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**Tonbridge**  
Trench

**4 SEPTEMBER 2025**

**TM/25/00164/PA**

**Location:** 335 SHIPBOURNE ROAD Tonbridge TN10 3EU

**Proposal:** Erection of 2 pairs of semi-detached 4 bed dwellings and three detached 4 bed dwellings to the rear. An amalgamation of four existing planning consents

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## **1. Description of Proposal:**

- 1.1 The application seeks planning permission to amalgamate three extant planning consents, and a minor amendment, into one single planning permission. The previously approved schemes the subject of this current application involve the construction of 2 pairs of semi-detached 4 bed dwellings to the site frontage and one pair of detached 4 bed dwellings and associated car ports to the rear of the site.
- 1.2 The current submission would again have the effect of consolidating the series of extant permissions and in this instance seeks to add a further dwelling giving a total of 7 in place of the previously approved 6 dwellings. The previously approved car ports to serve the pair of dwellings located to the rear of the site would also be removed as part of this current proposal which includes the 3 dwellings to the rear.
- 1.3 The current proposal is for the erection of 7 dwellings consisting of 2 pairs of semi-detached 4 bed dwellings to the site frontage and three detached 4 bed dwellings to the rear of the site.

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

- 2.1 The application has been called to committee by Councillor Mehmet for the following reasons:

*“to consider the validity of the application having regard to Hillside principles - to determine the effect of the development on the adjacent protected tree in the absence of a tree survey - to assess the effect of the amenity of neighbouring properties including any overshadowing, overbearing or enclosing effects - to consider whether the proposal represents high quality design - to determine whether the layout would function well in the absence of a transport note, tracking plans, and the potential for cars reversing back along the central access road”*

**3. The Site:**

- 3.1 The site lies on the eastern side of Shipbourne Road in the built confines of Tonbridge. The site forms part of the residential garden of bungalows that have since been demolished. The site is enclosed on two sides by residential development and the rear gardens of properties fronting White Cottage Road and Thorpe Avenue. Dwellings in the vicinity of the site generally comprise of detached bungalows and chalets some with substantial rear gardens. The surrounding area have a diverse architectural character comprised mainly of traditionally built detached bungalows and chalet in a wide range of designs, materials, ages and differing setbacks from the road.

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

23/01230/RD

Satisfies Requirements of Conditions - 28 September 2023

Details of conditions 3 (materials) 4 (slab levels) pursuant to planning permission TM/22/02872/FL Erection of 2 pairs of semi-detached 4 bed dwellings and one pair of detached 4 bed dwellings to the rear with two car ports. An amalgamation of three existing planning consents

22/02872/FL

Approved - 23 February 2023

Erection of 2 pairs of semi-detached 4 bed dwellings and one pair of detached 4 bed dwellings to the rear with two car ports. An amalgamation of three existing planning consents

22/00963/FL

Approved - 30 June 2022

Variation of condition 16 (approved plans)

22/00771/NMA

Approved - 16 May 2022

Non-Material Amendment to planning permission TM/TM/21/02963/FL: Insert an additional planning condition which includes all of the approved drawing numbers and documents

22/00770/NMA

Approved - 14 April 2022

Non-Material Amendment to planning permission TM/21/03147/FL: Insert an additional planning condition which includes all of the approved drawing numbers and documents

22/00564/NMA

Approved - 14 April 2022

Non-Material Amendment to planning permission : Insert an additional planning condition which includes all of the approved drawing numbers and documents

21/02963/FL

Approved - 04 March 2022

Erection of two detached car ports to be built in conjunction with planning application TM/20/01321/FL (for the erection of two detached dwellings)

21/03147/FL

Approved - 28 January 2022

Erection of 2 detached dwellings; variation to that approved under reference TM/20/01321/FL

21/02852/RD

Approved - 04 January 2022

Details of Condition 4 (slab levels) and Condition 14 (surface water drainage scheme) submitted pursuant to planning permission TM/20/00463/FL of original/parent planning application (Construction of 4 semi-detached dwellings on frontage (amendment to that previously approved under application reference TM/17/00137/FL))

21/02853/RD

Approved - 04 January 2022

Details of Condition 3 (slab levels) and Condition 15 (surface water drainage scheme) submitted pursuant to planning permission TM/20/01321/FL: Amendments to planning permission TM/17/01977/FL to split the proposed semi-detached dwellings to detached units

20/01321/FL

Approved - 10 September 2020

Amendments to planning permission TM/17/01977/FL to split the proposed semi-detached dwellings to detached units

20/01369/NMA

Approved - 28 July 2020

Non Material Amendment to planning permission TM/20/00463/FL: Reduction in footprint of proposed dwellings; alterations to parking and turning area, and alterations to soft planting arrangement

20/00463/FL

Approved - 06 May 2020

Construction of 4 semi-detached dwellings on frontage (amendment to that previously approved under application reference TM/17/00137/FL)

17/01977/FL

Approved - 27 October 2017

Revisions to approved detached house at rear of site (as approved under TM/09/00951/FL) to create a pair of the semi-detached units as approved under TM/17/00137/FL

17/00137/FL

Approved - 20 March 2017

Construction of 4 semi-detached dwellings on frontage and detached garage to rear to serve detached dwelling approved under planning permission TM/09/00951/FL

## **5. Consultees:**

5.1 Environmental Health Protection: No objection subject to conditions

5.2 Waste Services: Comments and advise only

5.3 Tree Officer: No objection subject to conditions

5.4 Neighbours: Ten letters of objection have been received and are summarised as follows:

- Overdevelopment
- Small rear gardens and amenity space
- Impacts upon the Character of the area
- Just want the site developed
- Protected Trees
- Overlooking
- Loss of Privacy
- Overbearing
- Noise and Light pollution
- Acoustic fencing required
- Flood risk and drainage concerns

- Unethical behaviour of the applicant
- Highway and access concerns

## **6. Relevant Policies & Determining Issues:**

- 6.1 The site lies within the built confines of Tonbridge, a designated urban area in Tonbridge and Malling Borough Core Strategy. Policy CP11 directs that development should be concentrated within the confines of the urban areas where there is the greatest potential for re-use of previously developed land and other land damaged by former uses. The reasoned justification being that sites within the urban area are more sustainable with easy access to local services, employment opportunities and public transport, and therefore appropriate for infill development such as this.
- 6.2 In this case, the principle of developing the site for 6 houses was accepted under planning application reference numbers TM/20/00463/FL, TM/20/01369/NMA, TM/21/02963/FL, TM/21/03147/FL, TM/22/00963/FL and TM/22/02872/FL. These decisions are a relevant material consideration afforded significant weight in this assessment. It is also of considerable significance this current scheme is the same as the series of proposals previously approved for the site in terms of principle and would have the effect of consolidating these decisions into one. Since there permissions were granted, there has been no significant changes to the development plan policies however there has been a noticeable change to the provisions of the NPPF (2024). Notwithstanding this, the principle of development of this site has previously been accepted. The focus of this report is to assess the current development and any additional harms of a further dwelling on the site.
- 6.3 The main issues for consideration relate to the effect of the development on the character and appearance of the surrounding area, the effect on the living conditions of current and future occupiers of neighbouring properties, and future occupiers of the proposed dwelling, the effect of the development on trees and finally, the effects on parking conditions in the local area.

### Provision of Housing

- 6.4 Paragraph 61 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's needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.5 Paragraph 73 of the NPPF acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built out relatively quickly. It adds that LPA's should support the development of windfall sites through their 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 125 d) of the NPPF requires planning

decisions 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.

- 6.6 With regard to the above, it is acknowledged that the provision of seven dwellings would be considered a 'small site', however, together with other windfall sites in the Borough, would still make a positive contribution towards the Council's housing supply.
- 6.7 The provision of a net increase of seven additional dwellings, given the shortage of housing land supply in the Borough, is a matter that attracts positive weight in the overall planning balance, but this weight is scaled to the fact that only one additional dwelling, over the previous consented schemes is proposed in the context of the overall housing need in the Borough.

#### Character and appearance of the area

- 6.8 Core Strategy Policy CP24, policy SQ1 Managing Development and the Environment Development Plan Document (MDE DPD) and the paragraph 135 of the Revised NPPF (2024) state that development should reflect the positive characteristics and features of the site and locality in which it is situated.
- 6.9 The immediate surrounding area is typified by varied styles of residential dwellings. The houses in this current application would retain the traditional appearance of the previously approved development, and thus, would reflect the character of their surroundings. As in the previous approvals, each of the houses would have a hipped tiled roof, and the design elements would include front dormers and gable features. The orientation of the houses and their alignment with existing properties in the street is broadly consistent with the surrounding pattern of development.
- 6.10 The additional dwelling proposed on the site would result in a denser form of development and smaller plots along the rear portion of the site, which would however not affect the appearance of the frontage plots within the street scene and within views of the locality. This and the central access would remain as previously approved. Whilst the additional dwelling to the rear results in three smaller detached dwellings in narrower plots compared to the larger pair of dwellings previously approved, However, the additional plot within this development is not considered to result in detrimental harms or overdevelopment of the site. The application site is within a built-up area wherein higher densities are able to be accommodated. Within the wider area there are various size and shapes of plots and as such, the smaller plots sizes on the application site would not be out of keeping.
- 6.11 The overall height of the buildings would be comparable to those approved in previous applications. Moreover, the gaps retained between houses and existing dwellings on neighbouring plots would be adequate. Whilst the rear dwellings would be set in slightly closer proximity to the side boundary than the previously approved pair of dwellings, this is not considered to result in detrimental harms to the character

of the surrounding area. For reference the gap retained between the approved pair of dwellings to the rear and the northern and southern side boundaries was between 4.1 – 4.4 metres. The proposed gap between Plot 337C and the northern boundary would now be 2.4 metres and the gap between Plot 335C and the southern boundary would be 3.4 metres

- 6.12 Views of the application site are in the context of existing residential development surrounding the site. Surfacing materials proposed include brick which would assist in satisfactory integration of the proposal within its surroundings. Overall, the design, scale and proportions of the development would not significantly depart from that in the series of previously approved developments. Consequently, they would still appear as a sympathetic addition to the plot that would resonate with the established character of the local area.
- 6.13 For these reasons, the proposals would still comply with the requirements set out in Core Strategy Policy CP24, policy SQ1 Managing Development and the Environment Development Plan Document (MDE DPD) and the paragraph 135 of the NPPF (2024) which jointly seeks to ensure all development are well designed to protect and enhance the special character and distinctiveness of the area in which it is situated.

#### Residential amenity

- 6.14 The core principles set out in paragraph 135 of the NPPF (2024) requires development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. In this respect, the development would provide a good standard of accommodation for future occupants.
- 6.15 As in the previously approved development, the principal doors and windows would largely look out onto the front and rear of the application site and would not detrimentally overlook any neighbouring gardens or properties. The side windows are connected to non-habitable rooms and would be conditioned to be glazed in obscure glass. Whilst the current proposal would add an additional dwelling to the site, the alignment and orientation of the properties would follow the previously approved development. Further, the back-to-back distances to the rear boundary of the site would be similar to the previously approved applications.
- 6.16 Concerns have been raised that the development would result in loss of outlook and privacy. However, the effect of the development on outlook would not be significantly different from the previously approved scheme. The gap retained between each of the proposed rear dwellings on the site would range between 2 to 3 metres which is acceptable. The first-floor window openings on the rear elevations would look out towards the rear garden of neighbouring properties fronting Thorpe Avenue, which are considered to be a sufficient distance away at circa 40 metres.
- 6.17 Whilst the location of the first-floor rear windows would introduce a perception of overlooking due to their size and position relative to the level of the neighbouring gardens of properties fronting Thorpe Avenue, the separation distances would be in

the region of 40 metres (rear to rear), which on balance is sufficient avoid any unacceptable impacts. This is a similar distance when compared to the previous proposal which was set approximately 39 metres (rear to rear). The first-floor rear window openings on the front dwellings would look out onto the front elevation of the proposed rear units. Views into the rear gardens of the properties fronting White Cottage Road would be similar to that previously approved. Whilst the current proposal adds an additional dwelling, the views towards No.2 White Cottage Road are of the middle section of the rear garden to no.2. As mentioned above these windows would be set at a similar distance from this garden as the previously approved pair of dwellings. The views towards the rear elevations of neighbouring properties would be more oblique in nature, albeit it is acknowledged an additional dwelling would result in more windows looking towards this neighbouring amenity. However, the current proposal, does result in a similar arrangement as to that previously approved development in terms of window placement and distances to the boundary. Therefore, on balance any resulting overlooking would not be significant enough to raise overriding planning objections to this application.

- 6.18 Concerns have been raised that the additional dwelling proposed as part of this current application would result in additional harms to the neighbouring amenity in terms of overlooking, loss of privacy and distance of the properties from the neighbouring boundary. The current proposal does place the dwellings slightly further back within the site so a slightly larger distance from the eastern boundary. As outlined above it is not considered that the additional dwelling would result in additional detrimental overlooking when compared to what has previously been approved. In terms of the additional massing, the proposal would result in a change over and above what was previously approved. The dwellings are proposed to be set approximately 10 metres from the eastern boundary and 2.5 meters from the northern boundary. The dwelling would be set 13.8 metres from 2a White Cottage Road, 13.5 meters from 2b White Cottage Road and 16.8 metres from 2 White Cottage Road. These separation distances are considered to be reasonable and not significantly different from the previously approved development, or uncommon distances for suburban areas. The previous application set the rear dwellings circa 9.8 metres from the eastern boundary for example as opposed to the aforementioned distances for the current proposal.
- 6.19 The proposal would undoubtedly alter the arrangement and relationship between neighbouring dwellings; however, it is not considered that any additional impacts would result in detrimental harms in this regard, especially when compared to what has previously been approved.
- 6.20 The outdoor amenity space provided for the proposed houses would be adequate for the daily amenity activities of future occupants. In this regard, the development would comply relevant provisions of paragraph 135 of the revised NPPF (2024), requiring development to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Given these factors, the scheme now proposed by virtue of its layout and plot coverage would provide acceptable living



conditions for future occupants. Whilst the additional dwelling would reduce the space around the dwellings, garden areas of the rear units and bring them in closer proximity to the neighbouring boundaries, it is not considered this would result in detrimental harms. It would thus comply with paragraph 135 of the Revised NPPF (2024), requiring development to secure high quality design, whilst providing a good standard of amenity for all existing and future occupants of buildings.

#### Highway safety & Parking

- 6.21 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety. Paragraph 115 of the NPPF requires development to promote sustainable transport modes, provide safe and sustainable access to the site, the design of any road layout to reflect current national guidance and any significant impact on the highway to be assessed. Paragraph 116 continues to state that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of the development would be severe.
- 6.22 The proposal includes provision of two off-street parking spaces for each dwelling, therefore, there is no reason to think that the development would result in a significant material increase in on street parking demand on local streets. The effect of this proposal in parking terms would be acceptable.
- 6.23 The vehicle entrance from Shipbourne Road has remained on the same alignment as the previously approved schemes for the site, and the Highway Authority have not raised any objections in this instance. Policy SQ8 of the MDE DPD states that development would only be permitted where there is no significant harm to highway safety. Paragraph 116 of the Revised NPPF (2024) states that development should only be refused on transport grounds if there would an unacceptable impact on highway safety, or the residual cumulative impact of the development would be severe. Owing to the scale of the development any increase in car journeys that would result from the scheme would not be significant enough to pose any additional highway safety challenges.
- 6.24 Accordingly, the development would not have an unacceptable impact upon highway safety and parking provision, adhering to Saved Policy P4/12 of the TMBLP, Policy SQ8 of the MDE DPD and paragraphs 115 and 116 of the NPPF.

#### Refuse

- 6.25 It is noted that there is sufficient space to store refuse/recycling containers at the site and provide cycle storage facilities and adequate outside amenity space. It is recommended that an Informative is added to the permission drawing attention to the refuse collection arrangements.

- 6.26 It is important that waste collection vehicles have safe access/egress from the development and at each collection point. If this is not possible on a permanent or temporary basis then the council will be unable to provide a collection service.
- 6.27 Collection of bins from individual property boundaries or specified collection points and bin storage areas can be achieved where vehicle access is permitted and road constructed to highway standard and adequate to withstand frequent use by 32 tonne (gross vehicle weight) refuse freighters.
- 6.28 Subject to this informative and the development being carried out in accordance with the submitted details, no objections are raised in this regard.

### Trees

- 6.29 The proposal would be situated in close proximity to two protected oak trees, one within the site and the other in the neighbouring land. The application does not propose for these trees to be removed. The previous applications on the site did not require further details with regards to the protected trees.
- 6.30 Notwithstanding this, the current application has been supported by an Arboricultural Method Statement and Tree Protection Plan. The report indicated that the proposed development would not result in harms upon the boundary or protected trees. It concludes that the proposed development can be accommodated within the site and the protected trees retained and protected throughout the development process.
- 6.31 As a result of the proposal, the existing and protected trees are proposed to be retained, and tree protection measures are to be installed to ensure the trees and root protection areas are sufficiently protected. In addition, planting is proposed to be introduced to the site as part of a comprehensive landscape scheme. Furthermore, the tree officer has not raised any objection to the proposal subject to several conditions to secure further details. These are considered to reasonable and necessary to ensure the proposal is acceptable and as such will be imposed.
- 6.32 Given this and that the existing boundary trees, especially the protected tree, are to be protected, no objections are raised in this regard.

### Ecology and Biodiversity

- 6.33 Policy NE2 of the MDE DPD seeks to protect, conserve and enhance the biodiversity of the borough, in particular priority habitats, species and features. The restoration and creation of new habitats will be pursued. Policy NE3 of the MDE DPD further states that development that would adversely affect the biodiversity will only be permitted if appropriate mitigation and/or compensation measures are provided within the site. Proposals must make provision of the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

- 6.34 Paragraph 187 of the NPPF advises that 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 193 of the NPPF states that 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.
- 6.35 In regard to biodiversity, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. In this instance the proposal would require off-site credits to mitigate the loss of the onsite biodiversity units. To ensure the credits are secure a legal agreement would be required.
- 6.36 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). 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.
- 6.37 Subject to the signing of a legal agreement to secure the Biodiversity Credits, it is considered that the proposal would not result in harms with regards to the ecology of the site.

#### Flood Risk and Drainage

- 6.38 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".
- 6.39 Concerns have been raised from neighbouring properties that the proposal would increase the risk of surface water flooding and that the current site already causes issues for the neighbouring properties. The previous applications were considered to be acceptable subject to a condition to secure appropriate means of drainage and surface water mitigation. Such a condition is considered to be necessary and as such has been imposed. Given the length of time between the previously approved

development it is considered further details are required. Subject to this condition it is considered that the proposal would be acceptable in this regard and the development of the site could help to reduce the surface water run off rate from the site.

- 6.40 The application forms indicate foul sewage will be dealt with via mains drainage and surface water disposed of via SuDs. The NPPF sets out the drainage hierarchy and drainage strategy for the site and considers the provision of SuDs to be sufficient to ensure the development can be achieved without increasing flood risk within the locality in accordance with objective set by Central Government and the EA.

#### Planning Balance and Conclusion

- 6.41 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). In the absence of a five-year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the National Planning Policy Framework 2024 (NPPF).
- 6.42 The presumption in favour of sustainable development as set out at paragraph 11 of the Revised NPPF (July 2024), it is necessary to balance the benefits of the proposal against any adverse impacts as required by the 'tilted balance' set out in paragraph 11 of the Revised NPPF (July 2024). In this case, the proposal does not relate to an asset or area of particular importance and therefore policies which afford protection to such assets and areas do not apply.
- 6.43 The layout, scale and plot coverage in this current scheme would not significantly depart from the previously approved development for the site. Whilst the proposal would add an additional dwelling, the scheme would not impose harm on the character of the area or diminish the standard of living conditions enjoyed by current and future occupants of neighbouring properties. The scheme does not raise any overriding parking and highway safety challenges and the protected tree would be retained and protected. On the other hand, the proposal provides the benefit of contributing 7 dwellings to the Borough Council's housing supply at a time when the Council cannot demonstrate a five-year supply of housing, along with the limited economic benefits that would be accrued from the construction process.
- 6.44 Taken together, the benefits of granting permission would significantly and demonstrably outweigh any residual adverse impacts the proposals might entail, when assessed against the policies of the Revised NPPF (2024) taken as a whole. Accordingly, the proposal represents a sustainable form of development for the purposes of the NPPF (2024) and Policy CP11 of the TMBCS.

#### **7. Section 106 Obligations:**

- 7.1 A S.106 legal agreement is required to secure off-site Biodiversity Net Gain (BNG) credits and ensure that the proposal would deliver the 10% net gain required within the BNG requirements.

**8. Recommendation:**

**Approve** subject to the signing of a legal agreement to secure off-site BNG credits and subject to the following conditions:

**Conditions:**

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

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

2. The development shall be carried out in accordance with the following plans and details:

Application form, Planning Statement, 2019-070v1 Location plan, P.06 Proposed Block plan of the site, Biodiversity survey and report, 335-337 Shipbourne Road - Arboricultural Method Statement, Tree Protection Plan, 20-SJM-004-100-P1 Proposed plans and elevations, P.01 rev B Proposed site plan, p.07 rev B Proposed landscaping details, P.02 Proposed floor plans 335c and 335d, P.03 Proposed Elevations 335c and 335d, P.05 Proposed floor plans 337c, P.05 Proposed elevations 337c.

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 beyond the construction of foundations shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

4. No development, other than ground investigations or site survey work, shall take place until details of slab levels have been submitted to and approved by the Local Planning Authority and the works shall be carried out in strict accordance with those details.

Reason: In the interests of residential and visual amenity.

5. If, during the implementation of this permission, contamination not previously identified, is found to be present at the site then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until details of how that contamination shall be dealt with have been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

6. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

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

7. The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

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

8. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

9. The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

10. The dwellings shall not be occupied until the area shown on Plan/Drawing No. 2019-070.P01B (Site Plan) as vehicle parking and turning space 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 to preclude vehicular access to this reserved parking and turning space.

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

11. a) Notwithstanding details on submitted drawing Drawing No. 2019-070.P07B (Proposed Landscape Plan). A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species/cultivar, planting heights, densities and positions of any soft landscaping, shall be submitted to the Local Planning Authority within 1 month of the commencement of the development hereby permitted, for assessment and written approval.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme 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 ensure a satisfactory appearance to the development.

12. 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 approved tree protection plan (drawing No. 2025/027/TPP) 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 approved protection plan and method statement (Arboricultural Method Statement 2025/027/AMS/REV A)

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

13. The windows located at first floor level on the north and south (flank) elevations on each of the proposed dwellings shall be fitted with obscured glass and, and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. This work shall be effected before either of the dwellings are occupied. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To minimise the effect of overlooking onto adjoining property.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed above

ground level in the north or south (flank) elevations in either of the dwellings, other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of residential and visual amenity.

16. (a) No above ground development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff for any rainfall event agreed in advance with Southern Water and TMBC (for all storms up to, and including, the climate change adjusted 100yr critical storm).
- (b) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

17. Prior to first occupation the applicant is required to submit a noise report detailing the current noise climate at the proposed site due to the close proximity of the A227 to the Local Planning Authority. The details should consider the levels cited in BS8233:2014 and how these will be achieved, namely:



1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,1-hour, and a maximum upper limit of 55dB LAeq,1-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH). The report shall detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval before any decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, acoustic fencing etc) will also need to be submitted for approval by the LPA and confirmation this work has been completed prior to first occupation shall also be sent to the LPA.

Reason: In the interests of amenity and public safety

18. Prior to the commencement of the development hereby approved, arrangements for the management of any and all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
  - The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
  - Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
  - Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
  - The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

- The controls on noise and dust arising from the site with reference to current guidance.

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

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

19. Prior The development hereby approved shall be carried out in such a manner as to avoid damage to the existing Oak tree (T1 of the Tree Preservation Order – and T1 of the Arboricultural Method Statement 2025/027/AMS/REV A), including its root system by observing the following (as indicated in the agents email dated 13<sup>th</sup> August 2025):

(a) Ground levels within the Root Protection Area (RPA) of the tree shall not be raised, lowered or otherwise altered in relation to the existing ground level except as otherwise permitted under this approval.

(b) There shall be no excavations within the Root Protection Area (RPA) of the tree for any services and all service runs shall be routed to avoid the RPA of the tree.

(c) The foundations for the new house hereby approved as “plot 335 C” shall be constructed using piles and a ground beam.

Reason: To safeguard the health of an existing tree which represents an important amenity feature.

**Informatives:**

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal addresses to the new properties. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. The applicant is advised that the Local Authority operates a back edge of public highway refuse collection service. Bins should therefore be moved to the boundary of the site close to the public highway for use on collection day.
4. The applicant is advised that the established oak trees located close to the site boundaries are afforded protection by TPOs as valuable elements in terms of biodiversity, and their contribution to the character of the Area. Special care is

required during the construction process to prevent any damage to the trees that would diminish their amenity value and the appearance of surrounding area.

5. Bin provision & service

The Council operates an alternate weekly collection service for refuse and recycling, and a weekly food waste collection. Refuse and recycling is collected in separate 240 litre wheeled bins, paper and cardboard is collected in a separate 55 litre box, and food waste is collected in a 23L free standing container. There is a paid subscription service for garden waste collection using a 240-litre bin.

All individual properties must be able to accommodate up to 3 x 240 litre wheeled bins, 1 x 55 litre box & 1 x 23L food bin.

Bins & boxes are provided by the Council, and all repairs/replacements, subject to normal wear and tear. Bins damaged by the user may be recharged to the managing agent or householder. (For dimensions see below)

**Presentation of bins/boxes**

Although advice in accordance with the Local Plan states 'no carry distance to exceed 25m from either the bin store or house to the refuse vehicle' it is emphasised that consideration should always be given to a shorter distance. Bins/boxes must be stored within the boundary of the property and placed at the nearest point to the public highway by 7am on collection day and returned to the storage point on the property by the end of the day.

**Container dimensions**

- a. Standard Wheeled Bin (240 litre) dimensions: 1070mm H x 580mm W x 740mm D
- b. Small Wheeled Bin (140 litre) dimensions: 1070mm H x 480mm W x 555mm D
- c. Large Wheeled Bin (360 litre) dimensions: 1100 H x 620mm W x 860mm D
- d. Eurobin (communal) (1100 litre) dimensions: 1470mm H x 1360 W x 1080mm D
- e. Standard Box (55 litre) dimensions: 500mm H x 600mm W x 450mm D

Standard Food waste bin/individual properties (23 litre)