

**East Peckham**  
East & West Peckham  
Mereworth and Watlingbury

**03 DECEMBER 2025**

**TM/25/00656/PA**

**Location:** Grove Farm, Maidstone Road, Hadlow

**Proposal:** Redevelopment of student accommodation to provide 17 new homes.

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

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

- 1.1 The application proposes the demolition the existing buildings on the site to create 17 private residential properties. The development would largely retain the existing layout, scale and built form at the site. The submission indicates the extent of residential curtilage for each individual dwelling, including parking arrangements and associated hard and soft landscaping which involves provision of a communal amenity space.
- 1.2 Block A is an elongated single storey building located in the western part of the site. The existing building comprises 18 student bedrooms, together with a communal lounge, kitchen and plantroom. This application seeks to demolish this building and erect a similar, albeit larger, elongated single storey building over the existing footprint. This building would provide eight 1 bed (2 person) units.
- 1.3 The submission proposes to demolish Block B, which is the rectangular shaped building located adjacent to Block A currently comprising 9 student bedrooms, and a kitchen/lounge area. It is proposed to erect two single storey buildings. The replacement buildings would be positioned on the footprint of this existing building and the partially implemented Social Club that was granted planning approval under application reference number:15/03658/FL. The resulting buildings would accommodate four units (2 pairs of semis), comprising four 2-bedroom (3 person) units. The units would all have a bathroom and open plan kitchen, living and dining areas.
- 1.4 The large two storey building (Block C) located in the north-eastern part of the site close to the site entrance is also proposed to be demolished. The existing building comprises 18 student bedrooms split over two floors, with a communal lounge and kitchen on both levels. This is to be replaced with two 2 storey detached 3 bed dwellings. These units (excluding the garage) would sit within the footprint of the existing building. One of the units proposed would have an attached single storey garage.
- 1.5 Block D relates to a large two storey building formerly two workers cottages positioned in the south-eastern corner of the site. This building would be demolished

and replaced with three 2 storey detached 3 bed (5 person) units. One unit would benefit from an attached single storey garage.

- 1.6 The scheme includes provision of communal amenity space together with a landscape enhancement area to the southern end of the site. The proposal also includes parking areas together with a designated turning area.

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

- 2.1 The application is referred to committee by Councillor Matt Boughton due to the sites complex planning history, including previous refusal and dismissed appeal and the nature of the development outside of the settlement confines within the Green Belt.

## **3. The Site:**

- 3.1 The application site comprises a large, converted house, a two-storey semi-detached former workers cottage and two large single storey buildings. The site lies on the western side of the A26 (Maidstone Road), outside the built confines of Hadlow, in the open countryside and the Metropolitan Green Belt. The loose collection of buildings at the site has been used previously as living accommodation for approximately 55 students, from Hadlow College.
- 3.2 The southwest site boundary adjoins a series of fishing lakes used by Hadlow College as part of their fisheries management courses. To the north of the site is open agricultural land and a block of wooded area characteristic of the surrounding countryside. The site's front boundary is enclosed by a short picket fence allowing open views into the site from the A26 (Maidstone Road). A Flood Zone 2 and 3 is located further to the south beyond the site boundaries. Access from the A26 (Maidstone Road) is gained via a gated entrance. The A26 (Maidstone Road) is a classified road.

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

24/00373/PA - Application Withdrawn - 03 December 2024

Change of use of existing student accommodation to house of multiple occupancy (HMO)

23/00329/FL - Application Withdrawn - 16 May 2024

Demolition of existing buildings and redevelopment of site to form 16 private residential dwellings with associated hard and soft landscaping (Revision of refused application 22/01691/FL)

22/01691/FL - Refuse - 31 January 2023 - Appeal dismissed 30 January 2024

Demolition of existing buildings and redevelopment of site to form 17 private residential dwellings with associated hard and soft landscaping

- 4.1 As noted above planning permission was refused and subsequently dismissed on appeal for a similar scheme. This application seeks to address those previous concerns.
- 4.2 The 2022 application was refused for two reasons, the first related to inappropriate development in the Green Belt, the second in relation to the failing to provide provision of affordable housing.
- 4.3 In regard to reason 1 - inappropriate development, the previous scheme would have resulted in a significant increase in volume and in so doing, have a greater impact on the openness of the Green Belt than the existing development. Owing to this, it was considered that this would further erode the visual and spatial aspects currently experienced at the site. To this extent, and in principle, the proposal was considered to be inappropriate development within the Green Belt in conflict with the aims of paragraph 149 of the NPPF (2021).
- 4.4 In regard to reason 2 – affordable housing, whilst the application was supported by a viability statement, it was considered that the viability statement presented did not satisfy the minimum requirements as set out in the Council's Affordable Housing Protocols. These minimum requirements are material factors relevant to the determination of the viability, or otherwise, of the proposed development to contribute towards the provision of Affordable Housing required in policy CP17 of the TMBCS. Thus, in failing to provide a viability justification, the Council considered the scheme would cause harm to the wider interest of local affordable provision and would be contrary to the terms of development plan policy CP17 of the TMBCS paragraph 63 of the NPPF (2021).
- 4.5 When considering the appeal, in regard to the Green Belt, the Inspector noted, overall, while the proposal would improve openness in some limited respects, the proposal as a whole would cause a considerable reduction in both the spatial and visual aspects of the Green Belt's openness. As such the proposal would have a greater impact on the openness of the Green Belt than the existing development, and would not conform to the NPPF set out above.
- 4.6 In regard to the viability of the site in relation to affordable housing provision the Inspector noted that the Council did not specifically dispute the need for a site specific viability appraisal here and the matter in dispute related to establishing a benchmark land value for the site. Concluding *"I appreciate that the appellant sought an alternative methodology given the unusual circumstances of the appeal site. Nonetheless, I am required to assess the proposal based on the evidence put before me and the lack of cooperation does not provide reason to find the proposals acceptable in this regard. On this basis it cannot be established with the necessary degree of certainty that the proposal would deliver an appropriate contribution to affordable housing. This presents conflict with Policy CP17 of the LP as well as the objectives of the Framework relating to the delivery of mixed communities and meeting identified housing needs"*.

- 4.7 Since the appeal decision was issued there has been a fundamental change to the NPPF in December 2024. Of particular importance to this application, is the amended wording to paragraph 154 criteria g).
- 4.8 In 2021 the then relevant paragraph 149 stated that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this included:
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 4.9 This has since been amended and the current NPPF at paragraph 154 states “development in the Green Belt is inappropriate unless one of the exceptions applies (a to h). This includes:
- g) limited infilling or the partial or complete redevelopment of previously developed (PDL) land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause ‘substantial’ harm to the openness of the Green Belt
- 4.10 Therefore the test now to be applied when determining the application is whether the proposal would cause ‘substantial’ harm and not just whether it would have a ‘greater impact’ on the openness of the Green Belt.

**Consultees:**

- 4.11 Whilst some comments have been summarised for the purpose of this report, all statutory and third-party comments have been reviewed in full. Moreover, comments may not have been specifically referred to within the assessment, but all planning related/relevant comments have been taken into account prior to the preparation of the committee report.
- 4.12 East Peckham Parish Council: No objections
- 4.13 Planning Policy: No comments received

Housing Services: I note viability information has been submitted to evidence policy compliant 40% affordable housing provision is not viable, and a financial contribution is proposed. The amount of on-site provision that is viable needs to be established before a financial contribution can be considered. The submission is not supported as currently proposed with no on site affordable housing provision.

#### 4.14 Leisure Services:

The development appears quite isolated from any existing open space provision in the area. Open space should, in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces.

- Children's play space in the form of a LAP, LEAP and a contribution towards a MUGA should be provided on site and details should be provided and meet the latest British standards.
- LAPs and LEAPs should be fenced off as per guidance if they are located close to roads
- Contributions sought for this development should total £45,728

Open space demand generated by the development 2175 (net, sq. m):

In accordance with the methodology and sequential approach outlined in Annex D to the MDE DPD, and taking into account onsite provision of Amenity Open Space, initial consideration should be given to further on-site provision in areas of quantitative deficiency, though given the nature of the development proposal it is presumed that this may not be feasible. If provision is not made on-site, consideration should then be given to the developer providing off-site open space in accordance with the quantity standards set out in Policy Annex OS3 (translated to a standard of open space per person in Figure 4 in Annex D to the MDE DPD).

Parks & Gardens – £14,668

Amenity Green Spaces – N/A

Outdoor Sports Facilities - £27,278

Children's and Young People's Play Areas - £3582

Natural and Semi Natural Green Spaces – N/A

If provision is not made on or off-site, a sum total contribution of £45,728 should be sought.

#### 4.15 Environmental Health Protection: First response

*Construction management plan* - There is no reference to the banning of fires during the clearance and development stage. This needs to be included.

*Noise* - I would recommend that a Condition be included with any approval requiring the applicant to submit a noise report detailing the current noise climate at the proposed site due to the close proximity of the A26.

*Foul drainage* - A package treatment plant is proposed to be used to deal with the foul water drainage installed for this development. Details in regard to the package

treatment plant should be secured via a condition. Standard informative also required.

*Contaminated land* - Based on the review of Preliminary Contamination Risk Assessment (Environmental Assessment Services Ltd, April 2022)

The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Potential sources of contamination have been identified which require further investigation. These include the use of road plantings as a surface cover, historic farm activities, and potential asbestos containing materials within the buildings. I therefore recommend standard conditions:

Second response – 6 May 2025

Updated Construction Management Document – No further comments

*Acoustic report*: - The applicant has provided a noise assessment produced by Anderson Acoustics reference 8184 dated 23 April 2025 which considers the noise environment of the site and makes acoustic design recommendations. The report's contents have been assessed and it is advised a condition be placed requiring noise mitigation measures (including mechanical ventilation with heat recovery system and protection of amenity areas) to be incorporated into the development prior to first habitation that are no worse acoustically than that laid out in Anderson Acoustics report and that these details are provided to the local planning authority at the time.

4.16 Waste Services: Standard information regarding collection and bin sizes.

4.17 West Kent PRoW: I can confirm that I do not have any objections to the above planning application at Grove Farm. Public Right of Way Footpath MR363 lays to the south of the proposed site and should be unaffected by the application. General Informative's regarding PRoW consents suggested.

5.8 Southern Water Services: No comments received

5.9 Kent Wildlife Trust: No comments received

5.10 Kent Police: Standard information regarding crime prevention and designing out crime.

5.11 Kent Highway Services: Having considered the development proposals and the effect on the highway network, no objection is raised on behalf of the local highway authority subject to a Construction Management Plan condition, and conditions relating to the provision and permanent retention of the cycle parking, completion and maintenance of the access as shown on the submitted plans. Provision and maintenance of the visibility splays as shown on the submitted plans and standard informatives.

5.12 KCC Heritage Conservation: No comments received

5.13 KCC Developer Contributions: KCC would reasonably expect that any resolution from the LPA to grant planning approval must be subject to a satisfactory s106 legal agreement to ensure KCC's planning obligations are secured appropriately. An opportunity to comment on any draft agreement would be welcomed if a resolution to grant permission is given. A summary of the projects serving the development and proportionate contributions requested is set out in Table 1.

**Table 1 – Contribution Request Summary**

	<b>Per Applicable House (17)</b>	<b>Total (based on applicant's mix)</b>	<b>Project</b>
<b>Primary Education</b>	While a primary education place pressure is created by this development, it is minimal and can be accommodated elsewhere in the education planning group or neighbouring planning groups. This decision also recognises the development site's viability concerns.		
<b>Secondary Education</b>	£5,587.19	£94,982.23	Towards the establishment of a new 6 FE Secondary School as identified at Broadwater Farm <b>OR</b> An alternative new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells non-selective education planning groups.*
<b>Secondary Land</b>	£4,785.97	£81,361.49	Towards the land acquisition cost for the new 6 FE Broadwater Farm Secondary School, or alternative site land for a new secondary school in either the Malling non-selective and Maidstone & Malling selective, and Tonbridge & Tunbridge Wells non-selective education planning groups.
	*The flexibility required across education projects and education planning groups is in accordance with the DfE Guidance on Securing Developer Contributions for Education dated August 2023 (Para 47).		
<b>Special Education Needs &amp; Disabilities (SEND)</b>	£559.83	£9,517.11	Towards the provision of additional SEND places within new and existing facilities, including at Nexus Foundation Special School in Tonbridge to serve the needs of the Development

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

	<b>Per Dwelling (17)</b>	<b>Total</b>	<b>Project</b>
<b>Community Learning and Skills</b>	£34.21	£581.57	Towards additional equipment and resources for adult education centres serving the development, including outreach provision.
<b>Integrated Children's Services</b>	£74.05	£1,258.85	Towards additional equipment and resources for the Integrated Children's Services in the borough including outreach provision
<b>Library, Registrations and Archives Service</b>	£62.63	£1,064.71	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Hadlow Library
<b>Adult Social Care</b>	£180.88	£3,074.96	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	<b>All Homes built as Wheelchair Accessible &amp; Adaptable Dwellings</b> in accordance with Building Regs Part M 4 (2)		
<b>Waste</b>	£194.13	£3,300.21	Towards Household Waste Recycling Centre and Waste Transfer Station capacity serving the development, including at North Farm Depot, Tunbridge Wells
<i>Highways, PRow, SUDS, Ecology, Heritage Conservation &amp; Minerals.</i>	<i>Please note other KCC Service areas may respond separately</i>		

- 5.14 Medway IDB - The site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.
- 5.15 The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.



5.16 As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application. The Board will only consider the proposals in detail on receipt of an application for Land Drainage Consent. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

5.17 KCC Local Lead Flood Authority: First response dated 29 April 2025

Kent County Council as Lead Local Flood Authority have reviewed the Drainage Strategy prepared by Environmental Assessment Services Ltd (April 2022) and have the following comments:

- a) Page 6 of the Drainage strategy states that "The layout of the proposed redevelopment is yet to be confirmed, and it is not feasible to provide a suggested drainage arrangement, beyond the suggested location of the attenuation storage pond, at this time." At this stage, we would expect a full drainage strategy for the proposed development including:
- A drainage proposal schematic or sketch with an agreed layout that includes the drainage provision.
  - Details of any drainage features such as depth, permanent water level, side slopes, freeboard provision etc.
  - Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- b) Could the applicant clarify whether the foul drainage from the proposed development is being treated and discharged into the watercourse? If the foul drainage is indeed being treated and discharged into the watercourse, the total combined discharge rate, including both surface water and treated foul water, should be taken into account.
- c) At the detailed design stage we would expect the 'upper end' climate change allowance, for both the 30 (3.3%) and 100 (1%) year storm scenarios, to be applied within the necessary hydraulic modelling.
- d) We note that rainfall model FSR data rather than FEH data is used. We would expect to see the drainage system modelled using 2022 FeH rainfall data in any appropriate modelling or simulation software. Where 2022 FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019).
- e) As part of the hydraulic calculations, we note that the percentage runoff is set to 95%. Given the total drained area is for the impermeable area, we require this to be set at 100%. We would seek for this to be updated and be provided.

Unless the above information is provided, Kent County Council as Lead Local Flood Authority does not recommend approval of the application at this time.

Second Response dated 16 June 2025

An updated drainage strategy has been provided for the proposals, which includes a limited amount of detail on the proposed surface water drainage proposals. It sets out that a swale / basin could be accommodated within the landscape enhancement area, although we would note that this is shown indicatively and does not feature on the site plan for the development. No detailed plans of the swale are provided in the strategy.

We also note that the proposed site plan referred to use of permeable block paving within areas of the development, which is considered within the drainage strategy but not referred to in detail.

Point (e) within our previous response does not appear to have been addressed. This requested that, as part of the hydraulic calculations, the percentage run-off for the impermeable area be set at 100%, rather than the 95% utilised, in order to reflect the impermeable nature of these surfaces.

Whilst the principles of the drainage strategy are accepted, this proposal is for a full planning permission and we would highlight the lack of consistency between the drainage strategy and wider site plans for the development, as well as the limited level of detail provided to demonstrate the drainage strategy can be adequately accommodated within the proposed layout. The LPA should consider these matters to ensure that the proposals would be deliverable in conjunction with any other planning requirements for the site.

Notwithstanding the above, technical matters for the drainage scheme could be dealt with during detailed design phases and secured by condition, if the LPA was minded to grant permission for the development. We would request conditions relating to sustainable surface water and verification reports are attached to any consent.

- 5.18 KCC Ecological Advice Service: We advise that additional information is required prior to determination of the planning application regarding the BNG assessment and the potential for GCN and barn owl to be present.

*Protected/Notable Species*

We have reviewed the ecological information submitted with this application and application 23/00329/FL and we are satisfied that that it is unlikely that reptiles and roosting bats are present. However further information is required on GCN and barn owl.

The surveys submitted with application 23/00329/F concluded that it is unlikely that roosting bats or reptiles are present within the site but there are at least 3 species of bats foraging/commuting within the site and there is potential for breeding birds

(including barn owl), badger, hedgehog and GCN to be present within the site. The ecological survey for this application detailed that it was unlikely that GCN were present and did not consider the potential for barn owls to be present. We are satisfied with the conclusions of the current submission that the results of the bat and reptile surveys are likely to be valid.

As the buildings may be used by barn owls and therefore the recommended internal surveys of the buildings to assess if barn owls are likely to be present must be carried out prior to determination of the planning application. There is a need to ensure that if present appropriate mitigation can be implemented for barn owls. This is in alignment with paragraph 99 of ODPM 06/2005 which states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

We advise that information must be submitted clarifying why the current ecologist dealing with this application considers it unlikely that GCN are present. We highlight that there may be a need for further surveys or information demonstrating the site has been accepted on to the District Level Licencing scheme for Great Crested Newts.

We advise that sufficient information has been provided with regard to mandated BNG.

The submitted information has detailed that a BNG of over 10% can be achieved through the creation of a large area of scrub within the south of the site.

We advise that if this area becomes dense scrub it will not be usable as recreational space for residents. Therefore we advise that TMBC must be satisfied that this is appropriate and if it is not we recommend that the proposed habitat plan and BNG assessment is updated.

If the updated metric demonstrates that the site will not achieve a BNG of 10% additional units will have to be purchased from an off site provider.

5.19 Interested Parties: Only letters of support have been received in response to the application.

- From what I've seen in the drawings, the plans clearly represent a significant improvement on what is currently there. It's good to see that bungalows are included too, offering a variety of housing options.
- It doesn't make sense for sites like this to sit empty and neglected while new houses continue to be built on green fields. The current state of the site reflects poorly on the surrounding area—many people pass by and see a run-down, abandoned space.

- The proposed design looks strong to me. As long as quality materials are used and the landscaping is well done, I believe this will be a positive development that benefits the wider community
- Very much support this application, and it is long overdue to resolve the issues over the site. Let's new buildings into occupation - they are very much needed in this area. The applicant seems to have responded to T & M's concerns re over-development, and is ensuring that the number and height of the dwellings suit this rural site. T & M's desire to provide smaller sized homes could be partly met by these homes, and the parking provision seems reasonable. Given that car use is essential for future residents, and even the smaller units may need two cars per home to get to work, 34 spaces for residents and all their visitors seem right. A four bedroom house these days usually has four cars outside it (I know, as I live in such a group of homes). Although there is a good bus service along the road, leading to Maidstone or Tunbridge Wells, there is currently no bus stop along this East Peckham stretch. I see passengers having to brave speeding traffic to hail a bus at various points from Stanford Lane to Seven Mile Lane, which is not satisfactory. (Note the work being undertaken at Kent Street to alleviate this.) There is also no paved footpath along this part of the A26 and no bicycle lane, so car ownership is vital.
- A vital provision, of course, is true full-fibre broadband for homes all along this stretch of the A26, as far as Hadlow.
- This new housing initiative has the potential to address the growing demand for affordable housing options. Furthermore, the housing development project promises to improve the run down state of the site.
- The site has been sitting unused for quite a long time, and it's felt like a bit of a wasted opportunity in an area where well-designed homes are so needed. I really like that this proposal focuses on a mix of smaller bungalows for first-time buyers and downsizers, along with some more traditional family houses. It seems like a thoughtful approach that could help create a more balanced and welcoming community.
- As someone who lives nearby, I also appreciate that most of the homes are single-storey — not only do they blend in better with the area, but they're also more accessible for older residents or those with mobility issues. It's also good to see that they've considered parking properly; in rural areas like ours, it's realistic to expect most households will need at least one car.
- After reading the current planning application/design I can only believe this will be a huge positive for the local area and bring a current derelict run down site to a practical and tasteful construction, not only serving a massive housing issue we have currently but, also improving the area hugely that it so badly needs. A positive this development all round, we believe.

- As a local resident, I think it is important that the Grove Farm site is redeveloped and starts being used again. It has been left for too long and has deteriorated year on year. I consider the proposed design is attractive, sympathetic to the greenbelt location and addresses the need for smaller, rural homes for first-time buyers in the Tonbridge area. The plans show careful consideration has been given to the parking requirements to ensure parking is adequate for the proposed redevelopment.

## **6. Determining Issues:**

### Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework ("NPPF 2024") the associated National Planning Practice Guidance ("PPG") and National Design Guide are important material considerations.

### Emerging Local Plan

- 6.4 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council's cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025.
- 6.5 The emerging Local Plan sets out how the Council will meet the government's objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.

### Principle of development

- 6.6 Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to certain criteria (a to i) the proposal does not fall within one of the categories listed in Policy CP14. Notwithstanding this, the Council acknowledge that this policy is not consistent with the 'language' of the NPPF and so carries significantly diminished weight in the overall planning balance.

- 6.7 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations, which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”.
- 6.8 It is not disputed that the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council’s latest published position (December 2024) indicates a 2.89 year supply of housing.
- 6.9 As a consequence, the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) would need to be considered when assessing any development for housing. In this case for decision taking, this means:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 6.10 In relation to Paragraph 11d (i), footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, this includes Green Belt. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a ‘strong’ reason for refusing the development.

#### Green Belt Assessment

- 6.11 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.
- 6.12 As set out in the history section, there has been a fundamental change in national policy since the refusal and dismissed appeal for a similar scheme.
- 6.13 Paragraph 153 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds, when considering any planning application,

Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.14 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). This includes:

g) limited infilling or the partial or complete redevelopment of previously developed (PDL) land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause 'substantial' harm to the openness of the Green Belt.

6.15 The definition of PDL is defined in Annex 2: Glossary to the NPPF as:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape"*

6.16 The site comprises various permanent structures and associated fixed surface infrastructure as such the site would constitute PDL.

6.17 Therefore, the test to be applied in terms of Green Belt is whether the proposal would cause 'substantial' harm to the openness of the Green Belt.

#### Assessment on Openness

6.18 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.19 With regard to openness, the leading court cases of Turner [2016] and Samuel Smith [2020] and numerous subsequent appeal decisions have confirmed that Green Belt openness has a spatial dimension and a visual dimension. Moreover, it must not be forgotten that these dimensions work in tandem and not in isolation, and in context, a synergy that is not always transparent in assessments of effects on openness, which can appear heavily weighted towards the spatial aspect.

6.20 Therefore, when assessing whether the proposal would cause 'substantial' harm to the openness of the Green Belt. It is necessary to look at the wider implications of the proposal and to consider it within its context. The impact on openness will vary

according to factors such as size and scale, and the prominence from public and private viewpoints.

- 6.21 As set out in the introduction, the majority of the new buildings will be sited on the footprint of the existing buildings on the site, see figure 1 below: It is noted that one of the three detached dwellings sits outside of the current built form. However, whilst extending the built form further to the south, the proposal also sees the built form set back further from the eastern boundary (front boundary) and therefore arguably both the spatial and visual effect overall on the openness of the Green Belt would be minimal.



Figure 1: - Proposed layout – red dots denotes existing buildings.

- 6.22 Furthermore, whilst there would be a new internal access road created, overall the proposal would result in a reduction in hard surfacing across the site due to the formation of residential curtilages (see figure 2).
- 6.23 In regard to bulk and height, there would be no overall increase in height for Block A albeit there would be an increase in length of the building, which would add additional bulk. Block B would see a slight reduction in overall height, which would be offset the increase in depth. Block C sees a significant reduction in overall height and



bulk. This reduction would compensate for the garage element, which would see the built form spread further to the north.

- 6.24 Block D is where the most significant change takes place as previously noted. Whilst there would be no increase in overall height, the spread of development would be greater than that which currently exists, with one unit being closer to the southern boundary than the existing building. However as already noted the three detached dwellings would be set further back from Maidstone Road, which will reduce the visual impact of those three units.
- 6.25 The application is accompanied by supporting figures. Figure 2 below, sets out the existing and proposed comparisons in terms of footprints, volume and hard surfacing.

	Existing Footprint (m <sup>2</sup> )	Proposed Footprint (m <sup>2</sup> )	Footprint net difference (m <sup>2</sup> )	Change (%)
Block A	424	588	164	
Block B	434	326	-108	
Block C	216	170	-46	
Block D	179	150	-29	
Outbuilding	23	0	-23	
<b>TOTAL</b>	<b>1276</b>	<b>1234</b>	<b>-42</b>	<b>-3.29%</b>

	Existing Volume (m <sup>3</sup> )	Proposed Volume (m <sup>3</sup> )	Volume net difference (m <sup>3</sup> )	Change (%)
Block A	1744	2403	659	
Block B	1453	1078	-375	
Block C	1810	1869	59	
Block D	954	1793	839	
Outbuilding	58	0	-58	
<b>TOTAL</b>	<b>6019</b>	<b>7143</b>	<b>1124</b>	<b>18.67%</b>

	Existing area (m <sup>2</sup> )	Proposed area (m <sup>2</sup> )	Area net difference (m <sup>2</sup> )	Change (%)
Hard surfacing inc house footprints	3273	3101	-172	-5.26%

Figure 2: comparison figures

- 6.26 These figures demonstrate that overall, there would be a reduction in footprint and hard surfacing when compared to the existing development. Whilst there would be a 19% increase in volume, it is not considered that this results in a 'significant'

increase, as such, it is considered that the proposal would not cause 'substantial' harm to the openness of the Green Belt.

- 6.27 The proposal would therefore comply with paragraph 154 NPPF criterion g) and as such would be appropriate development in the Green Belt.

#### Grey Belt

- 6.28 As it has been concluded that the site would not cause substantial harm to openness of the Green Belt in compliance with criterion g) of paragraph 154 NPPF as "limited infilling or the partial or complete redevelopment of previously developed land" it is not considered necessary to consider the site against Grey Belt policy.
- 6.29 Furthermore, whilst paragraph 153 (NPPF) states when considering any planning application. LPA's should ensure that substantial weight is given to any harm to the Green Belt, including harm to openness, footnote 55 (NPPF) is clear that this weight is not afforded in the case of development on previously developed land or Grey Belt Land where development is not inappropriate as in this case.

#### Affordable housing

- 6.30 Paragraph 64 (NPPF) notes where a need for affordable housing is identified planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required) and moreover this should be provided on site unless off site provision or a financial contribution can be justified.
- 6.31 With regard to affordable housing provision, Policy CP17 of the TMBCS states that in the urban areas, affordable housing provision will be sought on all sites of 15 dwellings or above or 0.5ha or above at a level of 40% of the number of dwellings in any scheme. The supporting text confirms that this will be the starting point for negotiations on a site-by-site basis and is subject to viability considerations. This Policy is elaborated further through the Affordable Housing Supplementary Planning Document adopted in July 2008.
- 6.32 Further guidance on the Council's strategy is set out in the Affordable Housing Protocol (Annex 1 Section 7 November 2021) which recognises that the impact planning obligations can have, when coupled with other policy requirements, may affect the viability of some development proposals.
- 6.33 In such exceptional circumstances. the Council will consider whether the benefits of the proposed development would outweigh the disadvantages of a more limited planning obligation, or no planning obligation at all. This will only be possible, however, where the developer provides evidence of the likely impact of the proposed planning obligation(s) on the viability of their development. Within this context, if a reduced percentage of affordable housing is being offered, the Affordable Housing Statement must explain why. If the reason for no provision, or for provision below the Council's adopted policy position is proposed, then a detailed financial viability

assessment (FVA) must be provided as part of the Affordable Housing Statement/Financial Viability Assessment.

6.34 In this case, the proposed scheme comprises all market housing, meaning there is no affordable housing either provided on site or off site or the relevant commuted sums contributing towards the Council's affordable housing programme. The application is supported by a FVA that indicates that the site would not be able to provide policy compliant affordable housing. The Appraisal identifies a range of factors contributing to the current viability position of the scheme. In accordance with the SPD, the Council has appointed an independent viability consultant to scrutinise the FVA.

6.35 There is a difference of opinion between the applicant and the independent assessors in regard to the current land value of the site. This is because the independent assessors consider that they have not been provided with a policy compliant Benchmark Land Value (BLV) assessment by the Applicant. In line with NPPG, the onus is on the applicant to evidence their position and not otherwise. In an attempt to negotiate, two scenarios have been considered by the independent assessors.

Scenario 1 – with a nil BLV would achieve a net profit of £244,808.

Scenario 2 with a provisional BLV of £200,000 (bases on a storage use) would achieve a net profit of £13,904.

6.36 The Independent assessors have therefore concluded that pursuance of the additional affordable housing contribution is, therefore, contingent on acceptance of the BLV assessment by the Council in this case.

6.37 However, whilst some differences remain on certain aspects of the FVA, both the Council's viability consultant and the applicant agree that the proposal, in its current form, is unlikely to generate sufficient profit to deliver the level of affordable housing required by policy. On this basis, the absence of an affordable housing contribution can be justified in this instance. However, as viability could improve or worsen over the course of construction and the amount of affordable housing contribution currently on offer falls substantially short of the relevant policy requirement, Officers suggest that a mechanism, secured via a Section 106 agreement, is put into place, that if the development is not built up to structural slab level within 12 months from the date of the S106, an updated FVA will be required to be submitted and independently reviewed.

#### Housing Mix

6.38 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The adopted development plan does not contain specific housing mix

policies, although Core Strategy Policy CP1 states that provision will be made for housing to meet the needs of existing and future residents of the borough.

- 6.39 The Housing Needs Study 2022 provides the most up to date evidence base to inform decision making, and sets out the broad requirements which identify how housing supply can assist in meeting the need profile. However, the figures vary considerably depending on the sub area.
- 6.40 The proposals will provide a mix of eight x 1 bed units, four x 2 bed units and 5 x 3 bed units. Whilst the Housing Needs Study 2022 identifies a need for larger housing, in this case given that the site replaces 55 1 bed student units, coupled with its location, officers are satisfied that the mix is appropriate for the site and acceptable in this case.

#### Standard of accommodation

- 6.41 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. All the proposed units would meet the national floorspace standards and provide sufficient and usable external amenity area as set out in figure 3 below:

Unit ref	Unit type	Bed no.s	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )
A1	Single storey end of terrace	1	61.7	663.892
A2	Single storey mid terrace	1	61.7	663.892
A3	Single storey mid terrace	1	61.7	663.892
A4	Single storey mid terrace	1	61.7	663.892
A5	Single storey mid terrace	1	61.7	663.892
A6	Single storey mid terrace	1	61.7	663.892
A7	Single storey mid terrace	1	61.7	663.892
A8	Single storey end of terrace	1	61.7	663.892
B1	Single storey semi detached	2	69.5	747.82
B2	Single storey semi detached	2	69.5	747.82
B3	Single storey semi detached	2	69.5	747.82
B4	Single storey semi detached	2	69.5	747.82
C1	Detached house	3	117.5	1264.3
C2	Detached house	3	121	1301.96
D1	Detached house	3	117.5	1264.3
D2	Detached house	3	117.5	1264.3
D3	Detached house	3	121	1301.96
<b>Total</b>		<b>31</b>	<b>1366.1</b>	<b>14699.236</b>

Figure 3 – NDSS table

- 6.42 All habitable rooms would have at least one reasonable sized window to ensure adequate natural light and ventilation would be provided to the future occupiers. All outside amenity space is also adequate for the size of units proposed and the number of intended occupiers.

Assessment on Character and Appearance

- 6.43 Paragraph 131 (NPPF) highlights the importance of creating high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.44 Paragraph 135 (NPPF) seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.45 Paragraph 130 of the NPPF offers bespoke advice on density, requiring all developments to make optimal use of the potential of each site. In this case the density of the scheme would be just under 26dph, which could be argued does not make optimal use of the site however, given the sites location in this case it is considered that 26 dph is acceptable and reflective of the sites location.
- 6.46 Policy SQ1 Managing Development and the Environment Development Plan, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.
- 6.47 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.48 As already stated, the proposal involves the demolition of all the buildings currently on site, and whilst the existing buildings are not derelict and are of a design appropriate for their lawful use, the replacement buildings will improve the visual appearance of the site and the immediate area. The redevelopment of the site will be more coherent from a landscape perspective too, pulling the mass back from the front boundary and into the site allows for meaningful planting and landscaping between the highway and built form within the site.
- 6.49 Each unit is provided with its own front garden and private rear amenity space. All the units will also benefit from the use of a communal amenity area, which the planning statement sets out will be co-owned by residences and maintained collectively. The management plan for the communal area will form part of the sales contract and will bind buyers and future occupants to ensure the continued upkeep of the area.
- 6.50 In regard to materials, these are annotated on the proposed plans: For Block A, it is proposed to use oak weatherboarding to the front and sides with oak corner post detailing and facing brickwork to the rear, all under a slate roof. For Block B, again it is proposed to use oak weather boarding with a clerestory roof. Blocks C and D,

propose facing brickwork at ground floor level with oak weatherboarding at first floor level with a hand formed clay tiled roof. Decorative features include brick corbelling, lead scalloping below windows and render infill panels.

- 6.51 A material schedule accompanies the application and this sets out the finer details of the materials, ie specification, colour. Officers consider that the design and appearance of the dwellings and the suggested materials are suitable and in keeping with the character and appearance of the area. Should permission be forthcoming then a condition is suggested for the materials to be in accordance with the submitted details.
- 6.52 To conclude on character and appearance, subject to the recommended planning conditions, it is considered that the proposal is of an appropriate scale, form, design and appearance and would not harm the overall character and appearance of the immediate area in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough Core Strategy and Policy SQ1 Managing Development and the Environment Development Plan.

#### Access and Parking

- 6.53 Policy CP1 of the TMBCS seeks the location of development which will reduce the need to travel, again highlighting the benefits of this edge of town centre location for new residential development. Policy CP2 (TMBCS) states that any new development that is likely to generate a significant number of trips should adhere to policy requirements including being “(d)...compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated”.
- 6.54 This policy is also supplemented by Policy SQ8 (MDE DPD) which states that before proposals for development are permitted, the applicant will need to “demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided” and development proposals will only be permitted “where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.”
- 6.55 Policy DC6 (MDE DPD) states: *“In consideration of development proposal which are in the vicinity of, or are served by, rural lanes, permission will only be granted where: (a) the development conserves and, where appropriate, enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety”.*
- 6.56 Given the proposal constitutes a major development, with potential of causing a wider implication on the local highway network, Kent County Council as the Local Highway Authority has been consulted, the application is also accompanied by a Transport Statement (TS).

- 6.57 The TS compares the previous use and specifically traffic generation and vehicle movements against the proposed scheme. The data within the TS suggests that there would be a net reduction in vehicle movements when compared to the proposed development.
- 6.58 In regard to the access, it is proposed to utilise the existing access from the A26 Maidstone Road. Drawing number 2022/6404/001 Rev P4 illustrates visibility of 2.4m x 151.4m north of access to the carriageway centre line on Maidstone Road (in accordance with DMRB minimum standards). The land within the visibility splay is within the applicant's control. It is material to note that the existing access has served 55 student accommodation and the adjacent agricultural fields in the past. It is also noted that the applicant has proactively engaged with KCC prior to the submission of the application.
- 6.59 In response, KCC Highways raise no objection to the proposal subject to conditions relating to the submission of a construction management plan, which will 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.
- 6.60 Together with conditions relating to:
- The provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing;
  - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
  - Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
  - Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
  - Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, prior to the use of the site commencing.
- 6.61 Turning next to parking, Kent County Council's Parking Standards (January 2025) sets out that for 1 and 2 bed houses, within a suburban area, 1 space is required per unit and in regard to 3 bed houses 2 spaces are required per unit. In this case each

unit will be provided with 2 allocated parking spaces and electric charging points. On site refuse storage is provided and shown on the site plan and would be conditioned to be provided prior to the occupation of the first dwelling.

- 6.62 On this basis the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in with Policy SQ8 of the MDE DPD or paragraphs 115-118 of the NPPF.

#### Assessment on Neighbour Amenity

- 6.63 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.

- 6.64 Paragraph 135 (f) of the NPPF advises that:

*“Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.*

- 6.65 The nearest residential dwellings are those located to the north/northwest within Grove Close some 165m from the nearest proposed dwelling. To the south are farm buildings in connection with Grove Farm. Given the significant distances involved, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

#### Biodiversity and Ecology

- 6.66 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.67 Policy NE2 MDE DPD, outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 MDE DPD also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate



management and monitoring and creating new or replacement habitats of enhanced ecological value.

- 6.68 The application is accompanied by a Preliminary Ecological Appraisal Part 1 and Part 2, BNG report, Biodiversity Gain Plan, Biodiversity metric calculation, and Biodiversity credit details.
- 6.69 KCC Ecological Advice Service initially reviewed the submitted information and subsequently confirmed that additional information was required prior to the determination of the application in relation to BNG assessment and the potential for Great Crest Newt and owls to be present. Further information was submitted in relation to owls (EAS Ltd letter dated 4 June 2025).
- 6.70 KCC in their subsequent response note that they are satisfied, with the exception of GCN, that sufficient information has been submitted to determine the planning application. However, in regard to GCN whilst no further information has been received, KCC Ecology reviewed the submitted information in more detail and now accept that this matter can be addressed within a site wide ecological mitigation strategy. Due to the habitat creation proposed, KCC are satisfied that appropriate mitigation can be implemented if required. If permission is forthcoming, then a condition is suggested that prior to works commencing on site an ecological mitigation strategy must be submitted to the LPA for written approval. It must include the following:
- Preliminary ecological appraisal
  - Recommended species surveys
  - Overview of mitigation required
  - Detailed methodology to implement mitigation
  - Timings of works
  - Details of any licences required.
- 6.71 Turning next to BNG - Under section 40 of the NERC Act (2006) and paragraph 187 of the NPPF (2024), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 193 of the NPPF (2024), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.
- 6.72 Under the Environment Act 2021, all planning applications for major development (unless exempt), will have to deliver at least a 10% biodiversity net gain. Having reviewed the proposal and submitted documents, KCC Ecology consider this application to fall under mandatory biodiversity net gain.
- 6.73 A statutory BNG metric has been submitted that shows over 10% can be achieved through the creation of a large area of scrub within the south of the site. KCC advise that if this area becomes dense scrub it will not be usable as recreational space for residents. Therefore, KCC advise that TMBC must be satisfied that this is

appropriate. The application includes a separate open space communal area to the north west of the site and therefore officers are satisfied that the onsite BNG is achievable. If permission is forthcoming, then KCC suggest a condition will be required for a Landscape and Ecological Management Plan (LEMP) to be submitted prior any habitat creation works taking place together with a further condition relating to lighting.

- 6.74 To conclude on ecology and biodiversity, subject to conditions it is considered that the development proposal accords with Local Policies, NE2, NE3 and the NPPF.

#### Flooding / Drainage

- 6.75 Paragraph 170 of the NPPF sets out the “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”.
- 6.76 Developments 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”.
- 6.77 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for development which increases the demand for off-site water and sewerage infrastructure where: a) sufficient capacity already exists; or b) extra capacity can be provided in time to serve the development
- 6.78 The majority of the site is located within flood zone 1, however, due to the site location adjacent to the lake, a very small part of the western/southern boundary falls within flood zones 2 and 3.
- 6.79 The application is accompanied by a Drainage Strategy (eas Ltd dated May 2025). This sets out that the proposed development will change the extent of impermeable areas and it will be necessary to incorporate Sustainable Drainage System (SuDS) measures to ensure that surface water leaving the site would not exceed the Greenfield flow rate. Foul drainage from the proposed development will need to be treated and disposed of on site (as existing) as there is no public foul sewer within practicable reach. This report provides an evaluation of the SuDS options available in

respect of the site and an outline strategy for drainage of foul and surface water arising from the proposed development.

- 6.80 KCC Local Lead Flood Authority initial response required clarification on areas within the Drainage Strategy. An updated drainage strategy was subsequently submitted. However, whilst the principles of the drainage strategy are accepted by KCC LLFA they noted that the proposal is for a full planning permission and highlighted the lack of consistency between the drainage strategy and wider site plans for the development, as well as the limited level of detail provided to demonstrate the drainage strategy can be adequately accommodated within the proposed layout.
- 6.81 Notwithstanding the above, KCC LLFA go on to acknowledge that as the principles are acceptable, technical matters for the drainage scheme could be dealt with via conditions as such should permission be granted conditions have been suggested. These include a pre-commencement condition for detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority based upon the Drainage Strategy dated May 2025 by Environmental Assessment Services Limited.
- 6.82 In terms of foul drainage, the Council's Environmental Health Protection Officer notes that a package treatment plant is proposed to be used to deal with the foul water drainage installed for this development. Whilst connecting to mains drainage is the preferred option, as highlighted within the drainage strategy, there is no public foul sewer within practicable reach. Therefore, foul drainage from the proposed development will need to be treated and disposed of on-site (as existing). Details in relation to the package treatment plant can be secured via a suitably worded condition.
- 6.83 The site is also located near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.
- 6.84 The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works, which require Land Drainage Consent from the Board and an informative is suggested to bring this to the attention of the applicant should permission be granted.

#### Contaminated Land

- 6.85 Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:

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

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

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

6.86 Paragraph 197 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.87 The application is supported by a Preliminary Contamination Risk Assessment, (Environmental Assessment Services Ltd, April 2022. The Council's Environmental Health Protection Officer has reviewed the Preliminary Contamination Risk Assessment and notes the report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Potential sources of contamination have been identified which require further investigation. These include the use of road plantings as a surface cover, historic farm activities, and potential asbestos containing materials within the buildings. Standard contamination conditions are therefore recommended should permission be forthcoming.

#### Archaeological Matters

6.88 The site lies within an area of potential associated with activity from the prehistoric period onwards. The application is not accompanied by any archaeological evidence, and no comments have been received from the KCC Heritage Conservation Officer. However, due to the site's location and potential a standard condition is suggested.

#### Noise

6.89 Due to the location of the development adjacent to the A26 (Maidstone Road) a Noise Impact Assessment (Anderson Acoustics April 2025) has submitted with the application. The Council's Environmental Health Protection officer has reviewed the Noise Impact Assessment, which considers the noise environment of the site and makes acoustic design recommendations. The report's contents have been assessed and it is advised a condition be placed requiring noise mitigation measures (including mechanical ventilation with heat recovery system and protection of amenity areas) to be incorporated into the development prior to first habitation that are no worse acoustically than that laid out in Anderson Acoustics report and that these details are provided to the local planning authority at the time.

### Open Space

- 6.90 Policy OS3 Managing Development and the Environment DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.91 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.
- 6.92 The proposal seeks to erect 17 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3.
- 6.93 Amenity space is provided for each dwelling, and the application also proposes a communal open space area comprising 1603sqm.
- 6.94 Open space should, in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces.
- Children's play space in the form of a LAP, LEAP and a contribution towards a MUGA should be provided on site and details should be provided and meet the latest British standards.
  - LAPs and LEAPs should be fenced off as per guidance if they are located close to roads
  - Contributions sought for this development should total £45,728
- 6.95 Open space demand generated by the development 2175 (net, sq. m):
- 6.96 In accordance with the methodology and sequential approach outlined in Annex D to the MDE DPD, and taking into account onsite provision of Amenity Open Space, initial consideration should be given to further on-site provision in areas of quantitative deficiency, though given the nature of the development proposal it is presumed that this may not be feasible. If provision is not made on-site, consideration should then be given to the developer providing off-site open space in accordance with the quantity standards set out in Policy Annex OS3 (translated to a standard of open space per person in Figure 4 in Annex D to the MDE DPD).

Parks & Gardens – £14,668

Amenity Green Spaces – N/A

Outdoor Sports Facilities - £27,278

Children's and Young People's Play Areas - £3582

Natural and Semi Natural Green Spaces – N/A

6.97 If provision is not made on or off-site, a sum total contribution of £45,728 should be sought. In this case whilst there is some open space provision to be provided on site the proposed vision does not meet the required contribution and falls short by 572 sqm. Therefore, offsite contributions would be required in this case.

Developer Contributions/Planning Obligations (other than Affordable Housing)

6.98 Policy CP25 of the Core Strategy requires new development to “*incorporate the infrastructure required as a result of the scheme or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation*”.

6.99 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests as set out in paragraph 122 of the CIL Regulations 2010 (as amended). These state that obligations must be

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

6.100 Paragraph 58 of the NPPF reflects this statutory requirement.

6.101 Requests for financial contributions towards open space as set out above are required. The request for these contributions meets the relevant policy tests and would need to be secured through the legal agreement.

6.102 KCC Strategic Development and Place (The County Council) has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

6.103 These contributions (as set out in the statutory responses above) relate to:

Secondary Education	£95,982.23
Secondary Land	£81,361.49
SEND	£9,517.11
Community Learning and Skills	£581.57
Integrated Children's services	£1,258.85
Library	£1,064.71
Adult Social Care	£3,074.96

Waste	£3,300.21
Total	£195,141.13

- 6.104 As set out above the application is accompanied by a FVA, based on Scenario 1 – with a nil BLV it is considered that the development would achieve a net profit of £244,808.00. This would be sufficient to provide both the required open space contribution and the developer contributions required by KCC (Combined figure for both contributions £240,869.13).
- 6.105 The applicant is willing to pay these contributions, and these would be secured via a S106 along site the affordable housing mechanism that if the development is not built up to structural slab level within 12 months from the date of the S106, an updated FVA will be required to be submitted and independently reviewed.
- 6.106 However, notwithstanding the above the applicant has offered a 'one off fixed' financial contribution (i.e not index linked) of £307k. This would mean that after the developer contributions as set out above, there would be £66,130.87 surplus to contribute to affordable housing. Should this be an option to members then this could be secured via a Section 106 agreement and would run alongside the suggest mechanism for affordable housing that if the development is not built up to structural slab level within 12 months from the date of the S106, an updated FVA will be required to be submitted and independently reviewed.

#### Other Matters

- 6.107 Officers are aware that due to the location of the site, the site is heavily dependent on a motor vehicle. However, the site is PDL and as such any future use, whether that is residential or commercial the reliance on a motor vehicle would not change.

#### Public right of way.

- 6.108 Public Right of Way MR363 lays to the south of the proposed development. KCC Public Right of Way and Access Service team have reviewed the application and confirms that the Public Right of Way appears to be unaffected by the proposal.
- 6.109 No objection is therefore raised subject to an informative that no works can be undertaken on the Public Right of Way.

#### Public Sector Equality Duty – Equality Act 2010

- 6.110 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:
- Eliminate unlawful discrimination, harassment, and victimisation;

- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

6.111 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

6.112 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legalisation and the Council's obligations under the PSED.

6.113 Accordingly, the adopted planning Framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

6.114 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.

6.115 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report

#### Planning Balance

6.116 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for housing.

6.117 Consequently, permission should be granted unless as the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed.

6.118 The proposal would be appropriate development under Paragraph 153 (NPPF) utilising PDL and proposing a development which would not cause sustainable



harm to openness of the Green Belt, (also having regard to footnote 55 NPPF) and as such there would be no strong reason to refuse the proposal under paragraph 11 d i) in relation protected areas.

- 6.119 Therefore paragraph 11 d ii) is engaged and planning permission should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taking as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.120 In weighing the proposal in the overall planning balance required by 11 d (ii) the Council acknowledged that the scheme would provide 17 dwellings, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, this attracts substantial weight in favour of the proposal even acknowledging that the provision is only for 17 dwellings.
- 6.121 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.
- 6.122 It has been concluded that that there would be no unacceptable impact on character and appearance, neighbouring properties, ecology, highway safety or parking provision subject to conditions and the proposal would be acceptable in terms of design and living conditions. However, absence of harm in relation to these matters is not a benefit of the scheme, but rather, weighs neutrally in the planning balance.

#### Conclusion of Planning Balance

- 6.123 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval subject to conditions and S106 agreement either:

option a - affordable housing mechanism and developer contributions (indexed linked) or

option b - affordable housing mechanism and a one off fixed financial contribution of £307k and conditions.

### **7. Recommendation: Approval subject to S106 and conditions**

#### **Heads and Terms Section 106**

### **Option 1: - Affordable housing mechanism**

(suggested/wording along the lines of)

If the Development is not built to Structural Slab Level within 12 (twelve) months of the date of this Deed the Owner shall notify the Council in writing within 5 (five) Working Days.

Should the Owner have notified the Council pursuant to paragraph 1.1 of this schedule they shall then submit the Viability Information to the Council within 40 (forty) Working Days of such notification.

The Council shall assess the Viability Information submitted pursuant to paragraph 1 of this Schedule and shall apply the following formula to calculating whether or not the Developer Contribution is payable.

#### **Developer Contributions Open space and KCC contributions (index linked)**

Parks & Gardens	£14,668
Outdoor Sports Facilities	£27,278
Children's and Young People's Play Areas	£3582
Total	<u>£45,728</u>

Secondary Education	£95,982.23
Secondary Land	£81,361.49
SEND	£9,517.11
Community Learning and Skills	£581.57
Integrated Children's services	£1,258.85
Library	£1,064.71
Adult Social Care	£3,074.96
Waste	£3,300.21
Total	<u>£195,141.13</u>

### **Option 2: - Affordable housing mechanism**

(Suggested wording along the lines of)

If the Development is not built to Structural Slab Level within 12 (twelve) months of the date of this Deed the Owner shall notify the Council in writing within 5 (five) Working Days.

Should the Owner have notified the Council pursuant to paragraph 1.1 of this schedule they shall then submit the Viability Information to the Council within 40 (forty) Working Days of such notification.

The Council shall assess the Viability Information submitted pursuant to paragraph 1 of this Schedule and shall apply the following formula to calculating whether or not the Developer Contribution is payable.

**One Off Fixed Contributions of £307k (not index linked) payable at commencement of development (or to be agreed)**

Open space and KCC contributions

Parks & Gardens	£14,668
Outdoor Sports Facilities	£27,278
Children's and Young People's Play Areas	£3582
Total	£45,728

Secondary Education	£95,982.23
Secondary Land	£81,361.49
SEND	£9,517.11
Community Learning and Skills	£581.57
Integrated Children's services	£1,258.85
Library	£1,064.71
Adult Social Care	£3,074.96
Waste	£3,300.21
Total	£195,141.13

Surplus – towards affordable housing.      £66,130.87

**Conditions**

**Standard Conditions**

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

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

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

Location Plan produced 10 April 2025

Site Location Plan – Drawing no. P093 – 001

Existing Site Plan – Drawing no. P093 - 002

Proposed Site Plan - Drawing no. P093 – 101

Block A Existing Plans and Elevations - Drawing no. P093 – A – 001

Block A Proposed Plans and Elevations - Drawing no. P093 – A – 301  
Block B Existing Plans and Elevations - Drawing no. P093 – B – 001  
Block B Proposed Plans and Elevations - Drawing no. P093 – B – 301  
Block C Existing Plans and Elevations - Drawing no. P093 – C – 001  
Block C Proposed Plans and Elevations - Drawing no. P093 – C – 301  
Block D Existing Plans and Elevations - Drawing no. P093 – D – 001  
Block D Proposed Plans and Elevations - Drawing no. P093 – D – 301  
Construction Management and logistics plan by Opus Magnum dated March 2025  
Preliminary Ecological Appraisal by eas Ltd dated April 2022 updated Feb 2025  
Preliminary bird/owl survey by eas Ltd dated 4 June 2025  
Biodiversity Net Gain by eas Ltd dated February 2025  
BNG Baseline habitat map drawing no. P093 – 101  
BNG Habitat plan existing drawing no. P093 – 002  
BNG Metric calculations  
Drainage Strategy by eas Ltd dated May 2025  
Noise Impact Assessment by Anderson Acoustics dated April 2025  
Tree Planting Report received 7 April 2025  
Material Schedule received 7 April 2025  
Design and Access Statement by Magnum Opus dated March 2025  
Preliminary Contamination Risk Assessment by eas Ltd dated April 2022  
Addendum Transport Statement document ref 2022/6406/TN03 Dated February 2025

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. All Materials used externally shall accord with the approved plans document reference Material Schedule received 7 April 2025 .

Reason: In the interest of visual amenity.

### **Highways**

4. No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management 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
- (c) Timing of deliveries

- (d) Provision of wheel washing facilities prior to commencement of works on site and for the duration of the construction.
- (e) Temporary traffic management / signage
- (f) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- (g) Provision of measures to prevent the discharge of surface water onto the highway.
- (h) Provision of measures to prevent the discharge of surface water onto the highway.

The Construction Management Plan shall thereafter be implemented in accordance with the approved details throughout the course of construction.

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

5. Prior to the first occupation of the dwellings the access shall be implemented as shown on the approved plans. No obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, and thereafter retained and maintained as such.

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

6. Material used for the first 5 metres of the access from the edge of the highway shall comprise of a bound surface.

Reason; In the interest pedestrian and driver safety in compliance with policy DC4 of the Managing Development and the Environment DPD.

7. The development hereby approved shall not be occupied until the parking spaces shown on the Proposed Site Plan - Drawing no. P093 – 101 have been constructed for use of the proposed dwellings. Thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking space without the approval of the Local Planning Authority.

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

8. Prior to the first occupation the secure cycle storage and refuse facilities as shown on the Proposed Site Plan - Drawing no. P093 – 101 hereby approved shall be provide and thereafter maintained and retained.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

9. Prior to the first occupation the provision and permanent retention of the turning facilities shown on the submitted plans shall be provided and thereafter maintained and retained.

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

### **Contamination**

10. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority: a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use. (b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

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

11. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

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

### **Landscaping**

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

Reason: In the interests of visual amenity

### **Archaeological Heritage**

13. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

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

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

iii programme of post excavation assessment and publication

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

### **Drainage/Flooding**

14. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy dated May 2025 by Environmental Assessment Services Limited. The submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to

and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

15. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 182 of the National Planning Policy Framework.

### **Ecology**

16. Prior to works commencing on site an ecological mitigation strategy must be submitted to the LPA for written approval. It must include the following:

- Preliminary ecological appraisal
- Recommended species surveys
- Overview of mitigation required



- Detailed methodology to implement mitigation
- Timings of works
- Details of any licences required.

The plan must be implemented as approved.

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

17. No habitat creation works shall take place (including any ground works, site, or vegetation clearance), until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority addressing:

1. Creation and enhancement of habitats in accordance with the Biodiversity Gain Plan;
2. Management of on-site habitats to achieve biodiversity net gain in accordance with the Biodiversity Gain Plan;

The content of the LEMP shall include the following:

- a) Habitat Plan
- b) Purpose and conservation objectives for the proposed ecological design works;
- c) Detailed design(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation, including the planting of the screening hedgerow prior to first use of the development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare;
- i) Aims and objectives of management;
- j) Prescriptions for management actions;
- k) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- l) Habitat monitoring provisions; and
- m) Details of the individual, body or organisation(s) responsible for implementation of the plan.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

18. Prior to occupation, a lighting plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: To avoid adverse impacts on nocturnal species, including bats and owls.

### **Noise**

19. None of the dwellings shall be occupied until full details of acoustic protection and mechanical ventilation for the dwellings have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any of the units to which it relates and shall be retained at all times thereafter.

The report should also specifically detail any mitigation/attenuation measures needed to attain the abovementioned noise levels which shall be fully implemented as approved.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

### **Foul Drainage**

20. Development shall not begin in any phase until details of the package treatment plant to deal with foul water for the site has been submitted to (and approved in writing by) the local planning authority. The drainage scheme shall be implemented in accordance with the approved details

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul waste and to ensure ongoing efficiency of the drainage provisions.

### **Informatives**

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

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

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

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

2. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

3. 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.

4. 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. It is recommended that no bonfires are undertaken at the site.

5. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

6. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

7. Your attention is drawn to the comments within Upper Medway Internal Drainage Board response dated 20 June 2025.

8. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming

& Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to [addresses@tmbc.gov.uk](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.

9. The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs.
- The duration of the closure is kept to a minimum.
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

10. Your attention is drawn to the comments within TMBC Waste Services response dated 10 April 2025.

Contact: Susan Field