

Location: Riding Farm, Riding Lane, Hildenborough, Tonbridge TN11 9LN

Proposal: Demolition of existing buildings and erection of eight residential dwellings together with access, parking, drainage, landscaping, and associated works.

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1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing indoor riding arena to the north of the site together with other associated buildings and the erection of eight residential dwellings, together with access, parking, drainage, landscaping and associated works.
- 1.2 The proposal comprises two pairs of semi-detached 2 and 3 bed dwellings, together with two further detached 3 bed dwellings, and a detached 4 and a detached 5 bed dwelling. (2 x 2 bed, 4 x 3 bed, 1 x 4 bed and 1 x 5 bed).
- 1.3 Each dwelling is afforded two allocated parking spaces located at the front, with a further three visitor spaces within the courtyard area.

2. Reason for reporting to Committee:

- 2.1 The application is present to committee at the request of Councillor Rhodes, as the site is located within the Metropolitan Green Belt.

3. The Site:

- 3.1 The site which relates to part of the Riding Farm equestrian centre is located on the western side of Riding Lane. The site lies outside of any defined settlement boundary within the Metropolitan Green Belt and Countryside.
- 3.2 The site comprises a large indoor riding arena and other associated buildings, together with hardstanding and a pond. The remaining elements of Riding Farm Equestrian Centre located to the south and west (outside the red line area) are to remain.
- 3.3 The site is surrounded by built form to the east, south and west. To the north is woodland, beyond which is linear residential development fronting Vines Lane. To the east is Riding Lane, to the northeast is Hadlow College and to the southeast is Farm Cottage, beyond which is agricultural land. To the south is the residential cul-de-sac Garlands, and to the west is agricultural land.

3.4 Bridleway MT53 runs along Riding Lane and to the east of the site. Public footpath MT24 passes close to the southern part of the site

4. Planning History (relevant):

23/03117 - Approved - 03 June 2024

The construction of a 20m x 50m sand school to be fenced with post and rail fencing together with all engineering operations.

21/01571/FL - Approved - 06 September 2021

Provision of a sand school roof.

5. Consultees:

5.1 **Hildenborough Parish Council:** Object to the proposed planning application.

Summary of Points:

- Metropolitan Green Belt and National Planning Policy– The application is neither sympathetic nor appropriate development in the Metropolitan Green Belt. Also, it is not compliant with National or local planning policy.
- Volume and Density of Development – Proposing 8 properties in this relatively small plot of a previous barn, sitting very close to neighbouring properties, feels overly ambitious and leads to various other negative impacts to the surrounding properties such as overlooking on their privacy, visual harm, noise and light pollution
- Access and Highways - There is concern surrounding site access, lack of public transport and safety concerns due to poor access to the public highway. Riding Lane is rural, has no footpaths and is dark at night. The single site entrance, currently also used by a busy riding school which is expanding, will put pressure on traffic and potentially cause queues in and out, danger to pedestrians and other road users.
- Flooding and Water Management – Surrounding properties already experience surface water flooding due to the impermeability of clay soil, additional hardstanding development would increase this risk. This will be further exacerbated by the proposed tree clearance on the site.
- The development would result in a net biodiversity loss with little consideration for the existing environmental situation, particularly the suggestion that there is little impact to bats despite being in such an optimal location, along with Greater Crested Newts for which there does not appear to have been a survey.
- There has been no planning consideration within the application for sufficient, efficient or sustainable utilities provision and plans made for waste removal are deemed unsustainable.

- If, planning officer is minded to approve the application The Parish Council would suggest several conditions, listed at the end of the detailed comments.
- In summary, this is an over development in a rural lane and out of keeping with the setting, sitting very close to local residents' properties and an ever growing riding school facility and sitting in Metropolitan Green Belt. It is not appropriate development within the NPPF and does not justify any exemptions and will have a negative impact on the local residents and road users, setting a precedent.

5.2 **Housing Services:** No comments received.

5.3 **Leisure Services:** Open space demand generated by the development (net, sq. m) 1222.40.

In regard to the level of financial contribution that should be sought, this has been calculated using the approved open space contributions shown in Figure 7 in Annex D to the MDE DPD and the Open Space Calculator (please Figure 8 in Annex D for a worked example). With respect to the development proposal, the following contributions should be sought:

Parks & Gardens – £8,356
Amenity Green Spaces – £378
Outdoor Sports Facilities - £15,330
Children's and Young People's Play Areas - £2,013
Natural and Semi Natural Green Spaces – £2,096

If provision is not made on or off-site, a sum total contribution of £28,172 should be sought (this is further highlighted on the Open Space Calculator attached).

5.4 **Environmental Health Protection:**

Noise

The applicant has provided a noise assessment produced by Dice Environmental reference 101161-R02 dated 4 December 2023 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, prior to construction, a report to be provided detailing all noise mitigation measures to be incorporated into the development including an assessment of plant noise limits and of overheating requirements.

Odour and flies

It is critical that the position of the manure waste pile produced by the stables and the arrangements for its disposal do not cause detriment to the amenity of the new occupiers. Further information is required to ensure this is not the case.

Hours/bonfires informative

During the demolition/construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. Therefore, if it is possible to prohibit the use of bonfires by way of a planning condition, I would advise that a suitable condition be attached if planning permission is to be recommended. Alternatively, an informative should be attached to this effect.

Contaminated land

Based on the review of Geo-Environmental Investigation (Ground and Environmental Services Limited, May 2023)

The report presents the findings of a desk study and intrusive investigation. It adequately reviews the history and environmental setting of the site. Intrusive works included soil sampling and ground gas monitoring. Significant contamination was not identified. A single positive asbestos sample and a single slightly elevated lead concentration were identified in the soil,

However both of these were to be located under proposed buildings so did not require any remediation. It should be noted that this conclusion was based on a different proposed site layout and as such there should be some consideration as to whether this would change the recommendations. A clean cover system is recommended in residential gardens due to the lack of suitable growth media. As the report should be updated to reflect the proposed site layout, I would recommend conditions.

5.5 **Waste Services:** I note from the documentation that:-

“Refuse for the proposed residential development will be collected via the private contractor that currently looks after the stables within the existing equestrian centre. This will ensure all refuse associated with the site is collected via the same private contractor. With the existing arrangement notably working efficiently to date. “

This is unusual as it is usually the LA that deals with the collection of waste from domestic properties. If this arrangement is to stand then T&M will not be providing wheeled bins for the containment/collection of materials from the development. Is the existing private contractor able to offer the range of recycling facilities and garden waste collections that we currently offer our borough residents.

If the residents are paying Council Tax, then they should be allowed the choice to opt in to the range of refuse, recycling, food and garden waste collections we offer as a minute part of their council tax payments. For ease I think it would have to be all in or

all out and not a mixture. Also, need to bear in mind Government targets and expectations for domestic properties in relation to refuse and recycling.

5.6 West Kent PRoW:

The first part of the bridleway physically and legally follows the alignment of the current vehicular access from Riding Lane as far as the first mature tree on the north side at the corner.

From this point northwards, the used route continues along the access road to the gate into the enclosed bridleway although, legally from this point, it should start to cross onto the verge, although over the years this space has become occupied by a post and rail fence, two telephone poles and three mature trees and these would all have to be removed if the intention is to return the bridleway to the verge. If this is not the intention, then the shared nature of use (private vehicular and public equestrian/cycle/pedestrian) will need to be taken into account, as it will on the initial shared use section.

At present, no measures appear to have been considered with regard to mitigating the impacts of this shared use, beyond the placement of one rubber hump across the proposed new driveway to the houses, just beyond the existing bridleway gate.

If the Council is minded to grant permission for this development, I would ask that a condition is applied that no development shall commence until agreement has been reached with the Public Rights of Way and Access Service of Kent County Council with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles. This condition is required to protect the safety of members of the public using the public bridleway.

5.7 Southern Water Services:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and

surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

5.8 Kent Highway Services:

Having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to the following conditions

Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

Provision of measures to prevent the discharge of surface water onto the highway.

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

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.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection).

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.

Use of a bound surface for the first 5 metres of the access from the edge of the highway.

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.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

5.9 KCC Heritage Conservation: No comments received

5.10 KCC Ecological Advice Service: No objection subject to conditions

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

We have taken this view due to the site consisting of mostly hardstanding or existing buildings, which are likely to be of low ecological value. For the woodland and Mixed scrub that are proposed to be lost, we are satisfied that through Biodiversity Net Gain (BNG) these habitats will be to be mitigated for by on-site and off-site habitat enhancements and creation.

There is a pond on site but it is currently not managed and eDNA tests showed that it is not currently used by Great Crested Newts (GCN). Therefore, we are satisfied that it is unlikely GCN are using the site and no further surveys regarding GCN are required. We are satisfied that the pond is to be retained and proposed to be enhanced from poor to moderate condition through BNG requirements.

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

Precautionary Measures

Reptiles - The improved grassland, dense scrub, broadleaved woodland and tall ruderal provide some foraging, commuting and sheltering habitat for reptiles, but is not optimal/preferred by reptiles. The brash/rubble piles provides suitable sheltering habitat for reptiles. The surrounding area around site is either residential or agricultural, both of which are unlikely to be suitable for reptiles.

Due to the suboptimal habitats on site and lack of connectivity to suitable habitats, we are satisfied that it is unlikely that reptiles are on site and no further surveys regarding reptiles are required. As a precautionary measure due to suboptimal habitats and brash piles being present on site, suitable clearance methods of the onsite habitats have been set out in the EclA (Section 6.4.28-6.4.31). We advise that these measures are followed during the clearance works.

Badger - No setts or signs of badger were found during survey. As 12 months will have lapsed since the last survey (conducted in February 2024), an updated survey is required before the start of works to ensure that badgers have not colonised the site. This updated survey has been identified as necessary in the Ecological Impact Assessment (EclA) (section 6.4.2).

Bats A preliminary roost assessment of the buildings and trees on site was conducted. Some of the buildings were assessed as having potential roosting features for crevice dwelling bats as small gaps and spaces were identified, and suitable access to these features was available for bats. However, due to lack of insulation or way of regulating the temperature, plus when inspected there were no signs of bats using them, it has been deemed that these features are of negligible

suitability for roosting bats. We are satisfied that no suitable roosting features were found in any of the trees. Therefore, we are satisfied that no further surveys regarding roosting bats are required.

As a precautionary measure due to the presence of potential roosting features in some of the buildings to be demolished, suitable bat precautionary method of works have been provided for the dismantling of the buildings in the EclA (Section 6.4.9). We advise that these measures are followed during the clearance works.

Dormouse - The boundary vegetation, dense scrub and to a lesser extent the broadleaved woodland provide suitable habitat for dormice and these habitats have some connection to areas of suitable habitat in the wider landscape. The majority of suitable boundary vegetation is to be retained, with predominantly the woodland and scrub to be impacted through clearance works. Because the boundaries are to remain, the site consisting of a small area of habitat to be impacted, plus there are no records of dormice within 1km of the site, it is unlikely that dormouse will be present on site and we are satisfied that no further surveys regarding dormice are required.

As a precautionary measure, suitable vegetation clearance timings have been set out in the EclA (section 6.4.18-19). We advise that these measures are followed during the clearance works.

Breeding Birds - It is possible that breeding birds may be using the vegetation on site. We are satisfied that suitable precautionary measures regarding vegetation clearance and breeding birds have been set out in the EclA (section 6.4.12-14).

We are satisfied that the proposed mitigation set out in section 6.4 of the EclA for reptiles, bats, badger, dormouse and breeding birds, identified as having potential to be on site, are sufficient.

We advise that the applicant follow the precautionary mitigations set out in section 6.4 of the EclA and advise that if planning permission is granted, a condition is included to secure those precautionary measures in a Construction Environmental Management Plan (CEMP). We have not provided suggested condition wording as we feel Tonbridge and Malling Borough Council would be best placed to write that condition. We suggest that the following bullet point is included in the condition wording:

- Inclusion of section 6.4 of the Ecological Impact Assessment (Greenspace Ecological Solutions Ltd, 08 May 2024), which covers the precautionary measures for reptiles, bats, dormouse and breeding birds, plus the requirement for a pre-commencement survey for badgers.

As part of this, we highlight that the current management of the site must continue so as not to develop suitable habitat which may encourage the presence of protected species.

Lighting - Lighting can negatively impact nocturnal species, like bats, that may be foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted. Therefore, if bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact.

If external lighting is proposed to be installed, we recommend that if planning permission is granted the lighting condition has the following requirements:

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
- Site plan showing the location and types of lighting and details of light spill.
- Timings of when the lighting will be operational.

Biodiversity Net Gain

This application was received on 09 May 2024 according to the information available on the planning portal. Having reviewed the proposal and submitted documents, we consider this application to fall under mandatory biodiversity net gain.

A statutory BNG metric has been submitted that shows the proposals will result in a combined on-site and off-site net change of 0.7 habitat units and 0.4 hedgerow units. This equates to a combined net % change of 47.17% habitat units and 730.38% for hedgerow units.

We are satisfied that:

- The baseline habitats for both on-site and off-site have correctly been identified and that sufficient information has been provided at this stage to determine the application;
- A net gain of more than 10% has been achieved for both area and hedgerow habitats;
- The trading rules have been satisfied through offsite provisions; and
- The proposed habitat enhancements and condition can be achieved within the required 30-year management period.

The applicant should submit a biodiversity gain plan form along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered. The biodiversity gain plan must include the following information:

- Information about steps taken or to be taken to minimise the adverse effects of the development on biodiversity;
- The pre-development biodiversity value of the on-site habitat;
- The post-development biodiversity value of the on-site habitat;
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- Any biodiversity credits purchased for the development; and
- Any other matters that the Secretary of State may by regulations specify.

To off-set the trading error regarding the loss of mixed scrub onsite, the current landowner has agreed to the off-site planting and long term management of 0.02ha of mixed scrub within a nearby horse paddock. We advise that this will need to be secured through a Section 106 agreement and approved in writing by the Local Planning Authority (LPA).

In addition to the off-site habitats to be secured, the following on-site habitats, which under the guidance set out by DEFRA would constitute these as significant gains, will also need to be secured via a legal agreement:

- Existing or created habitats of Medium Distinctiveness, including Species-rich native hedgerow, Other neutral grassland, Urban tree, Mixed scrub, and Other woodland; broadleaved.
- Ponds (non-priority habitat) and Other woodland; broadleaved enhanced from poor condition to moderate.

Where achieving a minimum 10% biodiversity net gain from proposals is reliant on implementation of a detailed planting plan and the implementation of a suitable habitat management and monitoring plan secured through planning condition or obligation, we recommend the following condition is included if planning permission is granted:

No development shall be undertaken (including any site and/or vegetation clearance) until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a. Description and evaluation of the features to be managed;
- b. Ecological trends and constraints on site that may influence management;

- c. Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d. Description of the management operations necessary to achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a works schedule, including annual works schedule;
- g. Details of the monitoring needed to measure the effectiveness of management;
- h. Details of the timetable for each element of the monitoring programme;
- i. Details of the persons responsible for the implementation and monitoring;
- j. Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- k. Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

Ecological Enhancements

We advise that the ecological enhancements are secured with a condition if planning permission is granted. Suggested condition wording.

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.

5.11 Upper Medway Internal Drainage Board:

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.

The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works which may 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.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annex at the

end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

5.12 British Horse Society:

We wish to object to this application on behalf of local equestrians.

It appears from the plans that bridleway MT53 is proposed to be used as the access point to this development. Whilst we accept that there has always been vehicular ingress and egress over part of this route for Riding Farm, new houses are likely to require a surface which is entirely unsuited to a bridleway for which the primary intended user is horse and rider. Further, the traffic would be likely to increase, not just by the number of vehicles in use by the houses but by all those ancillary services (post, courier deliveries, refuse collection, etc) that come with domestic properties. Currently, those vehicle drivers using the bridleway to access the farm are likely to anticipate meeting a horse. A courier driver unfamiliar with the area is unlikely to and the limited space available means that there is a risk of accident and/or conflict.

If the Council is minded to approve this application, we agree with KCC that a condition is applied that no development shall commence until agreement has been reached with the Public Rights of Way and Access Service of Kent County Council with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles. This condition is required to protect the safety of members of the public using the public bridleway.

5.13 Interested Parties:

- The application appears to be invalid as the applicant has not served a Certificate B.
- This is an inappropriate proposed development in the green belt, which could set a precedent for further green belt development. Housing is not seen as compatible with the openness of the green belt.
- Minimal visitor parking provision on the proposed development would lead to overspill onto Riding Lane increasing the danger to pedestrians, existing traffic and horse riders.
- Footprint expansion – the proposed new footprint is well outside the existing building lines and so makes the dwellings unnecessarily close to the boundary which will impact our current aspect.
- It is unclear from the plans if the dwellings will be the same height as the existing buildings. We assume the new dwellings will be no taller than the existing buildings. However, even at the same height, the closer proximity of the dwellings will give the perception of greater height.

- The current access to the site is very narrow and already busy with cars for the riding stables. We are concerned that a single lane access is not suitable and will cause danger when cars are entering and leaving to Riding Lane especially given the road is national speed limit and close to a blind bend.
- The properties will overlook neighbouring properties and, as such, windows must be positioned to minimise this along with substantial fencing and hedging/trees. The bedroom 2 window in Unit 1 will look directly over our garden and into our bedroom and bathroom windows through a large gap in the deciduous trees.
- We have a clear, uninterrupted view from our property 100m away overlooking Riding Farm, including the plot proposed for development and the Riding School.
- There are no measures in place to safeguard the ecology.
- The application lacks a roosting bat study. Several nearby properties have bats and bat tiles meaning a survey should be undertaken.
- The Planning Statement mentions cycle parking in rear garden sheds, causing more hardstanding. These sheds are not shown in any drawings.
- The development itself makes very little parking provision for the number of houses which would then force parking onto Riding Lane.
- The development will undoubtedly increase artificial light levels (especially with the number and position of windows and the possibility of additional security lighting), noise (cars and residents) and pollution. 5 species of bats were recorded at the last environmental survey and we have glow worms and slow worms, hedgehogs, foxes and deer, a variety of wildflowers including orchids and a diversity of birdlife within 100m of the site.
- The water table in the area is high. There has been an increase in flooding in the field, along the bridle path and indeed in our garden since the previous developments. There is much surface water in both Riding Lane and Vines Lane. There is no mention of the use of porous surfaces but once the houses and cycle storage is built, patios can be extended and additional sheds and working from home offices installed. Unfortunately, these are not monitored but lead to even less soakaway land.
- The right of way is narrow approaching Riding Lane and the proposed additional use by vehicles is incompatible with the equestrian use of our clients land and Riding Farm Equestrian Centre.
- The KCC Highways and Transportation letter of 5th June 2024 states that the TS sets out that access to the development would be achieved from the existing, all be it upgraded access onto C30 Riding Lane. Amendments include the widening

of the access to allow simultaneous two-way flow of traffic and visibility sight lines of 2.4 by 90.98. metres in either direction.

- As a neighbouring property to the access (Riding Cottage, Riding Lane), I am not aware of any such amendments in the plans for the widening of the access road and this would require use of my land. No such consent has been given by myself or the other neighbour.

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 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 Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025) and the Hildenborough Character Area SPD.

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 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".

6.7 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 indicates a 2.89 year supply of housing.

6.8 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.

6.9 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

6.10 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.

6.11 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.

6.12 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 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.

6.13 In this case, there is no dispute that the site would comprise PDL being that its lawful use is equestrian, as such the principle of development is acceptable providing the proposal would not cause 'substantial' harm to the openness of the Green Belt.

Assessment on Openness

6.14 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. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach alone; rather, it is also necessary to consider the spatial implications of the proposal.

6.15 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.

6.16 Therefore, when assessing whether the development as a whole would cause substantial harm to 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.

6.17 Turning first to spatial aspect, in this instance the proposal which would replace a large building and other associated buildings with eight residential dwellings, and would result in a reduction in floor space of 57% and a reduction in overall volume on the site of 59%. This clearly results in a substantial improvement to Green Belt openness.

6.18 Turning to the 'visual' perception the perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.

6.19 Due to the contained nature of the site, views of the proposal from outside of the site along Riding Lane would be limited. The existing indoor arena is 7.8 metres at

its highest point, in comparison the dwellings, (whilst taller to the eaves than the existing indoor arena) would be approximately 7.4 metres in height. The positioning of the dwellings are largely contained to within and around the footprint of the existing buildings on the site, and the redevelopment allows for the existing mass and built form to be broken up allowing views between the proposed dwellings.

6.20 Whilst the dwellings would be visible from within the site, in this case given the significant reduction in volume and footprint and the overall reduction in height it is considered that the proposed development would not cause substantial harm to the openness of the Green Belt.

6.21 Therefore, to conclude, on the impact on openness, in this case the proposal would not cause substantial harm to openness of the Green Belt. The proposal which would be considered 'limited infilling or complete redevelopment on previously developed land' as such would comply with Paragraph 154 g) NPPF thus being appropriate development in the Green Belt.

6.22 Comments in relation to the site being inappropriate development and setting a precedent have been noted. However, members are directed to paragraph 154 NPPF which sets out when development in the Green Belt is not inappropriate and the site comprises PDL and would not result in substantial harm to the openness of the Green Belt.

6.23 Furthermore, whilst paragraph 153 states that substantial weight is given to any harm to the Green Belt including harm to its openness, Footnote 55 (NPPF) is clear that this weight is not afforded in cases of development on previously developed land where development is not inappropriate.

6.24 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 should not be necessary to consider the site against Grey Belt policy.

6.25 However, whilst Officers are of the opinion that the site would not cause 'substantial' harm to openness of the Green Belt and therefore meets criterion g) of paragraph 154 NPPF, should members consider that the site would cause 'substantial' harm to openness, then consideration would need to be given to whether the site comprises Grey Belt.

Grey Belt

6.26 In regard to Grey Belt, paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

6.27 Turning first to criterion a) Para. 155 the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:

"Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

6.28 The site is not located in any of the other assets referred to in footnote 7. Therefore, the next test would be to establish if the parcel of land 'strongly' contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:

- a) To check the unrestricted sprawl of large built-up areas.
- b) To prevent neighbouring towns merging into one another
- d) To preserve the setting and special character of historic towns

6.29 In relation to purpose a) unrestricted sprawl of large built-up areas. Hildenborough lies within TMBCS Policy CP13 and is defined as a Rural Service Centre, therefore the proposal would not result in unrestricted sprawl of large built-up areas.

6.30 Moreover, the PPG has recently been updated to reflect the changes to the NPPF and now provides detailed guidance on how to assess Green Belt purposes [Paragraph: 005 Reference ID: 64-005-20250225].

6.31 As set out in the PPG, assessment areas that contribute 'strongly' are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:

- be adjacent or near to a large built-up area

- if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)

6.32 The site itself is not free of development and has strong physical features which would restrict and contain the development, these being the established boundaries marking all four sides. To the north and within the site is a pond and wooded area, the east and south are dwellings and to the west the remaining built development in relation to Riding Farm. Therefore, Officers are of the opinion that the site would not ‘strongly’ contribute to purpose a).

6.33 Turning next to purpose b) - To prevent neighbouring towns merging into one another. In this case the proposal due to the location of the site would not result in neighbouring towns merging into one another.

6.34 In regard purpose d) - To preserve the setting and special character of historic towns. Hildenborough is not considered a historical town.

6.35 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not ‘strongly’ contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as ‘Grey Belt’ land. This is confirmed by PPG which states “After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development”. [Paragraph: 007 Reference ID: 64-007-20250225].

6.36 Turning back to criterion b of paragraph 155) – the Council cannot demonstrate a five-year housing land supply as such there is a demonstrable unmet need for the type of development proposed.

6.37 In regard to c), this requires development to be in a sustainable location having specific regard to paragraphs 110 and 115 of the NPPF.

6.38 Paragraph 110 (NPPF) identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also, in paragraph 115, states that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.

6.39 However, paragraph 110 also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Paragraph 83 states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.40 Whilst the site is outside of the settlement boundary of Hildenborough it is not considered to be in an isolated location where new homes should be restricted except in limited circumstances in accordance with the NPPF. As noted above the site is surrounded by development and other housing.

6.41 Furthermore, whilst it is acknowledged that as you travel north along Riding Lane from Hildenborough leaving the 30 mph speed restriction, this latter part of Riding Lane does not benefit from street lighting or a footpath, there are bus stops within easy walking distance from the site (approximately 105 metres from the access to the site) which provide an alternative mode of transport and links to the wider area. In addition, there is also a network of public rights of way within the immediate area and given that the sites distance to the 30-mile zone which is approximately 800 metres in this case it is considered there is potential to cycle.

6.42 Therefore, whilst a residential scheme in this location would be to some extent car reliant, having regard for paragraph 110 NPPF which acknowledges that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be take into account in both plan making and decision taking” on balance officers consider the site to be of moderate sustainability.

6.43 Turning the criteria d), the proposal is for eight dwellings and as such would not constitute a major development therefore the Golden Rules do not apply to the site.

6.44 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all ‘relevant’ criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.

6.45 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area’s adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].

Conclusion on Paragraph 11 (d) (i)

6.46 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no “restrictive policies” in the NPPF which provide a ‘strong’ reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

Countryside

6.47 The site lies outside the defined settlement confines of Hildenborough within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy pre-dates the NPPF and is not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.

6.48 Furthermore, it is recognised that the site currently contains buildings, which would be demolished as part of this scheme and, albeit these are smaller in footprint and scale than those proposed to replace them. The NPPF makes clear that planning decisions should seek to make the most effective use of land available, especially brownfield land.

Impact on Character and Appearance

6.49 Paragraph 135 of the 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.

6.50 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.

6.51 Policy CP24 of the TMBCS requires all development proposals to be well designed and of a high quality in terms of detailing and use of materials. Proposals must through scale, layout, siting, character and appearance be designed to respect the site and its surroundings. Policy SQ1 MDE DPD, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.

6.52 The layout of the dwellings within the site, follows a courtyard approach. Four dwellings are located to the north of the access road and four to the south, with parking to the front of dwellings and gardens to the rear. The positioning of proposed dwellings is largely contained within the footprint of the existing buildings on site. As such rather than one large mass of built form the redevelopment of the site allows for increased landscaping and gaps between the built form which would open up the site and allow views through. Officers are satisfied that the layout is in keeping with the character of the area.

6.53 In regard to scale, the existing indoor arena is 7.8 metres at its highest point, in comparison the dwellings, (whilst taller to the eaves than the existing indoor arena) would be approximately 7.4 metres in height. Moreover 7.4 metres for a two storey dwelling is considered appropriate in scale.

6.54 The proposed dwellings are all of a two storey traditional form albeit with a contemporary approach to materials and fenestration. Material features include horizontal and vertical boarding, brick and Kentish ragstone. Whilst these details are considered acceptable in principle, should permission be forthcoming a condition is recommended for the finer details of materials to be submitted to and approved by the LPA.

6.55 The application is also accompanied by a landscape and visual appraisal. The visual assessment was undertaken in winter (December 2023) with no leaf cover on the existing deciduous vegetation and visibility at a maximum. Consideration has also been given to the effect on visibility with the vegetation having full leaf cover, with minimum visibility. The report concludes,

“the proposed residential development would not physically change the key landscape characteristics or elements and features, identified in either the published landscape character assessment or the author’s own assessment for the local landscape, beyond the site boundary. There would be a notable and noticeable change to the appearance and character of the site with the proposals in place, but the site itself is comparatively small and its contribution to the wider landscape is limited”.

6.56 The proposals would introduce new tree, shrub and hedgerow planting to the site. Such planting once fully established would mitigate for the loss of any existing vegetation from the site and would enhance the retained vegetation so as to contribute further to the wider local landscape.

6.57 The introduction of the proposed residential properties on the site would be entirely consistent and sympathetic to the form and appearance of the existing pattern of development. The proposals are broadly consistent to the scale height and form of the nearby existing residential properties in the host landscape, which are eclectic in their styling and detailing. As stated above the choice of materials is reflective of the Kentish vernacular and the rural setting of the local landscape.

6.58 The change in the visual appearance of the site with the proposed development in place, would not substantially alter the material perception of the local host landscape. The existing pattern of development, built form, agricultural fields, paddocks, gently undulating topography would all continue to prevail with the proposed development in place.

6.59 In terms of landscape character, officers do not disagree with the conclusions of the landscape visual assessment. Should permission be forthcoming a condition would be imposed in relation to hard and soft landscaping details.

6.60 To conclude on character and appearance, it is considered that the proposal would not be harmful in design terms, nor would it harm the character and appearance of the site, street scene or local area. As such, subject to those conditions detailed above, the application accords with Policies CP1 and CP24 of the Core Strategy, Policy SQ1 of the MDE DPD and complies with the NPPF in this regard.

Impact on residential amenity

6.61 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.

6.62 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”.

6.63 The Parish Council and interested parties have raised concerns in relation to overlooking to the neighbouring properties and the dwellings being sited outside of the existing building lines and therefore resulting in the dwellings being closer to neighbouring boundaries. Comments have also been raised in regard to the loss of views over riding farm.

6.64 Turning first to the loss of a view, this is not a material consideration in the determination of a planning application. Regard needs to be given to the loss of natural day and sun light, which officers consider that, due to the scale of the proposed buildings, location and separation distances involved (in excess of 50 metres) the proposal would not result in the loss of natural day and sun light to the neighbouring properties.

6.65 Officers acknowledge that a few of the dwellings fall outside of the footprint of the existing built form, however, this does not automatically make the proposal unacceptable. All of the dwellings proposed would be a significant distance from the rear elevations of neighbouring properties.

6.66 The first-floor windows to proposed units 1 to 4, face south and towards the side elevation of Riding Farm a two storey dwelling. However, whilst the proposed first floor windows would look towards the rear garden of this dwelling it is not considered, due to the separation distance of approximately 34 metres,(elevation to elevation) together with the location of existing buildings along the side boundary of the existing dwelling, that the proposed dwellings would create unacceptable overlooking or the significant loss of privacy.

6.67 Units 5 to 7 due to their orientation would not create any unacceptable overlooking. Lastly with respect to unit 8, it would be sited close to the eastern boundary, however there is a substantial distance between the flank elevation of the proposed dwelling and the rear elevations of those dwellings fronting Riding Lane (in excess of 50 metres) and moreover the first floor window serving bedroom 2 would not be in direct alignment. In addition, the eastern boundary is marked by mature trees that would provide a degree of screening.

6.68 Therefore, to conclude on neighbour amenity, officers are satisfied the proposal would not harm neighbour amenity and as such accords with Policy CP24 TMBCS and the aims of the NPPF.

Living conditions of future occupiers

6.69 Confirmation has been sought on bedroom sizes, and it has been subsequently confirmed that all the dwellings would meet Nationally Described Space Standards.

6.70 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Noise / Odor Assessment

6.71 Paragraph 198 of the NPPF states that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life”.

6.72 Policy SQ6 MDE DPD requires proposals for noise sensitive development, including housing, to demonstrate that noise levels are appropriate for the proposed use.

6.73 A Noise Impact Assessment (NIA) prepared by Dice Environmental has been submitted with the application. The report concludes development would comply with national guidance and appropriate external amenity noise levels would be achieved and no further mitigation is required.

6.74 Recommendations on ventilation have been suggested for some bedroom windows to ensure that the internal noise levels are compliant with the guidance.

6.75 The Councils Environmental Health Protection Officer has reviewed the application and the NIA and considers it necessary to impose a planning condition, requiring that prior to construction, a report should be provided detailing all noise mitigation measures to be incorporated into the development including an assessment of plant noise limits and of overheating requirements.

6.76 The Councils Environmental Health Protection Officer has also, due to the location of the development to the adjacent Riding Stables, raised a comment in relation to the position of the manure waste pile produced by the stables and the arrangements for its disposal so as not to cause detriment to the amenities of the new occupiers. However, the location of any manure waste pile would be outside of the application site and does not form part of this application.

6.77 Therefore, subject to conditions the proposal would comply with Policy SQ6 Managing Development and the Environment DPD.

Impact on highway safety and parking provision

6.78 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.79 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.

6.80 Parish Council and interested parties have raised comments in relation to access and parking, in regard to access comments have stated that the existing access is a single access, which is currently also used by the riding school, this will put pressure on traffic and potentially cause queues in and out, resulting in danger to pedestrians and other road users.

6.81 The existing access is 3.3m wide upon entry to the site, widening to 5.5m approximately 50m within the site. The access will continue to be used by the equestrian centre, with access to the proposed dwellings provided further to the north, from where a 1.2m footpath will be available from and into the site. A turning head will be provided which will enable larger vehicles to enter and leave the site in a forward gear.

6.82 The application is supported by a Transport Statement which reviews the existing transport conditions local to the site, provides an assessment of applicable transport planning policy, forecasts vehicle trip generation as a result of the

development and concludes the proposal is acceptable in transport planning terms.

6.83 KCC Highways has reviewed the application together with the Transport Statement and initially raised a holding objection requesting confirmation as to whether a stage 1 RSA had been completed. Following additional information being received KCC Highways confirmed no objection to the proposal on highway safety grounds subject to standard conditions in relation to visibility splays, CMP, bound surface for 5 metres and cycle parking provision.

6.84 Turning next to parking, comments have also been raised on the level of visitor and parking provision in general provided for the development. Kent County Council's Parking Standards (January 2025) (Appendices Table 1) sets out that the provision for 2 bed houses in a suburban area 1 space is required. For 3, 4 and 5 bed houses 2 spaces are required together with 0.2 visitor space per unit. The proposal provides 2 allocated parking spaces per unit together with 3 visitor space, as such would comply with KCC parking standards.

6.85 Accordingly, the development is not anticipated to cause an unacceptable impact upon highways safety and parking provision subject to conditions, as such the proposal would adhere to Policy SQ8 of the MDE DPD, the KCC Parking Standards (2025) Policy SQ8 of the MDE DPD and paragraphs 115 and 116 of the NPPF.

6.86 The Councils Waste service team noted that the documentation submitted with the application indicates that "Refuse for the proposed residential development will be collected via the private contractor that currently looks after the stables within the existing equestrian centre. This will ensure all refuse associated with the site is collected via the same private contractor. With the existing arrangement notably working efficiently to date. "

6.87 This is unusual as it is usually the LPA that deals with the collection of waste from domestic properties. If this arrangement is to stand then the Council will not be providing wheeled bins for the containment/collection of materials from the development. The Councils waste team question whether the existing private contractor is able to offer the range of recycling facilities and garden waste collections that the LPA currently offer our borough residents.

6.88 Moreover, the Councils waste team also note that if the residents are paying Council Tax, then they should be allowed the choice to opt in to the range of refuse, recycling, food and garden waste collections the Council offers as a small part of their council tax payments. For ease the Waste team consider it would have to be all in or all out and not a mixture. It is considered that the finer details of refuse storage can be secured via a condition.

Public Right of Way

6.89 As stated above Bridleway MT53 runs along the access and along the eastern boundary of the site connecting Riding Lane with Vine Lane. There are no other Bridleways feeding into Bridleway MT53.

6.90 Third party comments have raised concerns in relation to the safety of pedestrians utilising the Bridleway and that the application does not appear to provide details on how this risk will be mitigated.

6.91 The application has been reviewed by both the British Horse Society and KCC Public Rights of Way and Access Service, (PRoW) both raise concerns in relation to the details submitted.

6.92 PRoW notes “the first part of the bridleway physically and legally follows the alignment of the current vehicular access from Riding Lane as far as the first mature tree on the north side at the corner. From this point northwards, the used route continues along the access road to the gate into the enclosed bridleway although, legally from this point, it should start to cross onto the verge, although over the years this space has become occupied by a post and rail fence, two telephone poles and three mature trees and these would all have to be removed if the intention is to return the bridleway to the verge. If this is not the intention, then the shared nature of use (private vehicular and public equestrian/cycle/pedestrian) will need to be taken into account, as it will on the initial shared use section”.

6.93 At present, no measures appear to have been considered with regard to mitigating the impacts of this shared use, beyond the placement of one rubber hump across the proposed new driveway to the houses, just beyond the existing bridleway gate. PRoW consider that if the Council is minded to grant permission for this development, a condition should be applied so that no development could commence until agreement has been reached with the Public Rights of Way and Access Service of Kent County Council with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles.

6.94 Given the above, it does not appear that the concern raised by PRoW and the BHS is not insurmountable. Indeed, the imposition of the recommended planning condition would ensure that an acceptable access arrangement that accommodates the need of future residents and those of pedestrians and horse riders would be agreed prior to commencement of the development and delivered upon first occupation of the dwellings proposed. This condition is reasonably necessary to protect the safety of members of the public using the public bridleway.

Ecology and Biodiversity.

6.95 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.

6.96 Policy NE3 of the MDE DPD also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

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

6.98 Parish Council and interested parties have raised concerns in relation to ecology in general and the loss of biodiversity. Comments have also been made that the application lacks a bat roosting survey and a survey in relation to great crested newts and there are no measures in place to safeguard the ecology. Concerns are also raised in relation to artificial light levels.

6.99 Turning first to Ecology, an ecological impact assessment which includes a preliminary ecological appraisal, has been submitted in support of the application. A Phase 1 habitat survey was undertaken, this covered, badgers, bats, breeding birds, hazel dormouse, great crested newts and reptiles

6.100 KCC Ecological Advice Service has reviewed the submitted documents and advise that sufficient ecological information has been provided to determine the application. This view has been taken due to the site consisting of mostly hardstanding or existing buildings, which are likely to be of low ecological value. For the woodland and Mixed Scrub that are proposed to be lost, KCC Ecology are satisfied that through Biodiversity Net Gain (BNG) (referred to further in this report) these habitats will be to be mitigated for by on-site and off-site habitat enhancements and creation.

6.101 It is noted that there is a pond on site, but it is currently not managed and eDNA tests showed that it is not currently used by Great Crested Newts (GCN).

Therefore, KCC ecology is satisfied that it is unlikely GCN are using the site and no further surveys regarding GCN are required. Moreover the pond is to be retained and is proposed to be enhanced from poor to moderate condition through BNG requirements.

6.102 KCC Ecology is satisfied that for protected species potentially on site, appropriate precautionary approaches have been proposed, and it is recommended that the site be managed to remain in its current state to deter protected species from establishing on site.

6.103 Due to the suboptimal habitats on site and lack of connectivity to suitable habitats, KCC Ecology is satisfied that it is unlikely that reptiles are on site and no further surveys regarding reptiles are required. As a precautionary measure due to suboptimal habitats and brash piles being present on site, suitable clearance methods of the onsite habitats have been set out in the EclIA (Section 6.4.28-6.4.31). We advise that these measures are followed during the clearance works

6.104 No setts or signs of badgers were found during survey. However, suitable habitat existing on site for sett building in the woodland, and commuting and foraging in the grassland and scrub. As 12 months will have lapsed since the last survey (conducted in February 2024), an updated survey is required before the start of works to ensure that badgers have not colonised the site. This updated survey has been identified as necessary in the Ecological Impact Assessment (EclIA) (section 6.4.2).

6.105 KCC advise that no more than one month prior to site clearance/construction, a precautionary walkover of the site and a 30m radius around the site should be undertaken, by a suitably qualified ecologist, to search for badger setts. If a badger sett is discovered on site, or within 30m of site, a suitably experienced ecologist will need to provide advice on any necessary mitigations for badgers. This should include whether a badger mitigation licence from Natural England is required prior to the commencement of any works on site.

6.106 A preliminary roost assessment of the buildings and trees on site was conducted. Some of the buildings were assessed as having potential roosting features for crevice dwelling bats as small gaps and spaces were identified, and suitable access to these features was available for bats. However, due to lack of insulation or way of regulating the temperature, plus when inspected there were no signs of bats using them, it has been deemed that these features are of negligible suitability for roosting bats. KCC Ecology is satisfied that no suitable roosting features were found in any of the trees. Therefore, we are satisfied that no further surveys regarding roosting bats are required.

6.107 As a precautionary measure due to the presence of potential roosting features in some of the buildings to be demolished, suitable bat precautionary method of works have been provided for the dismantling of the buildings in the EclIA (Section 6.4.9). We advise that these measures are followed during the clearance works.

6.108 The boundary vegetation, dense scrub and to a lesser extent the broadleaved woodland provide suitable habitat for dormice and these habitats have some connection to areas of suitable habitat in the wider landscape. The majority of suitable boundary vegetation is to be retained, with predominantly the woodland and scrub to be impacted through clearance works. Because the boundaries are to remain, the site consisting of a small area of habitat to be impacted, plus there are no records of dormice within 1km of the site, it is unlikely that dormouse will be present on site and no further surveys regarding dormice are required.

6.109 As a precautionary measure, suitable vegetation clearance timings have been set out in the EclA (section 6.4.18-19). We advise that these measures are followed during the clearance works.

6.110 It is possible that breeding birds may be using the vegetation on site. Suitable precautionary measures regarding vegetation clearance and breeding birds have been set out in the EclA (section 6.4.12-14).

6.111 To conclude on ecology KCC Ecology advise that the applicant follow the precautionary mitigations set out in section 6.4 of the EclA and advise that if planning permission is granted, a condition is included to secure those precautionary measures in a Construction Environmental Management Plan (CEMP)

6.112 Lighting can negatively impact nocturnal species, like bats, that may be foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted a condition would be imposed for these details to be submitted to and approved by the LPA.

6.113 KCC Ecology advise that the ecological enhancements are also secured via a condition if planning permission is granted. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.

6.114 Turning next to BNG, under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site.

6.115 A BNG metric, baseline habitat plan and BNG assessment document have been provided. KCC Ecology are satisfied that these are representative. The metric shows the proposals will result in a combined on-site and off-site net change of 0.7 habitat units and 0.4 hedgerow units. This equates to a combined net % change of 47.17% habitat units and 730.38% for hedgerow units.

6.116 KCC Ecology is satisfied that:

- The baseline habitats for both on-site and off-site have correctly been identified and that sufficient information has been provided at this stage to determine the application;
- A net gain of more than 10% has been achieved for both area and hedgerow habitats;
- The trading rules have been satisfied through offsite provisions; and
- The proposed habitat enhancements and condition can be achieved within the required 30-year management period.

6.117 The applicant should therefore submit a biodiversity gain plan form along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered. The biodiversity gain plan must include the following information:

- Information about steps taken or to be taken to minimise the adverse effects of the development on biodiversity;
- The pre-development biodiversity value of the on-site habitat;
- The post-development biodiversity value of the on-site habitat;
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- Any biodiversity credits purchased for the development; and
- Any other matters that the Secretary of State may by regulations specify.

6.118 To off-set the loss of mixed scrub onsite, the current landowner has agreed to the off-site planting and long term management of 0.02ha of mixed scrub within a nearby horse paddock. KCC Ecology advise that this will need to be secured through a Section 106 agreement and approved in writing by the Local Planning Authority (LPA).

6.119 In addition to the off-site habitats to be secured, the following on-site habitats, which under the guidance set out by DEFRA would constitute these as significant gains, will also need to be secured via a legal agreement:

- Existing or created habitats of Medium Distinctiveness, including Species-rich native hedgerow, Other neutral grassland, Urban tree, Mixed scrub, and Other woodland; broadleaved.
- Ponds (non-priority habitat) and Other woodland; broadleaved enhanced from poor condition to moderate.

6.120 Where achieving a minimum 10% biodiversity net gain from proposals is reliant on implementation of a detailed planting plan and the implementation of a suitable habitat management and monitoring plan secured through planning condition or obligation

Trees/Landscaping

6.121 Policy NE4 of the Managing Development and the Environment DPD states, amongst other things, that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.

6.122 Paragraph 136 of the NPPF recognises the importance of trees and states:

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

6.123 Those trees on the site are to the boundaries and therefore no trees are required to be removed within the site to facilitate the development per se. It is noted that three trees are proposed to be removed but these are of poor quality the BNG assessment notes that a total of 19 small trees will be planted onsite as part of the development. Standard conditions in relation to the requirement to submit an AIA, tree protection plan and method statement are required to ensure that the remaining trees are not harmed during the construction of the development.

6.124 Limited details have been submitted in relation to soft and hard landscaping for the dwellings. The LVA notes that there is opportunity to introduce tree planting, shrubs and hedgerows onto the site, and as notes above the BNG assessment indicates that 19 small trees are proposed as such a further condition is suggested for these details to be secured via a soft and hard landscaping condition.

Land Contamination

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

6.126 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.

6.127 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.

6.128 A Geo Environmental been carried out by Ground and Environmental Services Limited. This notes contamination across the site is low and would not be considered to pose a significant risk to human health. The report concludes the site would not be "Contaminated Land" based on its proposed residential redevelopment end use and following implementation of the remedial measures listed in chapter 13 of the report. This includes recommendations for foundation depths and widths and implementation of watching brief on site during demolition/enabling works and should any contamination or potentially contaminative sources be discovered during the proposed enabling works all site works would cease, and suitably competent consultants/engineers will attend site.

6.129 The Council's Environmental Health Protection Officer has reviewed the supporting information and notes that it adequately reviews the history and environmental setting of the site. Intrusive works included soil sampling and ground gas monitoring. Significant contamination was not identified. A single positive asbestos sample and a single slightly elevated lead concentration were identified in the soil, however both of these were to be located under proposed buildings so did not require any remediation. It should be noted that this conclusion was based on a different proposed site layout and as such there should be some consideration as to whether this would change the recommendations. A clean cover system is recommended in residential gardens due to the lack of suitable growth media. As the report should be updated to reflect the proposed site layout, conditions are recommended.

Flooding/ Drainage

6.130 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".

6.131 Policy CP10 (Flood Protection) TMBCS ultimately seeks to reduce flood risk and Policy CC3 (Adaptation – sustainable Drainage) MDE DPD comments that 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.

6.132 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.

6.133 Parish Council has raised concerns that surrounding properties already experience surface water flooding due to the impermeability of clay soil, additional hardstanding development would increase this risk. Interested parties also state the water table in the area is high. There has been an increase in flooding in the field, along the bridle path and indeed in our garden since the previous developments. There is much surface water in both Riding Lane and Vines Lane.

6.134 The site is within Flood Zone 1 and the site also has a low risk of surface water flooding. However, it is noted that developments can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, 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”.

6.135 The application forms indicate that surface water would be dealt with via Suds, which may be a suitable option, but further information is required to demonstrate its feasibility at the application site. In regard to foul sewage the forms indicate that this is unknown at this stage. There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case. Full details will be required, including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided

in the form of a report prepared by a suitably qualified and competent person and must be submitted with the application for it to be registered.

6.136 Therefore, to conclude on flood risk and drainage, a drainage strategy covering both surface water and foul sewage would be secured by way of a planning condition. Porous surfaces for patios etc will be secured via the hard and soft landscaping condition.

Open Space

6.137 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.

6.138 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.

6.139 The proposal seeks to erect eight 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. In this case the provision requirement would be 1222.40 net sqm. If provision is not made on or off-site, a sum total contribution of £28,172 would be sought as set below.

Parks & Gardens – £8,356

Amenity Green Spaces – £378

Outdoor Sports Facilities – £15,330

Children's and Young People's Play Areas – £2,013

Natural Green Space – £2,096

6.140 Contributions as set out above can be agreed in the event of a permission and secured by S.106 agreement. A S106 agreement is currently being progressed.

Archaeology

6.141 The site lies within a wider area for archaeological potential, therefore a condition would be required in relation to geo-archaeological and archaeological field evaluation works being undertaken prior to commencement.

Other considerations

6.142 Officers note that Farm Cottage which is to the south east of the existing access to the site is a Grade II heritage asset.

6.143 Paragraph 201 states that LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

6.144 In terms of considering potential impacts arising from development proposals, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

6.145 In this case, officers consider, given that there would be no significant change to the access itself and the introduction of eight dwellings would not result in an unacceptable impact on the road network, coupled with the location of the dwellings themselves, the proposal would not harm the heritage asset.

6.146 Third party comments in relation to certificate B, where resolved prior to the recommendation.

Public Sector Equality Duty – Equality Act 2010

6.147 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:

6.148 Eliminate unlawful discrimination, harassment, and victimisation;

6.149 Advance equality of opportunity between people who share a protected characteristic and those who do not; and

6.150 Foster good relations between people who share a protected characteristic and those who do not.

6.151 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.

6.152 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.

- 6.153 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.
- 6.154 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.
- 6.155 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

- 6.156 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 house(s).
- 6.157 Consequently, permission should be granted unless as in this case the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed
- 6.158 It has been established that there are no adverse impacts that provide a 'strong' reason for refusing the development. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Green Belt grounds.
- 6.159 The scheme would involve the provision of eight dwellings, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, and this attracts substantial weight in favour of the proposal due to the lack of 5 year housing supply, whilst acknowledging that the provision is only for eight dwellings.
- 6.160 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.

6.161 The application has therefore been considered against paragraph 11(d)(ii) of the NPPF, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.162 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.

7. Recommendation: Approve subject to Section 106 agreement and conditions as set out below:

Heads and Terms Section 106 agreement

Open Space contributions

BNG – HMMP monitoring

Conditions:

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

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

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

Site Location Plan – Drawing No. PH-09 01 Rev C

Existing Landowner Plan Retained Parking – Drawing No. PH-09 07 Rev B

Existing and Proposed Volume Analysis – Drawing No. PH-09 09 Rev A

Existing and Proposed Area Analysis - Drawing No. PH-09 10 Rev D

Existing Elevations - Drawing No. PH-09 11

Existing Plans - Drawing No. PH-09 12 Rev A

Proposed Site Layout – Drawing No. PH-09 200 Rev C

Proposed Roof Layout - Drawing No. PH-09 201 Rev A

Proposed Long Front Elevations - Drawing No. PH-09 202 Rev E

Proposed Long Rear Elevations - Drawing No. PH-09 203 Rev E

Proposed Electric Charging Locations – Drawing No. PH-09 206 Rev A

Proposed Retained Shed Plans & Elevations - Drawing No. PH-09 207

Proposed Layouts House Type Plot 1 - Drawing No. PH-09 210 Rev A

Proposed Layouts House Type Plots 2 & 3 - Drawing No. PH-09 211 Rev A

Proposed Layouts House Type Plot 4 – Drawing No. PH-09 212 Rev B

Proposed Layouts House Type Plot 5 - Drawing No. PH-09 213 Rev A

Proposed Layouts House Type Plots 6 & 7 - Drawing No. PH-09 214 Rev A

Proposed Layouts House Type Plot 8 – Drawing No. PH-09 215 Rev A
Planning Statement – by DHA – Document Ref: DHA/31637 Dated May 2024
Design & Access Statement by OA – residential – Document ref: PH-09. Dated December 2023.
Noise Impact Assessment by Dice Environmental - Report ref: 101161-R02 Version 2
Geo-Environmental Investigation by Ground and Environmental Services Limited – Document Ref: 12952. Dated May 2023
Landscape and Visual Appraisal by Briarwood Landscape Architecture. Document ref: BLA323 Dated December 2023.
Ecological Impact Assessment by Greenspace Ecological Solutions – Document ref: J21309_P2_Rev B Dated May 2024
Biodiversity Net Gain Repot by Greenspace Ecological Solutions – Document ref: J21309_P3. Dated March 2024
BNG Statutory Metric received 16 May 2024
Transport Statement by DHA Document Ref: PL/TV/LC31716 Dated May 2024

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

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

Reason: In the interests of visual amenity

4. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a report has been submitted to and pproved in writing by the Local Planning Authority, provided detailing all noise mitigation measures to be incorporated into the development including an assessment of plant noise limits and of overheating requirements. These details shall then be carried out in accordance with the approved details.

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

5. 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 in writing 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.

6. 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 to and approved in writing by 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

7. 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.

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

8. 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.

9. 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.

10. The development hereby approved shall not be occupied until the parking spaces shown on Proposed Block Plan Drawing No PH-09 200 Rev C 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 spaces.

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

11. Prior to the occupation of the dwellings, details of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority.

The dwellings shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

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

12. Prior to the commencement of development details with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles shall be submitted to and approved in writing by the Local planning authority. The dwellings shall not be occupied until the approved details have been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: In the interest of safety of members of the public using the public bridleway.

13. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft 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 five 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 interest of visual amenity.

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

lowered in relation to the existing ground level.

Reason: In the interests of visual amenity.

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

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

16. The development hereby approved shall be carried out in strict accordance with the mitigation details within Section 6 of the Ecological Impact Assessment (Greenspace Ecological Solutions Ltd, 08 May 2024), which covers the precautionary measures for reptiles, bats, dormouse and breeding birds. As part of this the current management of the site must continue so as not to develop suitable habitat which may encourage the presence of protected species.

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

17. One month prior to any site clearance/construction, a precautionary walkover of the site and a 30m radius around the site (where possible) shall be undertaken by a suitably qualified ecologist, to establish if there are any badger setts within the search area. If a badger sett is discovered on site, or within the 30m radius, a report by a suitably experienced ecologist setting out the necessary mitigation for badgers shall be submitted to and approved by local planning authority. This should include whether a badger mitigation licence from Natural England is required prior to the commencement of any works on site. Any mitigation measures required by the submitted details must then be implemented on site and retained for the duration of the construction phase of the development.

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

18. Prior to occupation, an external lighting plan for biodiversity 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, to demonstrate that areas to be lit shall not adversely impact biodiversity and will avoid adjacent woodland habitats.

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

19. No development shall be undertaken (including any site and/or vegetation clearance) until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a. Description and evaluation of the features to be managed;
- b. Ecological trends and constraints on site that may influence management;
- c. Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d. Description of the management operations necessary to achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a works schedule, including annual works schedule;
- g. Details of the monitoring needed to measure the effectiveness of management;
- h. Details of the timetable for each element of the monitoring programme;
- i. Details of the persons responsible for the implementation and monitoring;
- j. mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- k. Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

20. Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the LPA. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

21. Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the development works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved written programmes and specification.

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

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).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.

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

2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to

Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

3. 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. The applicant is therefore advised to prohibit fires on site during the development stage of this project.
4. 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.
5. 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
6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation
7. Your attention is drawn to the comments within Upper Medway Internal Drainage Board response dated 11 June 2024.
8. Your attention is drawn to the comments within the Councils Water services response dated 16 May 2024.

Contact: Susan Field