.

6.17 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments.

6.18 Whilst the principle of development has already been established on this site, (TM/21/01938/OA & TM/21/00937/OA) both previous applications were in outline form with all matters Reserved. Indicative layout plans together with Design and Access Statements were submitted with both applications in order to demonstrate what was envisaged for the site. These documents are listed as approved documents in the decision notices.

6.19 In regard to plots 1 and 2, the general layout, size, design, and scale of these two dwellings are considered to be similar to that which was approved at outline stage as demonstrated by figures 1 & 2 below:

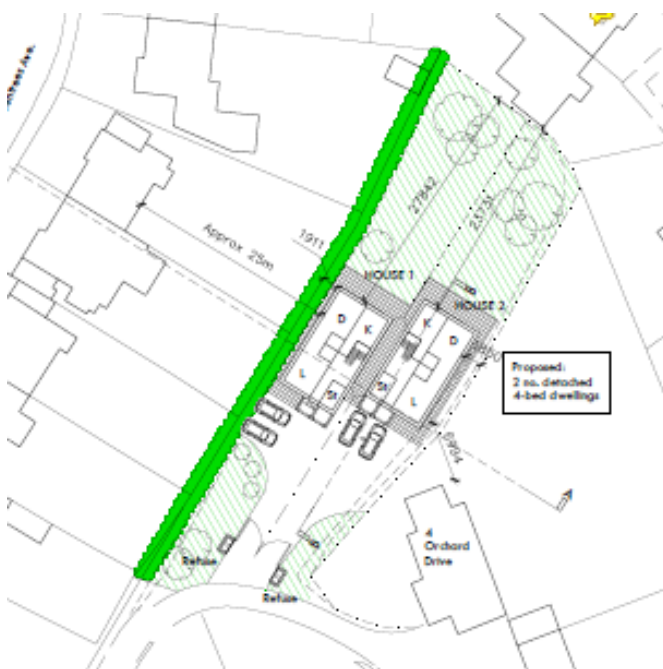


Figure 1: Approved scheme plots 1 and 2.



Figure 2: Proposed scheme plots 1 and 2.

6.20 The scale envisaged for plots 1 and 2 at the outline stage comprised 2 storey with a pitched roof over, with an overall height of 7m above the external ground level plateau. The pair of dwellings are located side by side, with a 1.8m approx. gap between, and would sit centrally within the site area. The principal, habitable rooms

proposed to face north / south and would not directly overlook the land to the east and west.

6.21 The proposed scheme would see an increase in overall height to approx. 7.5m above the external ground level plateau and a slight change to the layout of plot 2 which would be set back further within its plot. However, it is not considered that these changes are so significant as to warrant coming to a different conclusion.

6.22 In regard to plot 3, whilst the footprint remains the same as the extant permission, the orientation of plot 3 has changed. The dwelling is now orientated with the longer elevation marking the north-eastern boundary. This results in an increase in built form marking the north-eastern boundary from that which was approved/envisaged. (See figures 3 and 4 below).



Figure 3: Approved scheme Plot 3



Figure 4: Proposed scheme Plot 3

6.23 However, whilst the length of the built form along that boundary has increased, the distance to the north-eastern boundary is identical to that which has been approved and is currently extant, this being 8.8m, from the north east face to 23 Croft Close and 10.8 metres to 21 Croft Close. Moreover, the roof form, being pitched would slope away from the north-eastern boundary, whereas the approved plans for the outline scheme indicated a gable end adjacent to that boundary.

6.24 It is acknowledged that 'Scale' was a Reserved Matter at the time of the grant of the outline scheme and therefore plans submitted with the approved outline scheme were for illustrative purposes only. However, these plans still provided an indicative

scale which was considered as part of the outline application. The delegated report specifically notes:

*“The details of building design, scale, siting and materials are noted in the submitted Design and Access Statement. However, these are taken as indicative, given this is an outline only application. In any case, the indicative details show a proposed bungalow (which due to it’s single storey nature) would be unlikely to adversely impact the neighbouring dwellings in terms of privacy, given the existing land levels and location of proposed windows. Whilst the total height of the proposed building is noted, it is considered given the proximity and relationship between the proposal and existing dwellings to the north east (in relation to the direction of where the sun rises and moves throughout the day), there would not be an unacceptable loss of light or be overbearing to such an extent that could justify a refusal in this case*

- 6.25 The indicative plans for plot 3 envisaged a single storey detached dwelling with roof height of around 5.2m.
- 6.26 The proposed building for plot 3 would measures around 3.3m to the eaves, and around 6.2 metres to the pitch, which is acknowledged to result in an increase in 1 metre compared with the approved outline scheme (albeit it is acknowledged that scale was reserved).
- 6.27 However, to offset some of the increase the proposed building would be set into the ground by 500mm lower than the approved scheme, taking advantage of the topography of the site, therefore this represents an increase of 0.5m above the indicative height of the approved single storey detached bungalow, the permission of which remains extant.
- 6.28 The proposed layout, whilst different from the indicative layout submitted in 2021, would integrate well with the established urban grain, characterised by houses in a mix of linear, horseshoe, and tandem patterns. Further, there are various house types in this neighbourhood comprising single storey bungalow, chalet style bungalow, two storey detached and semi-detached houses. As such, the proposed house types, building height and quantum of development would all be appropriate from a visual amenity perspective.
- 6.29 Third party representation have commented, that Plot 3 was originally planned to be a single storey building, but this is now not the case with plot 3 now proposing windows at first floor level. It is noted that plot 3 would incorporate a mezzanine level, served by two roof lights to the western elevation and one window in the southern gable end elevation. However, it is not considered that these changes to the overall design of the dwelling are significant or would result in a dwelling that is out of character with the immediate area.
- 6.30 The design and suggested materials again whilst indicative at the outline stage were considered acceptable in principle, subject to conditions for the submission and approval of details and samples of external materials and finished floor levels and

this remains the case. The delegated report for the outline application for plot 3 noted *“The proposed contemporary design and use of materials would be acceptable in context with the wider site and surroundings, with the layout within the plot (and scale of the bungalow) acceptable in context with the adjacent buildings and proposal at the adjacent development site (ref: 21/00937/OA)”*

6.31 Whilst the threshold for high-quality design has increased in recent years, the proposal would still comply with the intentions of the NPPF and good design generally and would be acceptable in context with the wider site and surroundings.

6.32 It is not considered that the proposal would be harmful in design terms, nor would it harm the character and appearance of the site, street scene or local area. As such, the application accords with Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and complies with the NPPF in this regard. This absence of harm attracts neutral weight in the overall planning balance.

#### Assessment on Neighbour Amenity

6.33 Paragraph 135 (f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy CP1 of the Core Strategy also requires proposals to have regard to impacts on residential amenity.

6.34 As set out above, some concerns have been raised with regard to the change to the orientation of Plot 3, due to its proximity to the boundary coupled with its increase in height and the subsequent impact that this would have on the neighbouring properties with regard to loss of light and overbearing.

6.35 It has already been acknowledged that that due to the change in orientation, the built form along the north-eastern boundary would increase. However, in relation to those properties within Croft Close, specifically 21 and 23 Croft Close, Plot 3 would be no closer to the north-eastern boundary than that previously approved but would simply be positioned in a different way. The distances between the dwelling in Plot 3 and those at nos. 21 and 22 Croft Close remain identical to the approved scheme.

6.36 In regard to height, all proposed dwellings would see an increase in height from that which was envisaged on the outline applications. In regard to plot 3, the dwelling would be 3.3 metres to the eaves, which as noted above sees an increase in 1 metre from the approved extant scheme (previously 2.3 to eaves). However, it is proposed to offset some of the increase in eaves height by utilising the topography of the land as such the eaves will be 2.8 metres from ground level, resulting in an overall increase in height of 0.5 metres.

6.37 This modest increase coupled with the orientation of the roof pitch, which would now slope away from those properties within Croft Close as opposed to being envisaged as a gable end, would on balance not result in any significant harm to the

neighbouring properties in respect of overshadowing when compared to the extant permission. To ensure the mitigating effect associated with the site topography is achieved, if planning permission is forthcoming, a condition could be imposed to require the submission of levelling details (in AOD) of all new dwellings relative to the existing ones on Croft Close before any above ground works commence.

6.38 The application site is in an urban setting, where existing houses cluster closely together with one another. The site layout is also to a degree dictated by the size and shape of the plot as well as the siting of dwellings adjacent. Being an infill development surrounded by existing houses means there is likely to be an impact on outlook by reason of the presence of new buildings. The houses on both sides of Croft Close all appear to have a notably shallower rear garden than those immediately adjacent. This result in a rather close spatial relationship between these houses and those nearby such as that between nos.2 and 2A Croft Close, being roughly 6.6m apart from each other. Considering the proposal in this local context, officers are satisfied whilst noting the close relationship between plot 3 and nos.21 and 23 Croft Close that it could be on balance acceptable in terms of its impact on outlook of the neighbours concerned.

6.39 There are two windows proposed at ground floor level in the north-eastern flank elevation of plot 3, which will serve a bedroom and hallway. This relationship is no different from that which was envisaged for the outline scheme which proposed patio doors and two further windows in the same elevation at ground floor level, as such it would be unreasonable to raise any objection to this element. A condition would be imposed however, for no further windows to be installed within the roof slopes.

6.40 There are no windows proposed in the north-western elevation of plot 1 and a condition would be imposed to restrict any further windows in this elevation. There is approx. 22 and 24 metres between Plots 1 and 2 from the rear elevation of the nearest residential dwellings. As such, it is not considered that the proposal would result in any such significant harm to the neighbouring properties or that the application could reasonably be refused in relation to neighbour impacts. This absence of harm attracts neutral weight in the overall planning balance.

6.41 No details have been provided in relation to boundary treatments, therefore a condition would be imposed for these to be submitted to and approved by the LPA, this will ensure that the amenities of the neighbouring properties are considered.

#### Living conditions

6.42 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. The proposed internal habitable accommodation would be suitable for family sized dwellings, and the external amenity space would be suitable.

6.43 The application indicates two x four bed (eight person) dwellings and one x three bed (six person) dwelling.

- 6.44 The two four bed dwellings would measure 159.3 m<sup>2</sup> GIA which is considerable larger than the 124 m<sup>2</sup> recommended in the Technical guide – Nationally described space standards (NDSS). The three-bed dwelling would comprise a GIA of 125 m<sup>2</sup> which again is greater than the 102 m<sup>2</sup> recommended under the NDDS. All habitable rooms would be served with adequate natural light.
- 6.45 With respect to outdoor amenity space, the dwellings would include reasonable sized gardens which would be acceptable for family sized accommodation. The orientation of plot 3 allows for the reconfiguration of the parking area which improves the accessibility of the outdoor amenity space for plot 3.

#### Highways and Parking

- 6.46 Paragraph 114 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 6.47 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 6.48 Third party representations have raised comments on the requirement for the access from Orchard Drive to be widened due to the increase in traffic. Comments have also been raised in regard to a covenant on the access. In relation to the covenant this would be private matter.
- 6.49 Turing back to the access itself, no objection was raised on either of the 2021 schemes in terms of the access. Whilst not for consideration and Reserved, it was noted “*The proposed dwelling would share an access road from the adjacent site referred to in application (ref: 21/00937/OA). This is considered acceptable, and the addition of one dwelling is not considered to result in an unacceptable or severe adverse impact on highway safety that would be enough to justify a refusal simply on these grounds*”. Therefore, it is considered that a reason for refusal on this element could not be substantiated. The increase in traffic created by the three dwellings, compared with the vehicular movements associated with the builders yard, would not give rise to greater impact upon neighbouring amenity or prejudice highway safety.
- 6.50 In terms of parking, the proposal would provide a total of 6 space, 2 for each dwelling. Kent Design Guide Review: Interim Guidance Note 3 Residential Parking states that for suburban areas, 3 bed dwellings require 1.5 spaces and 4 bed dwellings, required 2 spaces (excluding visitor parking). Therefore, the parking provision would be in line with the interim guidance.



6.51 The proposal would not pose an unacceptable risk to highway safety and would not meet the high threshold set out in the NPPF for refusing an application on highway grounds.

Ecology and Biodiversity

6.52 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 of the MDE DPD also states 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 an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

6.53 Paragraph 180 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 186 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.54 In regard to ecology, the application is accompanied by a Preliminary Ecological Appraisal (PEA) (dated April 2024). The report confirms that no further surveys are required. A full suite of mitigation measures and enhancements are recommended as part of the PEA which would be secured via a condition.

6.55 In regard to biodiversity, as Members are aware, it is now a national requirement for small scale developments to provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity matrix confirming the existing condition of the land and what enhancements are intended to ensure there is an overall improvement of at least 10% across the site.

6.56 The application is accompanied by a Biodiversity Survey and Report, Biodiversity Statement and the required Biodiversity Net Gain (small sites Metric) calculation tool, which assesses the area's baseline value to biodiversity and compares this then to the post-development value of the same site.

6.57 The existing site's calculation results show that the habitat units on site have a BNG value of 0.25 and a total linear based habitats unit of 0.52. Wherein post-development the site is anticipated to generate approximately 0.3709 area-based habitat units and approximately 0.7208 linear-based habitat units through habitat retention (with respect to the treeline) and creation measures.

- 6.58 This represents a total net-gain of 0.1209 area-based habitat units and 0.2008 linear-based habitat units which equate to a net % change of +48.37% in area-based habitat units and +38.62% in linear based habitat units respectively.
- 6.59 In July 2024 the statutory metric guidance was updated to address what information should be included within the metric for private gardens. If the 'other neutral grassland' is located within the gardens and not within a communal area with a management plan, KCC ecology advise that the information within the metric is incorrect, as the updated guidance has detailed that all gardens must be recorded as vegetated or unvegetated gardens.
- 6.60 Kent County Council Ecology consultant notes that to achieve the 10%, it is proposed to create neutral grassland, however as a habitat plan of the proposed development has not been submitted at this stage it is difficult to understand where the habitat will be created.
- 6.61 From reviewing the proposed site plan, it is understood that all the grassland is within private gardens and therefore if this will be the case then it is unlikely that 10% BNG can be achieved within the site. However, for the purposes of determining the planning application, details of the proposed habitats do not need to be provided up front and are required to be provided within the Biodiversity Gain Plan (this is a legal requirement if the LPA grants planning permission where BNG is applicable on a site) as such KCC Ecology are satisfied that information addressing this does not need to be submitted prior to determination.
- 6.62 Biodiversity Gain Plans are not required to be submitted with the application and are required to be produced under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) therefore an informative will be imposed to bring to the attention of the applicant that a biodiversity gain plan along with supporting information (e.g., legal agreement and habitat management and monitoring plan) is required to be submitted once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.
- 6.63 Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. KCC Ecology advise that if planning permission is granted an enhancement plan is submitted as a condition of planning permission is required.
- 6.64 As such, it is considered that the development proposal subject to conditions accords with Local Policies, NE2, NE3 and the NPPF.

### Trees

- 6.65 Policy NE4 of the Managing Development and the Environment DPD states, amongst other things, 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 as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.

6.66 Paragraph 136 of the NPPF (2023) recognises the importance of trees and states:

*“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”*

6.67 The layout changes to Plot 2 and Plot 3 would not result in the built development being any closer to the trees/root protection areas within the site or location to the sites boundaries, when compared to the previous application and the extant permission. Therefore, it is not considered that these changes are so significant as to warrant coming to a different conclusion. No objection is raised in relation to trees subject to conditions.

#### Climate Change

6.68 Paragraph 158 of the NPPF requires Development Plans to take a proactive approach to mitigating and adapting to climate change. It encourages new development to avoid increase vulnerability to the range of impacts associated with climate change. Where there are proposals in vulnerable areas care is to be taken to mitigate and consider green infrastructure. In addition, proposals should help to reduce greenhouse gas emissions and increase the use of renewable and low carbon energy.

6.69 The Government has adopted the Future Homes and Building Standards in line with its commitment to achieve net zero emissions by 2050. This seeks to reduce CO2 emissions from new homes by 75-80% from 2021 standards, and new homes will need to be “zero carbon ready”, meaning that no further retrofit work will be necessary to enable them to become zero-carbon homes. The first stage of this transition towards the decarbonisation of buildings came into force on 15 June 2022 via a suite of revised Building Regulations, which require that CO2 emissions from new build homes must be 30% lower than under previous standards. The Building Regulations relevant sections are:

Part L (Conservation of Fuel and Power) Volume 1 Dwellings;

Part F Ventilation;

Part O Overheating;

Part S Electric Charging points.

- 6.70 The efficiency levels now required encourage the installation of zero-carbon technology through Building Regulations. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.
- 6.71 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electric vehicle charging points equal to the number of new dwellings and that cable routes/infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.

Land Contamination

- 6.72 The Council's Environmental Health Protection Officer notes that the site has a long history of use as a builder's yard, which may have led to contamination of the underlying soils. It is therefore recommended that three conditions are imposed to ensure the site does not pose a risk to future residential.
- 6.73 Subject to conditions the proposal is therefore in accordance with Core Strategy Policy CP1 and the NPPF.

Archaeology

- 6.74 The site lies within an area of potential associated with activity from the prehistoric period onwards. No site investigate has been submitted as such the proposal would be subject to a watching brief condition.

Flood Risk and Drainage

- 6.75 Development can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, Core Policy CP10 provides the framework for guiding development away from areas at high risk from flooding. Policy CC3 of MDE DPD relates sustainable drainage. This notes, "Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development".
- 6.76 The application forms indicate the provision of a soakaway which is potentially an acceptable drainage option. No information has been provided regarding foul sewage management. A drainage strategy covering both surface water and foul sewage therefor will be required and can be secured by way of a planning condition.

Other Matters

6.77 As previously noted, the development seeks the redevelopment of a builders yard, which would be lost as part of the proposed redevelopment, which would ordinarily be subject to assessment under Policy CP21. However, as noted above the principle for the redevelopment of this site has already been established. Moreover, no objection was raised to the loss of the builders yard as such it would be unreasonable to come to a difference conclusion.

6.78 Planning Balance

6.79 The LPA acknowledges that it cannot currently demonstrate a 5-year housing land supply. Furthermore, the policies in the emerging Local Plan cannot currently be attributed weight, given the early stage of the Plan. Paragraph 11 of the NPPF states that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted 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.

6.80 As set out above in this report, the proposal would not result in harm to any protected areas or assets and there is no clear reason to refuse the application in accordance with Paragraph 11 (d) (i) above.

6.81 In weighing the proposal in the overall planning balance, required by Paragraph 11 (d) (ii), the LPA recognises that there is a housing need and as such significant positive weight should be attributed to housing schemes. This weight is scaled to the fact that only three dwellings are proposed in the context of the Borough's overall housing need.

6.82 It is acknowledged that there would be some modest additional benefits to the economy through the construction of the development itself and the subsequent occupation of the dwelling, whose occupants would contribute to the local economy through using local services and facilities. Some of these benefits are temporary and only during the construction works themselves.

6.83 Officers consider it appropriate to attribute significant weight to the fact that planning permission has been granted at the site for a similar scheme previously. This must be considered in reaching a decision on this application otherwise the LPA would be at risk of challenge for unreasonable behaviour.

6.84 It is recognised that there would be no unacceptable impact on character and appearance, neighbouring properties, ecology, highway safety or parking provision

and the proposal would be acceptable in terms of design and living conditions. However, absence of harm in relation to these matters is not a benefit of the scheme, but rather, weighs neutrally in the planning balance.

6.85 Therefore, having regard to the above, in applying paragraph 11 of the NPPF, it is considered that the impact arising from the proposals would not significantly and demonstrably outweigh the potential benefits of the scheme and any adverse impact could be satisfactorily mitigated with appropriately worded planning conditions. Consequently, the application is recommended for approval.

## 7. **Recommendation:**

7.1 APPROVE subject to the following:

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 91a f 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:

- Design and Access Statement by Paper Architecture V1 received 21 May 2024
- Planning Statement by DHA - Ref: DHA/32925 Dated May 2024
- Approved site layout - Drawing No E100 - 00
- Site Location Plan – Drawing No E001 - 00
- Proposed Site Layout – Drawing No. P100 – 01
- Proposed GA Plans – Drawing No P100-01
- Proposed Elevations Plot 1 and 2 – Drawing No. P450 – 01
- Proposed Elevations Plot 3 – Drawing No. P451 – 00
- Preliminary Ecological Appraisal by PJC – Doc Ref: 5721E/24/01 Dated 17 April 2024.
- Biodiversity Net Gain Feasibility Assessment by PJC – Doc Ref 5722E/24/01 Dated 17 March 2024.

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

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 by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

4. Prior to commencement of development, arrangements for the environmental management control of all demolition and construction works shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of general amenity and highway safety.

5. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
  - (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
  - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

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

6. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:
  - a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site

management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

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

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

7. 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).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development falling within Class(es) A, B, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development on the site and to avoid harm to visual and residential amenity that could otherwise occur without such restrictions.



- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order), no further windows or similar openings shall be constructed within the roof slope of plot 3 or within the north eastern flank elevation of plot 1 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

10. No external lighting shall be installed in connection with the development hereby approved until an external lighting scheme informed by or containing the details identified below have been submitted to and approved by the Local Planning Authority.
- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
  - Downward facing and on motion sensors
  - Plan showing location and types of lighting.

The external lighting scheme shall be implemented in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual amenity and to ensure the protection of wildlife species.

11. Prior to the occupation of the dwellings hereby approved a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority and thereafter maintained in accordance with the approved details.

Reason: In the interests of protecting and enhancing the visual amenity of the area.

12. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul and surface water runoff resulting from this development proposal are to be managed in accordance with the hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions

13. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread.
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level

Reason: In the interests of visual amenity

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority. The works undertaken thereafter shall be in strict accordance with the details approved.

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

15. Prior to any vegetation clearance a precautionary mitigation approach must be submitted to the LPA for written approval. It must include the following:

- Ecological survey of the site (if existing survey over two years old)
- Overview of the mitigation strategy
- Detailed methodology
- Plans showing where works will be implemented.
- Timings of the works
- Details of who will carry out the works.

The plan must be implemented as approved.

Reason: To ensure the protection of wildlife species

16. Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted

boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Reason To ensure the protection of wildlife species

17. The dwellings shall not be occupied, until the areas shown on the submitted layout as vehicle parking spaces has been provided, surfaced and drained. Thereafter it 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 the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

Informatives.

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan ([www.gov.uk](http://www.gov.uk))

- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 3 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building,

Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 4 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
5. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
6. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site

Contact: Susan Field