

Location: Gibson Building Gibson Drive Kings Hill West Malling ME19 4LZ

Proposal: Refurbishment of Gibson East office building, comprising the removal of a corridor link to the grade II listed Gibson West building (and remedial works to the listed facade) minor changes to the external envelope of Gibson East (new external doors / windows and the addition of PV cells to the pitched roof), modifications to site parking and internal circulation, addition of a plant enclosure, single-storey external store, refuse store and cycle shelter

Go to: [Recommendation](#)

1. Description of Proposal:

1.1 The application seeks full planning permission for the following works:

- Removal of the existing single storey corridor link between Gibson East and Gibson West.
- Reinstatement of the façade of Gibson West to its original condition at the junction with the removed corridor link.
- Addition of a brick-clad plant enclosure adjacent to the central stair of Gibson East.
- Construction of a brick clad single-storey external store at the south end of the Gibson East site, with an external vehicle compound, parking and EV charging points for council vehicles.
- Provision of a new timber clad, covered refuse store.
- Addition of a cycle shelter in the same location as the existing (uncovered) hoops.
- Reconfiguration of the existing vehicle circulation route and parking to allow Gibson East to operate as a site independently of Gibson West.
- Addition of new external doors to the west and south elevations of Gibson East along with the adjacent strip windows (to match existing).
- External ramps providing level thresholds to new and existing external doors of Gibson East (primarily final exits for emergency escape).
- Addition of rooftop photovoltaic cells to the south and east facing pitches of the existing Gibson East roof.
- Modifications to internals, renewal of finishes and upgrading/replacement of services within Gibson East.

1.2 A listed building application has also been submitted under 24/01268 for some of the above works which require listed building consent.

2. Reason for reporting to Committee:

- 2.1 Paragraph E8.7, Part 5 (Codes) of the Tonbridge and Malling Borough Council Constitution sets out that:

'Proposals for development submitted by the Council must be treated no differently to any other application.'

To ensure that planning applications submitted by the Council are determined openly and transparently all applications for planning permission submitted by the Council will be determined by Full Council.'

- 2.2 As the application has been submitted by the Council's Property Service Team the application is required to be determined by Full Council in line with the adopted constitution.

3. The Site:

- 3.1 The application site is located in Kings Hill, to the south of Gibson Drive and east of Malling Road and host the Council offices. The site comprises the Gibson Building made up of Gibson East and Gibson West, which are adjoined via a single storey link.
- 3.2 The Gibson Building (Gibson West) was first listed as Grade II in 1999 and the Historic England list description describes the building as an:

'Officers' mess, now council offices. 1939, based on a type design by A Bulloch, architectural advisor to the Air Ministry's Directorate of Works and Buildings. Stretcher-bond brick to cavity walling with hipped plain tile roofs and brick stacks.

PLAN: central entrance/recreation block with services and dining room to rear, flanking accommodation wings attached at right angles and extending to rear.

EXTERIOR: Neo-Georgian style. The front elevation has 3-window fronts of 2-storey accommodation blocks flanking the single-storey central block of 5:3:5 bays, the 5-bay central porch broken forward and with semi-circular arched entries with similar arches over half-glazed inner doors with fanlights; tall 12/16-pane sashes to flanking recreation rooms, their juncture with the hall marked by tall stacks. The 3-window fronts to the accommodation wings, which have 6/6-pane sashes and 13-window outer elevations, each have a central stack with swept flanks set above a similar arched door with tile imposts.

INTERIOR: central block retains original plasterwork, including moulded cornicing, and joinery, including half-glazed doors, to hall and flanking recreation rooms; latter

have bolection-moulded surrounds to chimneypieces. Dining room to rear has cornicing to ceiling, which is subdivided into panels. HISTORY: West Malling constitutes one of the stations built for Fighter Command and planned during the latter stages of the inter-war expansion of the RAF. In contrast to the post-1933 Luftwaffe, whose stations at home were solely designed for training purposes and whose principal role abroad was close army support, the inter-war RAF had eschewed temporary fabric and envisaged future wars as being fought from fixed and secure bases rebuilt in permanent materials. The first phase of this scheme, the principles of which were debated and established in the Salisbury Committee of March 1923, took place under the guiding hand of General Sir Hugh Trenchard, who formed the RAF as the world's first independent strategic air force in April 1918 and who ranks, along with America's Billy Mitchell and Italy's General Douhet, as the most important advocate of the doctrine of offensive deterrence in the inter-war period, and one which was to determine the controversial policy of Bomber Command during the Second World War. His scheme involved the construction of offensive bomber bases in East Anglia and Oxfordshire, sited behind an 'aircraft fighting zone' some fifteen miles deep and stretching round London from Duxford near Cambridge to Salisbury Plain. It was the latter which accounted for the rebuilding of several bases around London which owed their origins to the First World War. Although political and financial factors had prevented the completion of Trenchard's scheme, it was the collapse of the Geneva disarmament talks, in 1933, which prompted the government to embark, from 1934, on its largest inter-war expansion of the air force, phased in order to ensure parity with the Luftwaffe and deployed with training and storage bases sited behind an eastern front facing Germany. A satellite of Biggin Hill within Fighter Command's strategically critical 11 Group, West Malling was opened in June 1940, although a series of raids in August 1940 rendered the airfield unservicable for much of the Battle of Britain. It reopened in October of that year, becoming a nightfighter station with Bristol Beaufighters in 1941, and later used by Mosquitos and Typhoons in offensive operations in northern Europe; it became a key station during Operation Diver' in 1944, the name given to the defence of the east and south-eastern coasts against the V1 bomb. The mess forms part of an exceptionally well-preserved group of buildings on the domestic site which are strongly representative of the neo-Georgian and Art Deco type designs characteristic of the 1930s expansion period. Whilst the design of Trenchard's stations displayed a stark utilitarian architecture which, apart from the Garden City inspiration for station married quarters, owed much to the army background of the designers who worked from the office of the Air Ministry's Directorate of Works and Buildings, it was the need to integrate the fundamental principle of dispersal against air attack which made airfield planning markedly different from the formal and more condensed layouts of naval or army barracks. This is exemplified, for example, in Trenchard's requirement for the crescent as opposed to previously linear planning of hangars, and the officers' mess designs which separated out the functions of mess and recreation rooms and accommodation in order to obviate the risk of a single run of bombs destroying a building and its occupants. It was in this context that Ramsey McDonald, as Prime Minister, had instructed that the Royal Fine Arts Commission be

involved in airfield design, and that a process of consultation with the Air Ministry resulted in the creation of the new post of architectural advisor to the Director of Works and Buildings, first occupied by A Bulloch in October 1934, with many of the early (1934-5) building designs being specifically approved by the commissioners; afterwards, liason over layout and other matters was personally handled by Lutyens. The buildings erected for much of the 1930s Expansion Period were, as a consequence, more carefully proportioned than their predecessors, a clear distinction being made between neo-Georgian for domestic buildings and more stridently modern styles for technical buildings. From 1938, and coinciding with Bulloch's replacement by P M Stratton, new buildings and stations, including Middle Wallop and West Malling, made increasing use of concrete and flat roofs in order to respectively speed up the building process and counter the effects of incendiary bombs.'

- 3.3 The site takes vehicular access from Gibson Drive and has parking surrounding the building. In addition to the main entrance the site has pedestrian access points from Gibson Drive, Forest Way (to the northeast of the site) and Lancaster Way (to the east of the site).
- 3.4 Gibson West comprises the former mess building for the airfield, was built in 1939 and comprises a central single storey block and two linear two-storey (formerly accommodation) wings. The structures are stretcher bond brick clad with pitched plain tile roofs and timber sash windows throughout. The central area has been subject to various small extensions over the years. To the front of Gibson West lies a single storey row of garages, adjacent to Gibson Drive.
- 3.5 Gibson East comprises a more contemporary building (with plant on a reduced third floor) along with a single storey corridor link to Gibson West. It comprises two wings of office accommodation and a central core in an 'L' configuration, the building is brick clad with a profiled steel sheet pitched roof and horizontal strip windows. Both facades of the two wings are overlaid with a galvanised steel structure between ground and eaves level providing maintenance access and solar shading. Stairs located in the central core and at the ends of each wing are articulated and extend above the general eaves line. A number of windcatchers punctuate the building's roofscape providing natural ventilation to the accommodation.
- 3.6 The proposal site lies within a predominantly urban and built-up area with residential properties located to the immediate south and east (along Wellington Way, Lancaster and Tempest Road), an office/commercial building to the north (on the opposite side of Gibson Drive and the A228 (Malling Road) situated to the west. An area of ancient woodland lies within the most southern part of the site and buffers the site from neighbouring residential streets.

4. Planning History (relevant):

Application No.	Proposal	Decision	Date
24/01268/PA	Listed Building application: Proposed demolition of a modern corridor link between Gibson East and the grade II Gibson West building, with restoration works to reinstate the original appearance of the east facade of the listed building.	Pending Consideration	-
15/00873/LB	Listed Building Application: Demolition of 1960's extension constructed of asbestos cement panels, following advice of asbestos consultant regarding deteriorating condition of structure.	Approved	13/03/15
02/03003/LB	Listed Building Application: internal refurbishment of Council Chamber and ancillary areas, plus disabled access to these areas and associated external alterations.	Approved	14/03/03
02/03002/DR3	Alterations to the external appearance of the Council Offices to include provision of new lighting; provision of smokers' accommodation; provision of new front entrance steps; creation of new vehicular access to Bunker and provision of new access ramps.	Approved	25/02/03
00/02950/LB	Erection of demountable partitions within dining hall to form postroom.	Approved	15/02/01
00/02291/LB	Listed Building Application: erection of timber stud partition with new doorway to divide room 9 into 2 no. rooms.	Approved	05/12/00
99/02630/ORM	Amended design of "Link Corridor" to Gibson Building previously approved under application ref: TM/99/00413/DR3.	Approved	10/02/00
99/02624/ORM	Amendment to car parking layout and vehicular and pedestrian circulation routes within the site; including new permissive footpath between Tempest Road and Forest Way pursuant to consent ref: TM/99/00413/DR3 (new office building).	Approved	07/02/00

99/02599/LB	Listed Building Application: construction of enclosed corridor link to new adjacent office building and minor adaptations to create connection with existing building's circulation corridors.	Approved	25/01/00
99/01186/ORM	Amendment to parking provision in respect of consent ref: TM/99/00413/DR3 (new office building): delete 9 car parking spaces adjacent to the south eastern boundary and relocate to extended parking area to the south of the building.	Approved	02/08/99
99/00413/DR3	Two storey office building with associated car parking and external works.	Approved	22/04/99

5. Consultees:

5.1 PC: OBJECTION, Kings Hill Parish Council has the following concerns

1. There is currently an Entrance/Exit and an Exit Only from the site onto Gibson Drive. This configuration should be maintained – If the Exit Only is changed to an Entrance/Exit, then that could cause dangerous traffic movements as it is so close to the busy A228, and vehicles entering from the A228 direction could stop abruptly and unexpectedly to be able to turn into the site. Note that Gibson Drive is the only route for which residents of Kings Hill have a right of access onto the A228. As such, any action which impacts on the availability or throughput of residents of this access should be discounted.

2. The store is being proposed as being about 1 metre from the ancient woodland. This does not comply with government guidance which recommends a 15 metre buffer. Although there is existing hard standing (car parking), the presence of the building in its current proposed location would require additional trimming of trees in the ancient woodland which would impact its health.

3. The diagrams for the proposed layout do not include a footpath for the access from Kate Reed Wood to Forest Way. This is important for safety. If the only access to the rear is via the existing one-way road, then this may not be wide enough for larger vehicles. Indeed, opening for larger vehicles would potentially require additional trimming of existing trees which could impact on their stability and effectiveness as a sound barrier for noise from the site to the residential Kate Reed Wood.

4. The wooded area where there is the suggestion of removal for the emergency generator is classified by DEFRA as Priority Deciduous Woodland, and removal will result in reduced wildlife links around the nearby areas of ancient woodland, reducing their health and biodiversity.

5.2 Southern Water: We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

5.3 Forestry Commission: None received

5.4 Natural England: None received

5.5 KCC Highways and Transportation (23.09.24) Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:-

This document should be read in conjunction with the previous response dated 29th August 2024. The applicant has confirmed that the one-way system will remain in place (travelling in a clockwise direction).

With this mind, the applicant has also provided vehicle tracking to show that refuse vehicle, delivery van, Fire Tender and an HGV can still access the site.

Drawing 02851_1030 P11 does not show any form of separation between the two sites (Gibson West and Gibson East) at the northernmost access point, and therefore it is assumed that this connection will remain in place.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Submission of a Construction/Demolition Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.

5.6 KCC Highways and Transportation (29/08/24) The site currently has a one-way system around the eastern edge of the Gibson East building. From the drawing (number 1030 Rev P09) which was provided as part of this planning application, it is unclear how vehicles will traverse the internal site layout. Clarification is sought on the potential routing within the site. If the site is to be two-way, then evidence of appropriate internal site visibility splays will be required to ensure drivers have clear sightlines. Also, if two-way traffic is to be incorporated, then the largest vehicle

(refuse vehicle) swept path analysis should be assessed and shown in the context of passing a car.

No details have been provided on the new external store - how often will this building be accessed and by what vehicle types?

These proposals show a slight floorspace increase of 213sqm to 2289sqm from 2076sqm, which means there should be a maximum of 91 car parking spaces according to KCC Supplementary Planning Guidance (SPG) 4, the applicant is proposing to include 94 spaces which is not too dissimilar to the maximum standards and is therefore acceptable to KCC Highways.

- 5.7 KCC Ecology: (26.09.24) We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

We have taken this view due to the site consisting of mostly well managed, modified grassland habitat, which is likely to be of low ecological value. The woodland that is proposed to be lost can be compensated for through offsite biodiversity net gain. We are satisfied that there is a lack of suitable features for most protected species, and for those potentially on site, appropriate precautionary approaches have been proposed. We recommend that the site be managed to remain in its current state to deter protected species from establishing on site.

Hazel Dormice

Potential habitat (ancient woodland and broadleaf woodland) for hazel dormice has been identified on site. However, only 52sqm broadleaf woodland is proposed to be lost and therefore only a small portion of the dormouse range would be impacted if they are present. Therefore, we are satisfied that a dormouse survey is not required, and such a small loss of habitat is unlikely to impact the local dormouse population.

The PEA has proposed a precautionary strategy for tree clearance. We are satisfied that the measures are suitable. If a dormouse is found during tree clearance, we advise that all works cease immediately and that a qualified ecologist is consulted. We advise that these measures be incorporated into the Construction Environmental Management Plan and secured via a condition.

Badger

Whilst there were no signs of badgers on site during the PEA, suitable habitat for badgers exists on site and badgers have been recorded within 1km of the site. Therefore, it is possible that badgers could be using the site. As a highly mobile species, they can colonise areas quickly and new setts can appear between surveys and works beginning. We advise that within one month of any works taking place, a precautionary walkover of the site and, if accessible, a 30m radius around the site

should be undertaken to search for badger setts. If a badger sett is discovered on site, or within 30m of the site, a suitably experienced ecologist will need to provide advice on whether a badger mitigation licence from Natural England is required prior to the commencement of any or specific site works. We advise that this is secured via a condition if planning permission is granted.

Suggested condition wording

Prior to works commencing (including preparatory works and site clearance), a badger survey will be carried out as detailed within section 4.7 of the Preliminary Ecology Appraisal (KB Ecology Ltd, 19 July 2024). If a badger sett is found, a detailed mitigation strategy must be submitted to the LPA for information.

Measures set out in sections 4.9 of the PEA for good practice to avoid impacts to any terrestrial animals on site, including badgers. If planning permission is granted, we recommend securing these measures in a Construction Environmental Management Plan through a condition.

Breeding Birds

It is possible that breeding birds may be using the trees and woodland vegetation on site. We advise that an informative is included on how works are to be carried out with respect to breeding birds should planning permission be granted.

Breeding bird informative – suggested wording

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

Lighting

Lighting can negatively impact nocturnal species, like bats, that are foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan

or information submitted. Therefore, if bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact.

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2023, we suggest that the Bat Conservation Trust's 'Guidance Note 08/23: Bats and Artificial Lighting at Night', is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority and secured via an attached condition with any planning permission.

Suggested condition wording

Prior to occupation, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Ancient Woodland

The site is directly adjacent to an ancient woodland fragment and 160m from Local Wildlife Site (LWS) Mereworth Woods 160m west of the site. We highlight paragraph 186 of the NPPF which states that "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

The Natural England/Forestry Commission standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland. The guidance also requires consideration of the potential for additional impacts from proposals even when there is existing development within this minimum buffer.

There will be no loss of ancient woodland, but the proposed external storage will be within 15m of the ancient woodland. The Assessment of Alternative Locations for the external storage notes that the location adjacent to the ancient woodland is the only suitable location on site in terms of safety and accessibility, therefore we are satisfied that an alternate location on site is not possible. As the location of the storage will be on existing hardstanding, we are satisfied the proposed external storage will not additionally impact the woodland.

As the site is directly adjacent to the ancient woodland, we highlight that the proposed development entails some potential adverse impacts on the woodlands,

namely from light pollution and potentially dust pollution from the demolition and construction on site.

The applicant should submit how they plan to reduce dust, noise and light pollution during and after construction so as not to impact the ancient woodland and any species living there. We expect these will also be sufficient to protect the nearby LWS. This should be included in a Construction and Environmental Management Plan (CEMP) and secured by a condition if planning permission is granted.

Construction and Environmental Management Plan (CEMP) – suggested wording:

Prior to works commencing, a Construction and Environmental Management Plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. The content of the plan will include:

- how the development will protect the adjacent Ancient Woodland and nearby ancient woodland of Mereworth Wood during the demolition and construction of the buildings, as well as during the operational phase. This shall include how the development plans to reduce dust and light pollution.
- Section 4.6 Dormice precautionary strategy for tree clearance
- Section 4.9 Other species (including hedgehogs) precautionary measures

Biodiversity Net Gain

Under section 40 of the NERC Act (2006) and paragraph 180 of the NPPF (2023), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF (2023), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12 February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications submitted on or after the 2 April 2024. This application was received on 7 August 2024 according to the information available on the planning portal.

Having reviewed the proposal and submitted documents, we consider this application to fall under mandatory biodiversity net gain. A statutory BNG metric has been submitted that shows the proposals will result in an on-site net change of -.010 for habitat units and +0.15 hedgerow units. This equates to an on-site net % change of -2.99% for habitat units and NA for hedgerow units as no hedgerows are present at the baseline. We are satisfied that baseline and proposed onsite habitats are correct.

The metric shows that BNG cannot be achieved on site. It is proposed that offsite units will be acquired but a site has not been proposed at this stage. However, for the habitat types that require offsite units (Lowland mixed deciduous woodland and Other

neutral grassland) there are sufficient units available on the Kent BNG site Register. Therefore, we are satisfied that BNG will be achievable offsite and that the site location can be dealt with as part of the Gain Plan condition discharge.

If planning permission is granted, local planning authorities are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice which are available to download here:

https://assets.publishing.service.gov.uk/media/663251d969098ded31fca800/BNG_Decision_Notice_Text.odt.

Ecological Enhancements

Enhancement features are not considered as part of a measurable net gain; however, in addition to the measurable net gains we expect enhancement features to also be incorporated into an enhancement plan within the red line boundary. These can include integrated bat and bird bricks and/or durable boxes on retained trees, log piles, hibernacula, hedgehog homes, and the development of a full Biodiversity Management Plan for the wood. We advise that ecological enhancements be secured via condition if planning permission is granted.

Suggested condition wording

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include details of bat and bird durable boxes, log piles, hibernacula, hedgehog homes, and the development of a full Biodiversity Management Plan for the wood. The approved measures will be implemented and retained thereafter.

- 5.8 KCC Ecology: (04/09/24) We note that the proposed external storage is to be situated within the 15m buffer zone for the adjacent ancient woodland and will result in the loss of lowland mixed deciduous woodland habitat. Whilst we acknowledge that much of the storage location is on existing hardstanding, it is unclear as to why other areas of hardstanding were not considered for the location of the storage building as other areas suitable for the storage building exist on site. Were these other areas used, it would not result in the loss of woodland or be within the ancient woodland buffer. We advise that prior to determination, other areas for the location of the external storage are considered and, if not suitable, then justification for the current proposed location next to the woodlands is provided.

With regards to other matters, we are satisfied that no further surveys are required as the site consists of mostly well managed, modified grassland habitat, which is likely to be of low ecological value. We are satisfied that the woodland that is proposed to be lost can be compensated for through offsite biodiversity net gain. We are satisfied that there is a lack of suitable features for most protected species, and for those

potentially on site, appropriate precautionary approaches have been proposed. We recommend that the site be managed to remain in its current state to deter protected species from establishing on site.

Hazel Dormice: Potential habitat (ancient woodland and broadleaf woodland) for hazel dormice has been identified on site. However, only 52sqm broadleaf woodland is proposed to be lost and therefore only a small portion of the dormouse range would be impacted if they are present. Therefore, we are satisfied that a dormouse survey is not required, and such a small loss of habitat is unlikely to impact the local dormouse population.

The PEA has proposed a precautionary strategy for tree clearance. We are satisfied that the measures are suitable. If a dormouse is found during tree clearance, we advise that all works cease immediately and that a qualified ecologist is consulted. We advise that these measures be incorporated into the Construction Environmental Management Plan and secured via a condition – we will provide suggested wording once the requested additional information has been submitted.

Breeding Birds: It is possible that breeding birds may be using the trees and woodland vegetation on site. We advise that an informative is included on how works are to be carried out with respect to breeding birds should planning permission be granted – we will provide suggested wording once the requested additional information has been submitted.

Breeding Birds: It is possible that breeding birds may be using the trees and woodland vegetation on site. We advise that an informative is included on how works are to be carried out with respect to breeding birds should planning permission be granted – we will provide suggested wording once the requested additional information has been submitted.

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2023, we suggest that the Bat Conservation Trust's 'Guidance Note 08/23: Bats and Artificial Lighting at Night', is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority and secured via an attached condition with any planning permission – we will provide suggested wording once the requested additional information has been submitted.

Ancient Woodland: The site is directly adjacent to an ancient woodland fragment and 160m from Local Wildlife Site (LWS) Mereworth Woods 160m west of the site. We highlight paragraph 186 of the NPPF which states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”.

The Natural England/Forestry Commission standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland. The guidance also requires consideration of the potential for additional impacts from proposals even when there is existing development within this minimum buffer.

There will be no loss of ancient woodland, but the proposed external storage will be within 15m of the ancient woodland. Whilst this will be on existing hardstanding, as stated above, we advise that consideration and justification on the location of the storage unit within the buffer zone is submitted.

As the site is directly adjacent to the ancient woodland, we highlight that the proposed development entails some potential adverse impacts on the woodlands, namely from light pollution and potentially dust pollution from the demolition and construction on site.

The applicant should submit how they plan to reduce dust, noise and light pollution during and after construction so as not to impact the ancient woodland and any species living there. We expect these will also be sufficient to protect the nearby LWS. This should be included in a Construction and Environmental Management Plan (CEMP) and secured by a condition if planning permission is granted – we will provide suggested wording once the requested additional information has been submitted.

Biodiversity Net Gain and Ecological Enhancements: Under section 40 of the NERC Act (2006) and paragraph 180 of the NPPF (2023), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF (2023), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.

Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12 February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications submitted on or after the 2 April 2024. This application was received on 7 August 2024 according to the information available on the planning portal.

Having reviewed the proposal and submitted documents, we consider this application to fall under mandatory biodiversity net gain. A statutory BNG metric has been submitted that shows the proposals will result in an on-site net change of -.010 for habitat units and +0.15 hedgerow units. This equates to an on-site net % change of -2.99% for habitat units and NA for hedgerow units as no hedgerows are present at the baseline. We are satisfied that baseline and proposed onsite habitats are correct.

The metric shows that BNG cannot be achieved on site. It is proposed that offsite units will be acquired but a site has not been proposed at this stage. However, for the habitat types required for offsite units (Lowland mixed deciduous woodland and

Other neutral grassland) there are sufficient units available on the Kent BNG site Register. Therefore, we are satisfied that BNG will be achievable offsite and that the site location can be dealt with as part of the Gain Plan condition discharge.

Enhancement features are not considered as part of a measurable net gain; however, in addition to the measurable net gains we expect enhancement features to also be incorporated into an enhancement plan within the red line boundary. These can include integrated bat and bird bricks and/or durable boxes on retained trees, log piles, hibernacula, hedgehog homes, and the development of a full Biodiversity Management Plan for the wood. We advise that ecological enhancements be secured via condition if planning permission is granted – we will provide suggested wording once the requested additional information has been submitted.

5.9 KCC Flood and Water Management: We note that the site is developed and is largely surfaced, with impermeable areas draining to an existing surface water system. Whilst a drainage design has been completed, no Drainage Strategy has been submitted for the site, and we would appreciate this being put forward for our review in order to clarify a number of points:

- The extent of new impermeable area that was previously impermeable and positively drained.
- The extent of new impermeable area that was previously soft landscaped.
- Proposed discharge rates to each existing network for the 1 in 100 year critical storm including allowance for climate change.
- How the development proposes to meet the requirements of our Drainage and Planning Policy, which sets out that brownfield sites should aim to discharge at peak rates as close to greenfield as possible, and with a minimum reduction of 50%.
- The anticipated impact upon potential surface water flooding as shown on gov.uk mapping in the vicinity of the link building proposed to be demolished.

We would therefore recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

At a minimum, a drainage strategy submission must comprise:

- A location plan
- A site layout
- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic

-
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
 - Consideration of key questions and / or local authority planning policy requirements.

Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements.

5.10 KCC Heritage: None received

5.11 TMBC Environmental Protection: 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. 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.

5.12 TMBC Conservation: The proposal, in respect of listed building application 24/01268/PA is relatively straight forward. The removal of the link and reinstatement of the façade brickwork and window would be considered to be a significant improvement and therefore I would raise no objections to the proposal from a heritage perspective. However, I would ask for additional information to make the paperwork complete on the application.

- There is no elevation looking from within the modern link back to the listed building to show the existing penetrations through the wall that will be made good when restoring the façade to its original format.
- There is no information on how the interface between the existing modern link and the listed building will be made good, for example, flashing cuts, mastic fillers between glass and wall, mortar between modern and old brickwork walls, floor to wall interface and below ground interfaces (foundations) etc.

This information could be requested during the application process, or conditions placed up on any approval decision notice.

The proposal in respect of the Planning application 24/01270/PA includes new works to the unlisted building along with a number of ancillary structures being constructed. All of these alterations and structures are located in close proximity to the modern office building and will have only a limited impact to the setting of the listed building.

This impact will not cause harm to the significance of the listed building and on that basis, I would raise no objections from a heritage perspective.

5.13 Private Reps: 4 letters of objection received from local residents raising the following issues:-

- Need to retain woodland
- Need to retain footway link to Kate Reed Wood
- Gibson West should be retained in the public domain
- Ancient Woodland should be retained
- Development of store building too close to Ancient Woodland
- What is the purpose of the new store
- Impact of store on Kate Reed Wood due to noise and disturbance
- Noise and disturbance from generator
- Existing access arrangements should be retained and site should not be split
- Scheme may not represent value for money for residents
- Local residents should be kept informed regarding works.

6. Determining Issues:

Policy and other considerations

6.1 Prior to the consideration of the proposal, it should be noted that the Government has concluded a consultation into revisions to the NPPF. These revisions to the NPPF therefore do not carry any weight at this stage and the following discussion is based on the contents of the current December 2023 NPPF as well as policies and guidance listed below:

- National Planning Policy Framework (NPPF) 2023 (December)
- National Planning Practice Guidance (NPPG)
- Tonbridge and Malling Borough Core Strategy 2007:
 - Policy CP1: Sustainable Development
 - Policy CP11: Urban Areas
 - Policy CP21: Employment Provision
 - Policy CP24: Achieving a High Quality Environment
 - Policy CP25: Mitigation of Development Impacts

-
- Managing Development and the Environment Development Plan Document 2010:
 - o Policy CC1: Mitigation - Sustainable Design
 - o Policy CC2: Mitigation - Waste Minimisation
 - o Policy CC3: Adaptation - Sustainable Drainage
 - o Policy NE1: Local Wildlife Sites
 - o Policy NE2: Habitat Networks
 - o Policy NE3: Impact of Development on Biodiversity
 - o Policy NE4: Trees, Hedgerows and Woodland
 - o Policy SQ1: Landscape and Townscape Protection and Enhancement
 - o Policy SQ5: Water Supply and Quality
 - o Policy SQ6: Noise
 - o Policy SQ7: Health and Well-being
 - o Policy SQ8: Road Safety
 - o Policy SQ9: Crime and Disorder

Background Information

6.2 As a result of changes in working practices arising from the Covid pandemic, the Local Authority plans to consolidate the accommodation it requires in the more modern, Gibson East, building. Removing the corridor link would allow for the separating of the buildings and the creation of separate sites. The purpose of this application is therefore to obtain the necessary planning consents to allow for the required works to be undertaken.

Principle of Development

- 6.3 For the purposes of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant policies of the Development Plan and the Council's Core Strategy are the starting point for the assessment of the planning application and an assessment on the acceptability of this application. In addition, it is important to consider the material considerations of the National Planning Policy Framework (2023) and other guidance contained within the Planning Policy Guidance.
- 6.4 The application site is situated within the defined Urban Area of Kings Hill where the principle of the proposed works is acceptable.
- 6.5 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that in considering whether to grant planning permission for a development which affects a Listed Building or its setting or in considering whether to grant Listed Building consent for any works, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Visual Impact, Design and Layout

- 6.6 Chapter 12 of the NPPF emphasises the importance of achieving good design through the development process. Paragraph 131 sets out that good design is a key aspect of sustainable development, Paragraph 135 requires that the design of development be appropriate in relation to the character, appearance and functioning of the built and natural environment in terms of scale, mass, layout, siting, in respect of the site's surroundings and Paragraph 139 states that development that is not well designed should be refused.
- 6.7 Policy CP24 of the Core Strategy adopted Core Strategy relates to 'Achieving a High Quality Environment' and requires that all developments to be well designed, of a high quality and use of appropriate materials. They must through their scale, density, layout, siting, character, and appearance be designed to respect the site and its surroundings.
- 6.8 The site is not considered to sit within a highly sensitive setting, being situated within a defined urban boundary. The existing built form at the site is generally set back from the adjacent roads and public vantage points and in large parts well screened by existing woodland, trees and planting. The site, in its current form, is therefore not considered to appear highly prominent within the locality. The density, scale and layout of built form is also not at odds with the wider surroundings.
- 6.9 The proposed external works to Gibson East and West would result in an overall reduction in scale, by virtue of the removal of the existing single storey link. The proposed new plant enclosure is considered to be of a modest scale that would not detract from the character or appearance of the host building. The proposed addition would be well set back from public vantage and would not appear visually intrusive. The addition of solar panels to the roof of Gibson East would not be out of keeping with the existing building as they would be sited between the existing wind catchers and not significantly alter the overall appearance of the building.
- 6.10 The application includes the addition of a new external store building. The proposed building is proposed to be single storey and situated to the rear (south) of the application site. The building would not be considered to appear highly prominent by virtue of the surrounding woodland/trees and existing built form at the site. The building is of a design and scale that would clearly appear subservient to Gibson East and would not detract from the sites setting and appearance.
- 6.11 The siting of the proposed store would not have a detrimental impact on the setting of the listed building (Gibson West). The position in the corner of the site is suitably separate from Gibson West and the design of the structure is such that it would not harm the character of the setting of the Listed Building in general. Similarly, the removal of the link corridor would return the building back to its original form enhancing the appearance of the building and the character of its setting. The provision of a new boundary feature in the form of beech hedging with a wire fence

close to the eastern side of Gibson West would not detract from the character and appearance of the listed building or the street scene in general.

- 6.12 The alterations to the external layout of the site retain the footway link through to Kate Reed Wood in the south eastern corner of the site.
- 6.13 Internal alterations are proposed to the internal layout of Gibson East which include the provision of a Council Chamber within the building. These works are purely internal and do not impact on the external appearance of the building and therefore do not raise any objections.
- 6.14 The proposed development would thus be considered to be in keeping with the wider area and is not considered to have a detrimental or unacceptable visual impact.

Residential Amenity

- 6.15 Policy CP1 (Sustainable Development) of the Council's adopted Core Strategy comments that when determining planning applications residential amenity will be preserved.
- 6.16 The proposed development is considered to have the most impact on the nearby residential properties situated along Wellington Way (located to the south of the application site), Lancaster Way and Tempest Road (located to the southeast of the application site). These properties generally front towards the application site. The dwelling at no.6 Tempest Road is located closest to the application site and is situated approximately 20-25m away.
- 6.17 The proposed development of the external store by virtue of its scale, nature, the retention of the existing woodland boundary screening and separation distance from neighbouring residential properties would not result in such a loss of light, privacy or outlook that would be detrimental to residential amenity.
- 6.18 The proposed development is to provide ancillary storage in an area of existing car parking. The storage building and compound is needed to replace the garages currently used for parking and ancillary storage in front of Gibson West. Due to its ancillary use relating to the overall site it is not be considered to generate a significant increase in noise levels at the site that would warrant the application being refused.
- 6.19 Similarly, whilst the emergency generator is sited close to the boundary it is not considered that this will have an adverse impact on the residential amenity of nearby properties as its noise levels can be controlled by condition to ensure no disturbance is experienced. The Council's Environmental Protection team have raised no concerns with regards the location of the emergency generator.

Highway Safety and Parking

- 6.20 Paragraph 115 of the NPPF sets out 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.’*
- 6.21 Policy CP2 (Sustainable Transport) of the Council’s Core Strategy seeks to ensure that new developments are well located relative to public transport links, provide a choice of transport modes, are compatible with the character and capacity of the highway network, provide for any necessary enhancements to the safety of the highway network and ensure accessibility for all.
- 6.22 Policy SQ8 (Road Safety) of the Managing Development and the Environment Development Plan comments that development proposals will only be permitted where they would not significantly harm highway safety and where they comply with parking standards.
- 6.23 The overall access arrangements to the site are not proposed to change with the access closest to the A228 remaining as out only, with the main access to the north east remaining as two way. The access around the site will feature a one-way route clockwise with the routing completed by an extension to the access and car parking continuing through where the link corridor is to be removed. This routing provides appropriate access to the new store building for delivery vehicles whilst retaining access to the parking spaces.
- 6.24 With regard to parking provision, 95 spaces, including disabled bays, are indicated. This provision is considered appropriate for the anticipated levels of use of the building. Kent Highway Services raise no objection to the proposals.
- 6.25 On this basis it is considered that there are no highways objections to the proposal.

Trees and Ancient Woodland

- 6.26 Paragraph 186 of the NPPF states:

“When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both

its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 67 and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

- 6.27 No trees within the red line site boundary are included within a Tree Preservation Order (TPO) and the site is not within a Conservation Area.
- 6.28 The works result in the removal of a small area of trees in the southeastern corner of the site. The loss of these trees is not considered to have an overall adverse impact on the wider site and the woodland character of this corner of the site can be conserved by proposing appropriate conditions for tree retention and protection measures around the boundary.
- 6.29 The area surrounding the southern part of the site is designated as Ancient Woodland. The Ancient Woodland is outside the development area but normally, and in line with standing advice, there should be a 15m buffer zone between the woodland and any development to ensure its protection. The Ancient Woodland in this location consists of predominantly coppiced sweet chestnut but it should also be noted that an Ancient Woodland designation also covers the soils as well as the above ground vegetation.
- 6.30 The storage building is proposed to be sited within the buffer zone set out in the standing advice but in this instance it should be noted that the area is an existing hard surfaced car park. There is currently no buffer between the Ancient Woodland and the existing hard standing and due to the presence of this existing surface there would be minimal disruption to the soils below from the construction and the building itself would only require minimal lopping of trees that are already part of a managed coppice. The proposal has been fully assessed by KCC Ecology and they have concluded that in this instance the store building would not cause harm to the Ancient Woodland without the provision of the 15m buffer and they raise no objections to the works. On this basis it is considered that the development would not have an adverse impact on the Ancient Woodland, subject to the imposition of a condition requiring the submission of a Construction and Environmental Management Plan.
- 6.31 Given the ecologists comments it would not be justifiable to refuse this application on impacts on the Ancient Woodland or on tree grounds.

Ecology and Biodiversity

- 6.32 Given the nature of the site with its predominantly hard surfaced parking areas surrounding the building it is considered to be of low ecological value. The site lacks suitable features to provide a habitat for most protected species. To mitigate any potential impacts on wildlife the proposal can be subject to conditions to ensure appropriate details are sought for external lighting and provision of bird and bat boxes. KCC Ecology advise such an approach is adopted.
- 6.33 Under section 40 of the NERC Act (2006) and paragraph 180 of the NPPF (2023), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF (2023), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.
- 6.34 Under the Environment Act 2021, all planning applications for major development (unless exempt) submitted on or after 12 February 2024 in England, will have to deliver at least a 10% biodiversity net gain. It is a requirement for minor applications submitted on or after the 2 April 2024.
- 6.35 The application is of a size that requires the provision of mandatory biodiversity net gain. A statutory BNG metric has been submitted that shows the proposals will result in an on-site net change of -.010 for habitat units and +0.15 hedgerow units. This equates to an on-site net % change of -2.99% for habitat units. The assessment has been reviewed by KCC Ecology and is considered correct.
- 6.36 The metric shows that BNG cannot be achieved on site. It is proposed that offsite units will be acquired and discussions are ongoing to secure appropriate provision. It is intended that this provision will be sought with a Responsible Body, which means that the land is secured by a Conservation Covenant, which is a legal agreement between the applicant and the landowner rather than a S106 agreement as such a provision cannot be made between the Council as LPA and the applicant.
- 6.37 On this basis, and subject to the securing of the Conservation Covenant, the proposal is considered to meet its BNG requirements and is therefore acceptable.

Drainage and Flooding

- 6.38 The site is not in an area of flood risk and as such no special provisions are required. With regard to drainage the site is served by an existing surface water drainage system. Due to changes in the hard surfaced area proposed it is considered appropriate to attach a condition requiring the submission of a drainage strategy to ensure that appropriate provision and capacity is available.

Conclusion

6.39 Overall, the proposal is considered an appropriate rationalisation of the site that accords with all relevant planning policies and guidance. The development would not have a detrimental impact on the surroundings or listed building and provides for appropriate off-site BNG provision. The development accords with all relevant local and national planning policies and guidance. It is therefore recommended that the application be approved subject to the applicant entering into an agreement to secure a Conservation Covenant and conditions.

7. Recommendation:

7.1 Grant Planning Permission subject to:

- The applicant entering into a Conservation Covenant for the provision of off-site Biodiversity Net Gain; and
- The following 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:

02851 1000 S2 P07 Location Plan
02851 1030 P11 Proposed site plan
02851 2300 P04 Proposed elevations
02851 2301 P04 Proposed elevations
02851 2302 S2 P04 Proposed elevations
02851 2000 S2 P04 Site sections
02851 2305 P03 External store – elevations
02851 1300 S2 P08 floor plan
02851 1301 P08 floor plan
02851 1302 P06 floor plan
02851 1310 P08 floor plan
02851 1311 P05 roof plan
A9283 1500 P04 Drainage layout plan
PJC/6597/24/01 Arboricultural report
02851 1050 P05 Proposed BNG areas
2024/05/31 Ecological Appraisal

Reason: To clarify which plans are approved.

3 All materials used externally shall accord with the approved plans.

Reason: In the interests of visual amenity.

- 4 Prior to the use of any plant or machinery a scheme of sound insulation shall be submitted to, and approved by, the Local Planning Authority and retained and maintained at all times thereafter.

Reason: To protect the aural environment of nearby dwellings.

- 5 Prior the commencement of any part of the development hereby approved a Construction/Demolition Management Plan shall be submitted and approved in writing. The plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.
- (g) Hours of working on site during demolition and construction operations.

Reason: To ensure the safe and free flow of traffic.

- 6 Prior to works commencing (including preparatory works and site clearance), a badger survey will be carried out as detailed within section 4.7 of the Preliminary Ecology Appraisal (KB Ecology Ltd, 19 July 2024). If a badger sett is found, a detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and the works undertaken in accordance with this strategy.

Reason: To ensure the works do not harm protected species

- 7 Prior to occupation, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light on nature conservation.

8 Prior to works commencing, a Construction and Environmental Management Plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. The content of the plan will include:

- how the development will protect the adjacent Ancient Woodland and nearby ancient woodland of Mereworth Wood during the demolition and construction of the buildings, as well as during the operational phase. This shall include how the development plans to reduce dust and light pollution.

The plan shall also include appropriate measures to satisfy the following sections of the of the Preliminary Ecology Appraisal (KB Ecology Ltd, 19 July 2024).

- Section 4.6 Dormice precautionary strategy for tree clearance
- Section 4.9 Other species (including hedgehogs) precautionary measures

Reason: To safeguard the existing natural environment.

9 Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include details of bat and bird durable boxes, log piles, hibernacula, hedgehog homes, and the development of a full Biodiversity Management Plan for the wood. The approved measures will be implemented and retained thereafter.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to enhance the Biodiversity of the area in accordance with Paragraph 170 of the NPPF 2023 and Policies NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document.

10 a) Notwithstanding details on the submitted Drainage Layout plan (Drawing No. A9283-1500 Rev – P04) no development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature.

11 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a site specific arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and

construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The submitted tree protection plan and arboricultural method statement shall be based on and expand upon the principles set out in the Arboricultural Impact Assessment, Preliminary Method Statement and Preliminary Tree Protection Plan by PJC Consultancy Ltd dated 27th June 2024 (document ref. PJC/6597/24/01 Rev-), and, as indicated in that document, include details relating to (but not limited to) the detailed construction management/logistics plan/all aspects of demolition and construction site management and logistics, details of the methodologies and precautions to minimise/prevent damage to trees during installation of services, fences and works to hard standing.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

12 a) No site works (including temporary enabling works, site clearance and demolition) or development shall commence on site until a detailed tree felling/pruning specification (including details confirming which of the existing trees are to be retained) has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard BS3998 (Tree work – Recommendations).

c) Any existing tree identified to be retained in the details submitted for the discharge of this condition which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To safeguard the health of existing trees which represent an important amenity feature and ensure a satisfactory appearance to the development.

13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

- 14 No development shall take place until the details of a surface water drainage strategy that demonstrates that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be implemented as approved.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Informatives

- 1 The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
- 2 Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.
- 3 The applicant is reminded that the Biodiversity Gain plans required under the Conservation Covenant are required to be approved before development may be begun.

Contact: Robin Gilbert