

Wrotham
Pilgrims With Ightham

1 April 2026

TM/25/01725/FL

Location: St Georges Court West Street Wrotham Sevenoaks Kent TN15 7DN

Proposal: Section 73 application to vary condition 22 (approved plans) of planning permission TM/18/02268/FL (as amended by ref. TM/23/00661/NMA, TM/23/00915/NMA and TM/25/01464/NMA) for alterations to the approved scheme to comprise of the removal of one home, layout and elevation changes, internal layout changes and confirmation of the final affordable housing mix

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission was granted under application TM/18/02268/FL for the demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage.
- 1.2 Application TM/23/00661/NMA amended the wording of condition 20 (SuDS) to allow the demolition of buildings, removal of hardstanding and ground investigations/site survey works prior to the submission and approval of the sustainable drainage scheme.
- 1.3 Application TM/23/00915/NMA amended the wording of condition 19 (archaeology) to allow the demolition of buildings to the existing ground/slab level prior to the implementation, submission and approval of a programme of archaeological work in accordance with a written scheme of investigation.
- 1.4 Application TM/25/01464/NMA added a further planning condition to list all of the approved plans and documents (condition 22):

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

Existing Location Plan 18-067 L(00)-001

Site Plan 18-067 L(00)-010

Site Landscape Plan 18-067 L(00)-011

Site Plan - Existing and proposed building comparison 18-067 L(00)-012

Site Plan - Separation Distances 18-067 L(00)-013

Flat Block - Ground Floor Plan 18-067 L(20)-100

House Block 01.1 - Ground Floor Plan 18-067 L(20)-101

House Block 01.2 - Ground Floor Plan L(20)-102

House Block 02 - Ground Floor Plan 18-067 L(20)-103

House Block 03 - Ground Floor Plan 18-067 L(20)-104

House Block 04.1 - Ground Floor Plan 18-067 L(20)-105

House Block 04.2 - Ground Floor Plan 18-067 L(20)- 106

House Block 04.3 - Ground Floor Plan 18-067 L(20)-107
House Block 05.1 - Ground Floor Plan 18-067 L(20)-108
House Block 05.2 - Ground Floor Plan 18-067 L(20)-109
House Block 05.3 - Ground Floor Plan 18-067 L(20)-110
Flat Block - First Floor Plan 18-067 L(20)-200
House Block 01.1 - First Floor Plan 18-067 L(20)-201
House Block 01.2 - First Floor Plan 18-067 L(20)-202
House Block 02 - First Floor Plan 18-067 L(20)-203
House Block 03 - First Floor Plan 18-067 L(20)-204
House Block 04.1 - First Floor Plan 18-067 L(20)-205
House Block 04.2 - First Floor Plan 18-067 L(20)-206
House Block 04.3 - First Floor Plan 18-067 L(20)-207
House Block 05.1 - First Floor Plan 18-067 L(20)-208
House Block 05.2 - First Floor Plan 18-067 L(20)-209
House Block 05.3 - First Floor Plan 18-067 L(20)-210
Existing Site Elevations 18-067 L(21)-001
Site Elevations 18-067 L(21)-010
Elevation ABCD 18-067 L(21)-011
Elevations EF 18-067 L(21)-012
Site Elevations Colour 18-067 L(21)-020
Elevation ABCD Colour 18-067 L(21)-021
Elevations EF Colour 18-067 L(21)-022
Site Boundary Sections 18-067 L(22)-010
Site Sections - Existing and proposed comparison 18-067 L(22)-020
Flat Types F_1.0 & F_2.0 18-067 L(23)-101
House Type H_1.0_SO 18-067 L(23)-110
House Type H_1.1 18-067 L(23)-111
House Type H_2.0_AR 18-067 L(23)-112
House Type H_3.0 18-067 L(23)-113
House Type H_4.0 18-067 L(23)-114
House Type H_4.1 18-067 L(23)-115
House Type H_5.0 18-067 L(23)-116
House Type H_6.0 18-067 L(23)-117
House Type H_1.0_AR 18-067 L(23)-118
House Type H_2.0_SO 18-067 L(23)-119
Tree Protection Plan 15_1116_TPP_NT_Rev_D
Phase 1 Desk Study 15/10432/JM May 2015
Phase 2 Report On A Site Investigation 15/10432/A/JM November 2015
Tree Survey Report 15_1116_Report_NT_GB-V3 22nd June 2018
Transport Statement September 2018
Planning Statement September 2018
Preliminary Ecological Appraisal 15_1116_ReportX02_MF_GB-V2 22nd June 2018
Design and Access Statement rev A November 2018
Covering Letter 21 September 2018

*St George's Court Revised Scheme 18-067 Accommodation Schedule S(20)-001
20.09.2018*

*St George's Court Revised Scheme 18-067 Plot Types Schedule S(20)-002
26.11.2018 rev A*

*St George's Court Revised Scheme 18-067 Plot Schedule S(20)-003 26.11.2018
rev A*

Letter in response to letters 17 January 2019

Email from Enya MacLiam Roberts received 28.11.2018

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."

1.5 This application seeks to vary the wording of condition 22 by substituting amended plans and documents to allow changes to the scheme, detailed fully within the cover letter, Planning Statement Addendum and Design & Access Statement Addendum, comprising of:

- Removal of one dwellinghouse, being the end of terrace dwellinghouse (plot 1) in the south-east corner of the site due to the existence of a mains water pipe
- External layout and elevation changes, including:
 - Level changes, including stepped site levels and raised patios for apartments 3 and 4
 - Alterations to windows and doors, including height reduction to windows and doors to account for Building Regulations and replacement of two windows with a single window on house type 2.0
 - Switch to air source heat pumps
 - Altered building roofs, being lower and of a stepped design
 - Introduction of roof eaves
 - Removal of low-level porch walls and porch posts
 - Reduced scale dormers
 - Re-siting of central proposed tree and removal of adjacent verge
 - Hardstanding and building changes to safeguard the health of existing trees
- Internal layout changes to homes to improve energy efficiency
- Amended housing mix, switching from 28 shared ownership and 10 affordable rent units, to 11 shared ownership and 26 affordable rent units.

1.6 Members should note that this is not an application for planning permission, but an application for a variation of condition/minor material amendment under [Section 73 of the Town and Country Planning Act 1990](#). The Act sets-out the following at Section 73 'Determination of applications to develop land without compliance with conditions previously attached.':

"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

- 1.7 Also of relevance to the determination of a Section 73 application is the [National Planning Practice Guidance](#), which sets-out that:

“An application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.”

“Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.”

- 1.8 A Section 73 application cannot be used to amend the description of the development, as such a Section 96A (non-material amendment) application TM/25/01724/NMA has been submitted and is currently under consideration to amend the description of development from:

'Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage'

to:

'Demolition and redevelopment of existing buildings to provide 37 residential units with associated parking, refuse and cycle storage'

- 1.9 The non-material amendment application has not been called-in to planning committee and is therefore subject to a delegated decision.

2. Reason for reporting to Committee:

- 2.1 The application is being reported to the Area 2 Planning Committee at the request of Councillor Betts to enable the committee to consider the impact of the proposals in relation to the affordable housing mix and external elevation changes.

3. The Site:

- 3.1 The site lies within the rural settlement confines of Wrotham. The site and Wrotham as a whole are washed over by the North Downs National Landscape. Wrotham Conservation Area is beyond the Courtyard Gardens development to the east; approximately 75 metres away.
- 3.2 The site is to the north of west street and it measures 0.94 ha. It used to accommodate 57 2-storey dwellings in use as sheltered housing, which have been subsequently demolished to slab level. The built form was concentrated in the centre of the site with grass banks, trees and hedges at the periphery, alongside 28 parking spaces.
- 3.3 The land generally slopes upwards towards the north-west. There are mature trees mainly on the southern frontage to West Street and on the western boundary. The majority are protected under a Tree Preservation Order (16/00011/TPO) confirmed on 19 September 2016.
- 3.4 Residential properties adjoin the site to the east and north, with public footpath MR235 adjoining the site to the west, with residential properties and amenity space to the other side of the public footpath.

4. Planning History (relevant):

TM/74/11677/OLD Local Government Review Transfer 1 April 1974

Planning papers transferred to file TM/74/86 on 1/4/74.
Proposed wardens scheme comprising 45 flats

TM/74/12780/OLD No Objection 5 December 1974

Proposed wardens Scheme comprising 45 flats.
(previous application MK/4/73/847)

TM/76/11067/FUL No Objection 30 April 1976

Warden scheme comprising of 35 no. 1 person flatlets, 9 no. 2 person flatlets, 4 no. 2 person bungalows, wardens house and communal facilities.

TM/77/10525/FUL Grant With Conditions 5 October 1977

Wardens Scheme of 17 one person flatlets, 9 two person flatlets, and one five person house, common room, laundry, 23 two person, 9 three person flats.

TM/96/01451/FL Grant With Conditions 19 November 1996

installation of new lift and shaft in existing boiler room with new lean-to boiler room extension and pump room

TM/15/03051/FL Refuse 18 November 2016

Demolition of the existing housing to be replaced with new residential flats and houses, with associated ancillary buildings, parking and amenity space: 5 apartment blocks 2-3 storeys in height consisting of 9 X 1 bed and 43 X 2 bed units; 6 X 2 bed houses and 2 X 3 bed houses with private garden amenity space

TM/18/02268/FL Approved 21 June 2021

Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00229/RD Approved 6 June 2023

Details of condition 9 (Contamination) 10 (Site Investigation) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00353/RD Approved 12 July 2023

Details of condition 17 (Demolition and Construction Management Plan) submitted pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00582/RD Approved 24 April 2023

Details of condition 14 (Ecology Mitigation Strategy) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/23/00661/NMA Approved 29 March 2023

Non-Material Amendment to planning permission TM/18/02268/FL: Amend the wording of condition 20 (SuDS)

TM/23/00915/NMA Approved 16 May 2023

Non-Material Amendment to planning permission TM/18/02268/FL: Amend the wording of condition 19 (archaeology)

TM/25/00051/RD Approved 18 February 2025

Details of Condition 19 (Archaeology) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/25/00230/RD Approved 7 April 2025

Details of Condition 4 (Site Contour & Full Slab levels plan) pursuant to planning permission 18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/25/00652/RD Approved 3 September 2025

Details of Condition 20 (Surface water drainage) (as per Non-Material Amendment TM/23/00661/NMA to planning permission TM/18/02268/FL: Amend the wording of condition 20 (SuDS)) pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

TM/25/01464/NMA Approved 28 October 2025

Non- Material Amendment to planning application TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage. To Add Condition 22 (Approved Drawings and documents)

TM/25/01724/NMA Under Consideration

Non-Material Amendment to planning permission TM/18/02268/FL (as amended by ref. TM/23/00661/NMA, TM/23/00915/NMA and TM/25/01464/PA) to amend the description of the development from 'Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage' to 'Demolition and redevelopment of existing buildings to provide 37 residential units with associated parking, refuse and cycle storage'

TM/25/02042/RD Under Consideration

Details of condition 5 (Materials) Pursuant to planning permission TM/18/02268/FL Demolition and redevelopment of existing buildings to provide 38 residential units with associated parking, refuse and cycle storage

5. Consultees:

5.1 All consultee comments are set out below, apart from appendices and standard advisories. Full copies of comments can be found on the Council's website.

5.2 Environment Agency:

Response 1:

No additional comments to make on the latest submission.

Response 2:

No additional comments to make on the latest submission

5.3 KCC Highways:

Response 1:

Raise no objection.

Response 2:

Raise no objection.

5.4 KCC LLFA:

Response 1:

We note that this Section 73 submission relates to minor material amendments to the approved scheme and variation of Condition 22 (Approved Drawings). The approved drainage strategy under Condition 20 has already been discharged and, based on the information provided, the proposed amendments do not affect the previously agreed SuDS or drainage arrangements.

It is proposed to manage the surface water for the site through infiltration, utilising permeable paving, an attenuation tank and the existing soakaways on site. These measures remain unchanged as part of this application.

Therefore, the LLFA has no further comments to make on this application.

Response 2:

We have no further comment to make on this proposal and would refer you to our previous response dated 11 November 2025.

5.5 KCC PROW:

Public Right of Way MR236 lies to the west of the proposed development, outside of the boundary, and will remain unaffected by the application. I enclose a copy of the Public Rights of Way network maps showing the line of the path for your information.

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

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

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

5.6 Kent Downs National Landscape Unit:

Standard guidance relating to National Landscapes provided

The Kent Downs National Landscape team has seen a recent uplift in the number of consultations on planning applications. In accordance with the agreed Kent Downs Planning Protocol, which sets out that the Kent Downs Landscape team will only have a limited land use planning role and will prioritise its involvement in planning to planning policy matters, we will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the proposal. If our input would be particularly valued in this instance, please get in touch and we endeavour to provide informal advice where our current planning capacity allows.

In determining the application, the local planning authority has a new statutory duty, as set out above, to seek to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. Further advice on the new duty is provided in Appendix 2 of this letter. The Kent Downs National Landscape team recommends that to help fulfil the new statutory duty, the Local Planning Authority should ensure that the decision is consistent with relevant national and local planning policy and takes into account the aims, objectives and principles set out in the Kent Downs AONB Management Plan and its associated guidance documents. Further details of these are provided in Appendix 1.

Standard guidance in appendix 1 and 2 relating to National Landscapes provided

5.7 Kent Fire & Rescue:

Response 1:

I can confirm that on this occasion, it is my opinion that the emergency access requirements under the above act appear to have been met.

Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Response 2:

The most recent amendments do not appear to have an impact on the previous comments made within our letter dated 3 November 2025, therefore our original letter (CAS-333440) remains valid and we have no further comments at this stage.

5.8 Kent Police:

From reviewing the application, it appears the construction phase of this development is well underway and commenced before my time in this role. Therefore, I do not wish to provide an official response but if the applicant wishes to discuss site-specific security, please email me at alistair.hendry@kent.police.uk.

5.9 Parish Council: Comments to follow by supplementary report.

5.10 Southern Water:

Response 1:

No objections.

Response 2:

No objections.

Map of Southern Water assets provided.

5.11 TMBC Environmental Health:

Response 1:

I would re-iterate my comments from the original application (18/02268/FL), namely:

Noise

I noted that the internal layout of the proposed development incorporated several instances of incompatible uses being adjacent to one another (e.g. bedroom adjacent to stairwell). This is contrary to the guidance in BS8233:2014 "Guidance on sound insulation and noise reduction for buildings – Code Of Practice", para 7.7.3.3, which advises that "precautions should be taken where practical to minimize noise transfer". I recommended that the applicant review the layout to remove any incompatible adjacent uses and that, in the alternative, he should be required as a condition of approval, if given, to submit a noise insulation scheme, together with appropriate cross-sections.

Informatives

During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires

could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

Air Source Heat Pumps.

I have noted that the Applicant now proposes to install Air Source Heat Pumps (ASHPs) to the proposed dwellings. An issue raised by this is noise. The Applicant should be required to identify any noise attenuation measures required as a result of impacts to both existing off-site receptors and future onsite receptors. This will need to consider individual and cumulative impacts from the proposed ASHPs. I would recommend that the current version of BS4142 be used for this assessment.

Response 2:

Contaminated land
No comment.

Noise.

The Applicant has confirmed that they have considered the potential impact from adjacent incompatible uses within the proposed development (as per my previous comments) and that they will be providing enhanced acoustic measures that will provide 50dB attenuation (i.e. 5dB above Building Regulations requirement) to the party walls. I am content with this.

The Applicant has provided brief details of the Air Source Heat Pumps (ASHPs) proposed to be installed. I understand that further information will be provided on this in a submission for Condition 18 and I will comment upon this in due course.

Response 3:

Contaminated land
No comment

Environmental Protection
No additional comments

5.12 TMBC Housing Services:

On the information received on 19.01.2026:

The proposal to deliver 37 homes, comprising of 26 affordable homes for rent and 11 for sale on a shared ownership basis is supported.

In line with the S106 a Local Lettings Plan (LLP) will be needed, to be agreed between the Council and the Registered Provider/applicant, which will include priority for households with a local connection to the Rural West area.

Given the previous affordable housing provision on this site was older peoples housing, the applicant may wish to consider setting a number of homes on this site

to be prioritised for older people, as I understand has been discussed by the applicant and Members. I suggest this is included in the LLP.

On the deed of variation:

The proposed changes in the submitted variation are acceptable.

5.13 TMBC Waste Services:

Response 1:

No further comments.

Response 2:

No additional comments.

5.14 Private reps: 8 letters despatched originally (15 during re-consultation), site notices and press notice (consultation undertaken twice due to receipt of further information). No responses received.

6. **Determining Issues:**

Policy and Other Considerations

6.1 The following assessment is based on the contents of the policies and guidance listed below:

- [National Planning Policy Framework \(NPPF\) 2024 \(December\)](#)
- [National Planning Practice Guidance \(NPPG\)](#)
- [Tonbridge and Malling Borough Core Strategy 2007 \(TMBCS\):](#)
 - Policy CP1 Sustainable Development
 - Policy CP2 Sustainable Transport
 - Policy CP7 Areas of Outstanding Natural Beauty
 - Policy CP13 Other Rural Settlements
 - Policy CP15 Housing Provision
 - Policy CP17 Affordable Housing
 - Policy CP24 Achieving a High Quality Environment
 - Policy CP25 Mitigation of Development Impacts

The Core Strategy is now time expired, however not all policies contained within it are out of date. The [Core Strategy Policies Document](#) sets out the weight of each policy based on relative conformity with the NPPF.

- [Managing Development and the Environment Development Plan Document 2010 \(MDE DPD\):](#)
 - Policy CC1 Mitigation - Sustainable Design
 - Policy CC2 Mitigation - Waste Minimisation
 - Policy CC3 Adaptation - Sustainable Drainage
 - Policy CC4 Adaptation - Winter Water Storage
 - Policy NE2 Habitat Networks

- Policy NE3 Impact of Development on Biodiversity
- Policy NE4 Trees, Hedgerows and Woodland
- Policy SQ1 Landscape and Townscape Protection and Enhancement
- Policy SQ4 Air Quality
- Policy SQ5 Water Supply and Quality
- Policy SQ6 Noise
- Policy SQ7 Health and Well-being
- Policy SQ8 Road Safety
- Policy SQ9 Crime and Disorder
- Policy OS3 Open Space Standards
- Policy OS4 Provision of Open Space
- Policy OS5 Green Infrastructure Network
- Policy OS6 Open Space Accessibility and Safety
- [TMBC Affordable Housing Supplementary Planning Document \(AH SPD\)](#)
- [TMBC Affordable Housing Protocol \(AHP\)](#)
- [Kent Downs AONB Management Plan](#)
- [Kent Design SPD \(Kent Design Guide\)](#)
- [Kent Design – Supplementary Guidance \(Parking Standards\)](#)
- [Kent Landscape Assessment](#)
- [TMBC Climate Change Strategy 2020 to 2030](#)
- [TMBC Corporate strategy 2023 to 2027](#)
- [KCC Drainage and Planning Policy Statement](#)
- [Kent and Medway Growth and Infrastructure Framework 2018](#)
- [TMBC Draft Local Plan Evidence Base](#)

6.2 The Council is in the process of developing a new Local Plan and is presently at the Regulation 18 stage. In line with Paragraph 49 of the NPPF, LPAs may give weight to relevant policies in emerging plans. As the plan progresses, the greater the weight that it may be given.

Introduction

6.3 As explained in the first section of the report, the purpose of a Section 73 application is to assess whether planning permission should be granted for a proposed variation or removal of a condition attached to a planning application. In this case it is proposed to vary the wording of condition 22 by substituting amended plans and documents to allow changes to the scheme, detailed fully within the cover letter, Planning Statement Addendum and Design & Access Statement Addendum, comprising of:

- Removal of one dwellinghouse, being the end of terrace dwellinghouse (plot 1) in the south-east corner of the site due to the existence of a mains water pipe.
- External layout and elevation changes, including:
 - Level changes, including stepped site levels and raised patios for apartments 3 and 4

- Alterations to windows and doors, including height reduction to windows and doors to account for Building Regulations and replacement of two windows with a single window on house type 2.0
 - Switch to air source heat pumps
 - Altered building roofs, being lower and of a stepped design
 - Introduction of roof eaves
 - Removal of low-level porch walls and porch posts
 - Reduced scale dormers
 - Re-siting of central proposed tree and removal of adjacent verge
 - Hardstanding and building changes to safeguard the health of existing trees
- Internal layout changes to homes to improve energy efficiency
 - Amended housing mix, switching from 28 shared ownership and 10 affordable rent units, to 11 shared ownership and 26 affordable rent units.

6.4 The main issues for consideration are therefore the impact upon and acceptability of visual amenity, highways safety, surface water drainage, protected trees, ecology/biodiversity, residential amenity, housing mix and aural environment, which should be considered in the context of policies in the Local Development Framework and NPPF, in the overall context of sustainable development as detailed at paragraph 8 of the NPPF:

“8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Design and impact upon visual amenities/landscape

6.5 Policy CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

“1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted...”

6.6 Policy SQ1 of the MDE DPD also relates to design and visual impact:

“All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.”

6.7 Policy SQ7 advises that development proposals must by way of their design/layout maximise opportunities for healthy living and provide access to open spaces. Policy SQ9 sets out that development will only be permitted whereby it can be demonstrated that the design/layout will be suitable in deterring crime. Healthy and safe communities are further emphasised at chapter 8 of the NPPF.

6.8 Policy NE4 sets out 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.

6.9 The site is within the North Downs National Landscape, as such policy CP7 of the TMBCS applies, which states development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest. Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.

6.10 These policies within the LDF are broadly in conformity with those contained within the NPPF, including paragraph 135 of the NPPF that seeks to ensure developments:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

6.11 Paragraph 136 of the NPPF explains the importance of trees:

“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. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

6.12 Furthermore, paragraph 139 of the NPPF states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

6.13 Also of relevance is paragraph 96, which states:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

6.14 Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in such areas. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas

6.15 Additionally, the [Countryside and Rights of Way Act 2000 \(as amended\)](#) at section 85 requires that relevant authorities in exercising functions related to land in areas of outstanding natural beauty (now National Landscapes) shall seek to further the purpose of conserving and enhancing the natural beauty of that area.

- 6.16 The first changes proposed includes removing the end of terrace dwellinghouse, to be replaced by a semi-detached dwelling. The semi-detached dwelling is shown to be of a similar appearance to other buildings on site. This change is therefore considered in-keeping with the street scene and locality. It is acknowledged that this would result in one less unit being provided on site, however it is considered that the density of the development is appropriate for the locality and given the characteristics of the site, which contains a range of protected trees.
- 6.17 The range of external elevation and layout changes, including level changes, amended windows and doors, air source heat pumps, amended roof designs and amended porches are generally minor in extent and would not result in an unacceptable impact upon visual amenity. The introduction of eaves and stepped roofs across the development site are considered to improve the visual appearance of the individual buildings and therefore would result in a more aesthetically appealing street scene and development site.
- 6.18 The internal changes and amended housing mix are considered to have no material impact upon visual amenity.
- 6.19 In relation to tree works, the trees along the front and west side of the site are subject to tree preservation orders. The original scheme included the removal of 20 trees and part of one tree group, with five trees containing no dig construction within their root protection areas. It is now proposed to remove 23 trees and part of the tree group, a further three trees, to enable the development to be delivered. The additional trees proposed to be removed, T58 (Norway maple) and T59 (cherry), are not subject to tree preservation orders, are both C grade trees and are sited inside the site, therefore their loss is considered not unacceptably harmful to visual amenity. Tree T63 (holly) is a U grade tree which is dead, and its removal is considered acceptable for arboricultural reasons. In relation to construction within root protection areas, the plans have been amended since re-consultation to reduce the extent of no-dig hardstanding around the front of the site. Due to the removal of one house, T60 and T65 are no longer affected by the siting of a house, with T8, T11 and T12 no longer subject to no-dig construction within root protection areas. T2 remains with 'no-dig' hardstanding within the root protection area, but to a lesser extent. Additional areas of 'no-dig' construction are shown for several bike stores and some hardstanding. A total of five trees are shown to be affected by no-dig construction within root protection areas. This is considered acceptable as the overall extent of 'no-dig' construction is reduced around the front of the site, with the works considered necessary to enable the housing to be constructed and the Tree Protection Plan now matches the site layout plan.
- 6.20 Due to these changes to tree and landscape works, it is permissible to review the tree and landscaping conditions attached to the extant consent. The conditions attached to the existing permission just required adherence to the approved high-level plans. These conditions are therefore considered not appropriate for detailed

design as they do not provide a specific landscape scheme, do not fully detail tree protection measures, and do not specify no dig construction methodologies. It is therefore recommended to attach a revised suite of planning conditions, including trees, landscaping and levels, alongside further conditions for details of no-dig construction methodologies and servicing routes in relation to trees, to ensure that the trees are safeguarded on site and a thorough landscaping scheme comes forwards to mitigate any losses and improve visual amenity. These conditions have been reviewed and accepted by the applicant, and by granting this consent, the LPA can have more control over the trees and landscaping on site. This represents a major benefit of this revised scheme.

- 6.21 Members should note that the Parish Council state in their second comment that 18 trees will be felled, however this is less than is actually proposed. It is also stated a Horse Chestnut tree is proposed for removal; however this is not the case as it is proposed for retention, with 'no-dig construction' undertaken within the root protection area, but to a lesser extent than that approved under the extant scheme. It is acknowledged that trees will be removed in the centre of the site, however their removal is already consented, and these trees are of a low value C or U grade, with better replacements being sought through the revised landscaping condition, which was not secured under the extant permission.
- 6.22 It is also noted that there has been no indication as to the appearance of the bike and refuse storage facilities. It is therefore recommended that these conditions are updated to require the submission of detailed designs to the Local Planning Authority for approval, including foundation and construction details, to avoid any unacceptable harm to adjacent trees. Minor changes are also recommended to the materials condition to ensure it meets the conditions tests.
- 6.23 Overall, the changes proposed, subject to the recommended amended planning conditions, would not be detrimental to the overall character of the area, the landscape and visual amenity, including the North Downs National Landscape. On this basis it is considered that the proposed development is in accordance with policy CP24 of the TMBCS, policies SQ1 and NE4 of the MDE DPD, paragraphs 124, 130, 135, 136, 139 and 189 of the NPPF and section 85 of the Countryside and Rights of Way Act 2000.

Residential amenity

- 6.24 Policy CP1 of the TMBCS sets-out that that the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications, the quality of a range of matters, including residential amenity, will be preserved.
- 6.25 Policy CP24 of the TMBCS 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. Paragraph

135 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

- 6.26 House 20 is shown to be approximately 0.1 metres closer to the neighbour to the north, however this reduction in separation is not considered to result in an unacceptable change to levels of overlooking, privacy, sunlight, daylight or outlook of the adjoining dwelling.
- 6.27 Houses 21-24 are shown to be approximately 0.6 metres closer to the neighbouring houses to the west, however the majority of these proposed houses would face towards a communal green space, with the nearest first-floor window from the neighbouring garden being approximately 21.8 metres away, which is an acceptable separation between dwellinghouses. These changes would not cause an unacceptable loss of sunlight, daylight or outlook.
- 6.28 Changes to levels across the site are proposed, however these generally reduce the height and massing of the built form, apart from the front of the site, which is furthest from neighbouring dwellings. There is sufficient separation with adjoining neighbours to ensure there would be no unacceptable impacts upon residential amenity from these levels and associated changes.
- 6.29 The alterations to windows and doors across the development are proposed in such a way that they would be similarly sited to their approved locations, with the re-located windows being considered to not result in an unacceptable level of overlooking and privacy of the adjoining dwellings.
- 6.30 All other changes proposed are considered not to have an unacceptable impact upon residential amenities.
- 6.31 Overall, the proposed amendments would not have an unacceptable impact upon the residential amenity of neighbouring properties in terms of daylight, sunlight, outlook, overlooking and privacy, and neither would they be overbearing and the development therefore complies with policies CP1 and CP24, alongside the NPPF.

Housing Mix

- 6.32 Policy CP17 of the TMBCS details that affordable housing provision will be sought at a level of 40% of the number of dwellings proposed. It also states that unless circumstances dictate otherwise, 70% of the affordable dwellings provided on each site should be social rented housing, with the remainder being intermediate housing. Policy CP17 is to be read alongside the Affordable Housing Protocol and the Affordable Housing Supplementary Planning Document.
- 6.33 The Council's [Strategic Housing Market Assessment](#) (SHMA), produced in support of the regulation 18b draft Local Plan, sets-out the housing needs and requirements of the borough, being the most up-to-date evidence available specifically for the Tonbridge and Malling Borough.

6.34 The Council's Corporate Strategy includes a priority for Improving housing options for local people whilst protecting our outdoor areas of importance. The strategy aims to bring forward plans to help people onto the housing ladder, improve standards in the rented sector and support those at risk of homelessness through ensuring a strong focus on affordable housing in the borough whilst protecting our outdoor areas of importance.

6.35 Paragraph 66 of the NPPF states:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.”

6.36 Paragraph 71 of the NPPF then goes on to explain that:

“Mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported). Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.”

6.37 Paragraph 96 details that:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible

green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

6.38 Annex 2 of the NPPF defines affordable housing as:

“Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

a) Social Rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Social Rent; (b) the landlord is a registered provider; and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

b) Other affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government’s rent policy for Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”

6.39 The tenure mix as approved under application TM/18/02268/FL was for 28 shared ownership properties and 10 affordable rent, with the accommodation mix as per table 1 below. The S106 legal agreement set out a minimum number of each type of property, being 15 affordable housing units, comprising of no less than 10

affordable rented homes and 5 shared ownership properties, representing a 40% policy compliant scheme, with the rest of the units being market units.

Table 1: Accommodation mix as per approved application TM/18/02268/FL.

	2 bed/4-person flat	2 bed/4-person house	3 bed/5-person house	Total
Affordable rented	0	10	0	10
Intermediate/shared ownership	12	5	11	28
				38

6.40 It is proposed to amend the tenure mix to comprise of 11 shared ownership properties and 26 affordable rent, with the accommodation mix as per table 2 below, being 70% affordable rented and 30% shared ownership. The amended mix includes the flats as affordable rent, rather than shared ownership, with the majority of 2 bed houses being shared ownership rather than affordable rented, with all 3-bedroom houses proposed as affordable rented. The S106 legal agreement will remain as drafted, i.e. 10 affordable rented homes and 5 shared ownership homes, but with the clear intention for the applicant to build-out the scheme as proposed within the Section 73 application.

Table 2: Proposed accommodation mix.

	2 bed/4-person flat	2 bed/4-person house	3 bed/5-person house	Total
Affordable rented	12	3	11	26
Intermediate/shared ownership	0	11	0	11
				37

6.41 The proposed development provides more than the 40% level of required affordable housing under Policy CP17, with the split of housing according with this policy (30% shared ownership and 30% affordable rented). The amended development therefore remains acceptable in regard to this policy.

6.42 The proposal will change the tenure mix of the site from being predominately shared ownership to mainly affordable rented. Concerns have therefore been

raised by the Parish Council regarding the development not resulting in a mixed, balanced, safe and cohesive community, with the resultant risk of exacerbated anti-social behaviour due to the experience of existing issues with anti-social behaviour in the area, claimed to be due to existing Clarion affordable residents. The Parish Council advise that currently 23.7% of Wrotham Village's housing stock comprises of Clarion-owned affordable rented properties, higher than the proportion of affordable rented tenure dwellings within the borough of 15.4%, with the proposal exacerbating this issue.

6.43 The NPPF at paragraph 71 sets-out that (emphasis included):

“Mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported).”

6.44 National policy is therefore clear that a scheme of solely/mainly affordable housing, including affordable rented, should not be precluded from being supported despite the promotion of mixed tenure sites. The proposed tenure of predominately affordable rented should therefore not be resisted. Nevertheless, it should be noted that it is not proposed for the development to be a single tenure, as it is proposed to comprise of both eleven shared ownership and twenty-six affordable rented properties, which represents a mixed-tenure development.

6.45 It is acknowledged that Wrotham has a higher number of affordable rented properties than the average for the borough, however it is common for there to be variation in tenure amounts between areas. The Tonbridge and Malling Borough is a borough with higher than average house prices and higher than average levels of home ownership, therefore the average levels for the Borough of affordable rented properties is not typical and representative of the national average. The addition of a further sixteen properties compared to the extant consent of ten, is considered not to be a significant increase in the context of Wrotham as a whole, increasing the percentage of affordable rented properties in Wrotham to around 26.3% (based upon the figures provided by the Parish Council). It cannot therefore be reasonably considered that the provision of a further sixteen affordable rented properties compared to the extant permission, would result in an unacceptable impact upon the existing community of Wrotham and achieving aims for diverse and healthy communities.

6.46 Furthermore, in relation to concerns raised by the Parish Council regarding anti-social behaviour, it should be noted that just because someone resides within an affordable rented property, does not mean that they will cause anti-social behaviour. It therefore cannot be argued that prospective residents of the affordable rented dwellings at St Georges Court would cause anti-social behaviour. Additionally, whilst there are reports of anti-social behaviour from

existing residents within Wrotham, the issues are not caused by all properties, with the issues only being as a result of a small minority of households, who are not all Clarion residents. It has been confirmed through liaison with the Council's Anti-Social Behaviour Officer, in liaison with Kent Police, that the level of anti-social behaviour in Wrotham is not considered high and the issues raised are a general issue, not specific to Wrotham. This is further considered to justify that there are no reasons to resist the development proposed in relation to healthy and balanced communities. The Parish's concerns regarding Clarion's dealing with tenants' behaviour is not a material planning consideration and cannot be used to determine the acceptability of this application.

6.47 Paragraph 66 of the NPPF expects the mix of affordable housing for major developments to meet identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures. Therefore, to ensure the proposed mix is suitable for the area, reference needs to be made to the most recent evidence of local needs, which is held within the Strategic Housing Market Assessment 2026 (SHMA) in support of the Regulation 18 Local Plan consultation:

“The evidence indicates that there is an acute need for affordable housing in the Borough and a need in all sub-areas.”

“The majority of need is from households who are unable to buy OR rent and therefore points particularly towards a need for affordable or social rented housing rather than affordable home ownership.”

“The level of affordable need does suggest the Council should maximise the delivery of such housing at every opportunity.”

“The analysis suggests there will be a need for both social and affordable rented housing – the latter will be suitable particularly for households who are close to being able to afford to rent privately and possibly also for some households who claim full Housing Benefit.”

“Shared Ownership is likely to be a suitable Affordable Home Ownership (AHO) product for households with more marginal affordability (those only just able to afford to privately rent but not to buy outright) as it has the advantage of a lower deposit and subsidised rent.”

“In deciding what types of affordable housing to provide, including a split between rented and home ownership products, the Council will need to consider the relative levels of need and also viability issues (recognising for example that providing AHO may be more viable and may therefore allow more units to be delivered, but at the same time noting that households with a need for rented housing are likely to have more acute needs and fewer housing options).”

“Overall, the analysis identifies a notable need for affordable housing, and it is clear that the provision of new affordable housing is an important and pressing issue in the area.”

“It does, however, need to be stressed that this report does not provide a definitive affordable housing target that should be proscribed by the Council on sites across Tonbridge and Malling. This is due to limitations in the amount of affordable housing that can viably be delivered on individual sites. The evidence does, however, suggest that affordable housing delivery should be maximised where opportunities arise.”

6.48 In light of the SHMA, it can be seen that the Tonbridge and Malling Borough significant need for affordable properties in all sub-areas. There is a particular need for rented properties as opposed to affordable home ownership. The proposed amended development comprising of 26 affordable rented properties, as opposed to the ten as approved, will therefore deliver a much-needed housing product for residents on the Council’s housing register. In relation to home ownership, the most suitable affordable home ownership product according to the SHMA are shared ownership dwellings. The provision of eleven of these shared ownership properties within the development is therefore considered to be acceptable. As such, the resultant amended tenure mix, in particular due to the higher proportion of affordable rented, is substantially supported by the local housing needs evidence and is more aligned with the current needs of the Borough than the extant permission.

6.49 The SHMA confirms that the report does not provide a definitive affordable housing target for individual sites, which is caveated due to the consideration of individual site viability. On this scheme, the development is being proposed by Clarion Housing group, a registered provider, and no viability argument has been put forward. They hold a wide range of stock across the borough, being primarily rented provision. It is therefore considered that on this occasion, the evidence base can be considered in relation to this site, with the SHMA generally aligning with the proposed amended tenure mix as part of this application.

6.50 Within the NPPF, various types of affordable housing are defined. Social rent has not been proposed by Clarion on this occasion as it has been explained that this would not work financially, although this has not been viability tested by the Council as it is not considered warranted on this occasion. The development however includes the provision of affordable rent in accordance with the NPPF definition, which is considered acceptable in this instance as the SHMA shows a clear need for affordable rented dwellings. In relation to affordable home ownership, shared ownership is proposed, which given this is the preferred type of affordable home ownership in the SHMA, is considered appropriate. The SHMA does not show a need for discounted market sales or first homes, and neither were these forms of affordable housing proposed originally, therefore the non-inclusion of these forms of affordable housing is accepted. The provision of build

to rent were not proposed originally, and therefore their non-inclusion on this occasion is accepted. In relation to delivering housing for older people, in particular given how the previous affordable housing provision on this site was older peoples housing and points made by both the Parish Council and Housing Officer, it is recommended that a number of the houses are prioritised for older people, to be secured under the Local Lettings Plan under the S106 legal agreement.

- 6.51 As such, it is considered that the proposed tenure mix, with increased affordable rented dwellings and eleven shared ownership properties, would result in a mixed, healthy and balanced community, supported by and compliant with the NPPF and SHMA.
- 6.52 Within the mix of housing proposed, there would be more flatted provision within the affordable rented tenure and seven fewer two-bedroom properties. However, this is considered counter-balanced through the provision of eleven 3-bedroom family houses, which are of a priority need in the Borough, as demonstrated by the SHMA. Internal room sizes and layouts have been amended; however, these are judged as being appropriate. The revised mix of housing in relation to property types and sizes is therefore considered acceptable, complying with local and national policy and meeting local needs.
- 6.53 The application has been reviewed by the Council's Housing Team, who have reviewed the proposals and confirmed their support for the proposed amendments, particularly as it delivers more much-needed rented provision for residents on the housing register.
- 6.54 As with the approved development, to ensure that the homes come forwards with a priority for households with a local connection to the Rural West area, a Local Lettings Plan (LLP) will need be agreed between the Council and the Registered Provider/applicant as part of the S106 legal agreement.
- 6.55 The Parish Council has referred to paragraph 64 of the NPPF, however this is relevant to local plan and policy making and is not aimed at the assessment of development management planning applications.
- 6.56 Overall, the amended affordable housing provision at the site is considered to be greatly improved compared to the approved development, providing a mix of affordable housing that meets the identified local needs across affordable rented and affordable home ownership tenures, in particular, delivering much-needed affordable rented housing for residents of the Borough. It does this in a manner which will not conflict with achieving a strong, vibrant and healthy community in Wrotham. As such, the development adheres to policy CP17 of the TMBCS, the TMBC Corporate Strategy and paragraphs 66, 71 and 96 of the NPPF.

Access, highways and transport

6.57 Policy CP2 relates to sustainable transport and explains that:

“New development that is likely to generate a significant number of trips should:

(a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;

(b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;

(c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;

(d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;

(e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,

(f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.”

6.58 Policy SQ8 of the MDE DPD covers road safety and states that:

“1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.”

6.59 Paragraph 115 of the NPPF states that in assessing development applications, it should be ensured that

“a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”

6.60 Paragraph 114 of the NPPF states that in assessing development applications, it should be ensured that appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location, that safe and suitable access to the site can be achieved for all users, the design of transport elements reflect current national guidance and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.

6.61 Paragraph 117 sets-out the context:

“Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

- 6.62 Paragraph 118 then sets out that all developments that will generate significant amounts of movement should include a travel plan and be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.63 The application is supported by an updated Transport Assessment, updated for the amended scheme. As the development results in the reduction of one dwellinghouse, there would be a slight reduction in expected vehicle movements.
- 6.64 The levels of parking are proposed to remain as approved, therefore the amount of parking available on site per dwelling will increase slightly. Access is to remain as approved, apart from the removal of one pedestrian access, however this is considered justified to safeguard the health of existing trees.
- 6.65 KCC Highways have revised the amended development and raise no objection to the development proposals.
- 6.66 It has been noted that design of the bike storage have not been provided, therefore the cycle provision condition is recommended to be updated to require submission of details to the LPA for approval. Some of the cycle storage areas are within root protection zones and shown as being of a no dig construction, therefore details of the construction shall also be sought by planning condition to ensure no unacceptable effects occur to protected trees.
- 6.67 It is also proposed to merge the parking provision and turning facilities conditions together to enable the cycle parking condition, which is currently joined to the general parking condition, to be a separate condition.
- 6.68 In light of the above assessment and the lack of objections from KCC Highways, it is considered that the development would not result in an unacceptable impact on highway safety. The development would be sustainable in relation to transport. It would therefore not conflict with Policy CP2 of the TMBCS, Policy SQ8 of the MDE DPD or paragraphs 115-118 of the NPPF.

Ecology and biodiversity

- 6.69 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.70 Policy NE3 states that 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 overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

6.71 These policies broadly accord with the policies of the NPPF. In particular, paragraph 187 a) and d) and paragraph 196:

“187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;...”

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

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

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

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

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

6.72 Section 40 of the [Natural Environment and Rural Communities Act 2006](#) places a general duty on all public authorities, including the local planning authorities, to conserve and enhance biodiversity.

6.73 The changes proposed as part of this application are not considered to result in an unacceptable impact upon ecology. It is however noted that due to design

changes to the eaves, the location of the bat roost features as approved via the ecology condition would no longer exist. As such, the ecology mitigation condition shall need to be re-attached and re-discharged.

6.74 Overall, the development is anticipated not to result in any significant effects on ecology. As such it is considered that the proposals accord with all relevant national and local planning policy in relation to ecology, including policies NE1-NE3 of the MDE DPD and the NPPF.

Surface water drainage:

6.75 Policy CC3 of the MDE DPD sets out that development will not be permitted if it has an unacceptable impact on the water environment and if development proposals do not incorporate SuDS appropriate to the local context. It advises that SuDS will need to have appropriate maintenance and management agreements in place. It advises where it is not practicable to use SuDS, it will need to be demonstrated that an appropriate alternative means of surface water drainage is incorporated.

6.76 Within the NPPF, paragraph 182 explains that:

“Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

a) take account of advice from the Lead Local Flood Authority;

b) have appropriate proposed minimum operational standards; and

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.”

6.77 KCC LLFA have raised no objection to the changes proposed as part of this application. It is however noted that the loss of a dwelling and due to the change in site levels, the surface water drainage scheme will need to be re-designed. It is therefore recommended that the surface water drainage conditions are re-attached but updated to meet current wording.

6.78 Overall, with this condition attached it is considered that the development would be acceptable in relation to surface water flood risk and drainage, complying with policy CC3 of the MDE DPD and paragraph 182 of the NPPF.

Aural environment

6.79 Paragraph 187 e) of the NPPF relates to pollution and details that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by: ...

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;”

6.80 Paragraph 198 of the NPPF states:

“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 noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

6.81 Policy SQ6 of the MDE DPD details that in considering the impact of noise from transport-related sources on proposals for new residential development, the Noise Exposure categories (NECs) identified in the policy annex will be applied. It also explains that proposals for noise-sensitive development will be required to demonstrate that noise levels are appropriate for the proposed use, and proposals for built development should incorporate design measures such that internal noise levels are demonstrated to meet the criteria levels in relevant guidance.

6.82 Environmental Health originally raised concerns with the potential impact from adjacent incompatible uses within the proposed development, however the applicant has confirmed that they will be providing enhanced acoustic measures that will provide 50dB attenuation. Comments were also made regarding Air Source Heat Pumps (ASHPs). The applicant provided details of the ASHPs, with the impact from the ASHPs considered not to be harmful due to their increased use across modern development sites, replacing traditional gas boilers in the interests of addressing climate change. To ensure an acceptable aural

environment for both existing and future residents, it is recommended that a revised planning condition is included to cover the submission of a noise report and any required acoustic attenuation measures, covering both on-site and off-site receptors.

6.83 Overall, given the details of the submitted information, the comments from Environmental Protection and the recommended planning condition, the development would accord with policy SQ6 of the MDE DPD and paragraphs 187e) and 198 of the NPPF.

Water supply

6.84 Policy SQ5 of the MDE DPD states:

“1. All development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.

Planning permission will only be granted for developments which increase the demand for offsite water and sewerage infrastructure where:

(a) sufficient capacity already exists, or

(b) extra capacity can be provided in time to serve the development.

3. When there is a water or sewerage capacity problem and there are no programmed off-site infrastructure improvements, planning permission will only be granted if the developer funds, under the relevant water supply legislation, appropriate infrastructure improvements which should be completed prior to occupation.”

6.85 Members from the Area 2 Planning Committee are likely to be aware of comments from South East Water in relation to the Local Plan Regulation 18b consultation and subsequent water resources planning. In summary, their Local Plan representation sets-out their growth forecast for 2025-2042 as part of their ‘Water Resources Management Plan 2024’ which would not keep up with the anticipated growth across the borough within the draft Local Plan Infrastructure Delivery Plan.

6.86 The current Section 73 application is not a new application for planning permission, but an amendment to the existing permission approved under reference TM/18/02268/FL, with an alternative consent being granted should it be resolved to grant permission. The amended development would therefore not result in any additional water demands than that already approved. It should however be noted that the proposal will reduce potential water demand as the amendment includes the removal of one dwellinghouse. It has to also be noted that the applicant has an extant planning permission for the construction of 38 dwellings, which can be proceeded with irrespective of the decision on this

application. It is therefore considered that the current matters relating to South East Water do not prevent the determination of this application, and the approval of this application would result in a development with less water demand than that already consented.

- 6.87 Overall, given the extant permission for 38 dwellings, the current variation of condition application for 37 dwellings would reduce potential water demand and the applicant has a material fall-back position that could continue to be implemented. It is therefore considered that the development cannot be resisted and a refusal under policy SQ5 of the MDE DPD cannot be justified.

Other conditions for amendment

- 6.88 When considering a Section 73 application, the existing conditions on the original permission need to be considered as to whether they require amendment in light of the amendments proposed or subsequent application.
- 6.89 The application seeks to amend the plans list condition to reflect the revised plans to implement the proposed changes. This condition is therefore proposed as condition 1.
- 6.90 Several other conditions however require amending, as detailed throughout this report. In addition to these, it is proposed to amend the wording of the contamination condition to refer to the approved details under application TM/23/00229/RD as these details do not need to be re-submitted again as they remain unaffected by the proposed changes. In relation to construction management, although this condition has already been discharged, it will need to be re-attached again as the site layout has changed compared to that shown on the approved construction management plan. Archaeological matters were approved under conditions application TM/25/00051/RD, therefore the archaeology condition needs to be amended to refer to this application and to ensure ongoing compliance. The time limit condition does not need to be re-attached as the development has been implemented. All conditions previously attached did not reference specific policies and NPPF paragraphs, therefore these require adding, alongside minor corrections to wordings of conditions to ensure they meet the conditions tests. It is proposed to re-order the conditions into topic order, with those requiring submission soonest listed first, with those requiring ongoing compliance listed later, in accordance with government guidance.

S106 Agreement – deed of variation

- 6.91 To accompany the changes as part of the planning application, it will also be necessary to amend the S106 agreement. The changes proposed to this are as follows:
- 6.92 The definition of “Application” shall be deleted and the following definition inserted in its place:

“Application” means “the planning application submitted by the Owner to the Council for planning permission for the Development and bearing LPA number 25/01725/FL”.

6.93 The definition of “Development” shall be deleted and the following definition inserted in its place:

“Development” means “Demolition and redevelopment of existing buildings to provide 37 residential units with associated parking, refuse and cycle storage”.

6.94 A new clause (number 9) shall be inserted:

“Section 73 permissions

In the event that the Council at any time hereafter grants a planning permission pursuant to an application made under section 73 of the 1990 Act (or section 73B of the 1990 Act when in force) in respect of any condition on the Permission, the Application and/or Permission and/or the Development shall be deemed to include any such subsequent application, planning permission and/or development granted in relation thereto and this Deed shall then take effect and be read and construed accordingly SAVE where the Council in its absolute discretion deems that a deed of variation, supplementary deed or other such document to secure relevant additional or alternative planning obligations pursuant to section 106 of the 1990 Act is required.”

6.95 These proposed changes are considered acceptable, ensuring that the changes undertaken as part of this planning application are reflected in the legal agreement and to enable any future necessary changes to be undertaken without the need to amend the legal agreement administrative wording.

Conclusion

6.96 Overall, the proposed variation in the wording of the conditions would not result in an unacceptable impact upon and is considered acceptable in relation to visual amenity, highways safety, surface water drainage, protected trees, ecology/biodiversity, residential amenity, housing mix and aural environment. The changes do not affect the fundamental principles established by planning permission TM/18/02268/FL.

6.97 It is therefore recommended that planning permission be granted subject to a deed of variation to the legal agreement, planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion and informatives to bring specific information to the attention of the applicant.

7. Recommendation:

7.1 **Grant Planning Permission** subject to the following:

7.2 A deed of variation to secure:

- Variation to clause 2 definitions of "Application" and "Development".
- Addition of clause 9 "Section 73 permissions".
- Any other changes which are considered necessary during discussions with the Council's appointed consultant solicitor.

7.3 The following planning conditions:

Conditions:

Plans/document list:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Existing Location Plan 18-067 L(00)-001
 - Site Plan 18-067 L(00)-010 rev. F
 - Site Plan - Existing and Proposed Building Comparison 18-067 L(00)-012 rev. B
 - Site Plan - Separation Distances 18-067 L(00)-013 rev. B
 - Flat Block - Ground Floor Plan 18-067 L(20)-100 rev. C
 - Block B - Ground Floor Plan 18-067 L(20)-101 rev. B
 - House Block 01.2 - Ground Floor Plan 18-067 L(20)-102 rev. A
 - House Block 02 - Ground Floor Plan 18-067 L(20)-103 rev. A
 - House Block 03 - Ground Floor Plan 18-067 L(20)-104 rev. A
 - House Block 04.1 - Ground Floor Plan 18-067 L(20)-105 rev. A
 - House Block 04.2 - Ground Floor Plan 18-067 L(20)-106 rev. A
 - House Block 04.3 - Ground Floor Plan 18-067 L(20)-107 rev. A
 - House Block 05.1 - Ground Floor Plan 18-067 L(20)-108 rev. A
 - House Block 05.2 - Ground Floor Plan 18-067 L(20)-109 rev. A
 - House Block 05.3 - Ground Floor Plan 18-067 L(20)-110 rev. A
 - Flat Block - First Floor Plan 18-067 L(20)-200 rev. B
 - Block B - First Floor Plan 18-067 L(20)-201 rev. B
 - House Block 01.2 - First Floor Plan 18-067 L(20)-202 rev. A
 - House Block 02 - First Floor Plan 18-067 L(20)-203 rev. A
 - House Block 03 - First Floor Plan 18-067 L(20)-204 rev. A
 - House Block 04.1 - First Floor Plan 18-067 L(20)-205 rev. A
 - House Block 04.2 - First Floor Plan 18-067 L(20)-206 rev. A
 - House Block 04.3 - First Floor Plan 18-067 L(20)-207 rev. A
 - House Block 05.1 - First Floor Plan 18-067 L(20)-208 rev. A
 - House Block 05.2 - First Floor Plan 18-067 L(20)-209 rev. A
 - House Block 05.3 - First Floor Plan 18-067 L(20)-210 rev. A
 - Existing Site Elevations 18-067 L(21)-001
 - Site Elevations 01, 02, 03 & 04 18-067 L(21)-010 rev. B

- Site Elevations A-A, B-B, C-C & D-D 18-067 L(21)-011 rev. B
- Site Elevations E-E & F-F 18-067 L(21)-012 rev. B
- Proposed Site Boundary Sections 18-067-L(22)-010 rev. B
- Site Sections - Existing and Proposed Comparison 18-067 L(22)-020 rev. B
- Flat Types F_1.0 & F_2.0 18-067 L(23)-101 rev. A
- Flat Types F2.1 18-067 L(23)-101.1
- House Type H_1.2 18-067 L(23)-110 rev. A
- House Type H_1.1 18-067-L(23)-111 rev. B
- House Type H_2.0 18-067 L(23)-112 rev. A
- House Type H_3.0 18-067 L(23)-113 rev. A
- House Type H_4.0 18-067 L(23)-114 rev. A
- House Type H_4.2 18-067 L(23)-114.1
- House Type H_4.1 18-067 L(23)-115 rev. A
- House Type H_5.0 18-067 L(23)-116 rev. A
- House Type H_6.0 18_067 L(23)-117 rev. A
- House Type H_6.1 18-067 L(23)-117.1
- House Type H_1.0 18-067 L(23)-118 rev. A
- House Type H_2.1 18-067 L(23)-119 rev. A
- Phase 1 Desk Study 15/10432/JM May 2015
- Phase 2 Report On A Site Investigation 15/10432/A/JM November 2015
- Transport Statement January 2026
- Planning Statement September 2018
- Planning Statement Addendum January 2026
- Preliminary Ecological Appraisal 15_1116_ReportX02_MF_GB-V2 22nd June 2018
- Design and Access Statement rev. A November 2018
- Design and Access Statement Addendum rev. D January 2026
- Accommodation Schedule 18-067 S(20)-001 rev. A
- Types Schedule 18-067 S(20)-002 rev. B
- Plot Schedule 18-067 S(20)-003 rev. D
- Covering Letter 21 September 2018
- Covering letter 16 January 2026
- Email to Environmental Health 20 November 2025

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

Design:

2. a) No above ground development shall take place until details of materials to be used externally have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality, including the North Downs National Landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1, the National Planning Policy Framework 2024 (paragraphs 135 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

3. a) No further development shall take place until details of the proposed finished floor levels, eaves and ridge levels of the dwellings and finished ground levels (including roads, footpaths and landscaping) in relation to the existing ground levels of the site, adjoining land and highways, and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the character of the area and visual amenity of the locality, including the North Downs National Landscape and the health of any trees or vegetation and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

4. a) Within six months of the date of this permission a scheme of hard and soft landscaping and boundary treatments, including details of existing trees to be retained and size, species/cultivar, planting heights, densities and positions of any new soft landscaping including details of proposed new tree planting to replace Tree Preservation Order trees which are being removed as part of the development hereby approved, shall be submitted to the Local Planning Authority for its formal written consent. The scheme shall be based on and expand upon the Site Landscaping Plan 18-067 L(00)-011 rev. E, updated to relate to the final construction details.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

5. a) No excavations for services shall be undertaken until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

6. a) No further development shall take place until a dimensioned tree protection plan in accordance with Section 5.5 of BS5837: 2012 (Trees in relation to design, demolition and construction – Recommendations) and a site specific arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. These documents shall be based on and expand upon the principles and methodologies in the Tree Survey Report 15_1116_Report_NT_GB-V7 18th March 2026 and Tree Protection Plan 15_1116_TPP_NT_Rev_J, updated to relate to the final construction details.

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

Reason: To safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

7. a) No works in relation to the proposed 'no dig' surfaces shown on Tree Protection Plan 15_1116_TPP_NT_Rev_J or any subsequently approved plans showing no dig surfaces shall take place until details of the no-dig design and construction techniques, including plans and sections showing the proposed no dig construction in relation to the existing site levels and adjacent trees have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

8. a) Prior to the installation of the refuse storage facilities, a scheme for the storage, screening and collection of refuse shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans and elevations, method/s of installation/construction, foundation details and proposed levels for the building/s and adjoining land in relation to existing land levels and trees.
- b) The development shall thereafter be implemented in accordance with the approved details. No dwelling hereby approved shall be occupied until the storage and screening of refuse to serve that dwelling has been provided in accordance with the approved details and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse, to ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality, including the North Downs National Landscape, to safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1 and NE4, the National Planning Policy Framework 2024 (paragraphs 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

Highways/transport:

9. a) No dwelling within the development hereby permitted shall be occupied until the areas shown on the submitted layout (Site Plan 18 - 067 L(00) – 010 rev. B) as vehicle parking and vehicle turning areas to serve that dwelling have been provided, surfaced and drained.

b) Thereafter, the vehicle parking and turning areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved parking spaces and turning area.

Reason: To ensure that adequate parking is provided, maintained and retained and development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2024 (paragraphs 115-117).

10. a) Prior to the installation of the cycle storage, a scheme of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans and elevations, method/s of installation/construction, foundation details and proposed levels for the building/s and adjoining land in relation to existing land levels and trees.

b) The development shall thereafter be implemented in accordance with the approved details. No building hereby approved shall be occupied until the cycle storage area to serve that building has been provided in accordance with the approved details and shall be retained at all times thereafter.

Reason: To ensure that cycle bays are provided and maintained in accordance with adopted standards, to safeguard the health of existing trees which represent an important amenity feature within the landscape and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1, CP7 and CP24, Managing Development and the Environment Development Plan Document 2010 policies SQ1, SQ8 and NE4, the National Planning Policy Framework 2024 (paragraphs 115-117, 135, 136 and 189) and Section 85 of the Countryside and Rights of Way Act 2000.

11. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans (Site Plan 18-067 L(00)-010 rev. F).

Reason: To ensure the safe and free flow of traffic, in the interests of highways safety and in accordance with Tonbridge and Malling Borough Core Strategy 2007

policy CP2, Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2023 (paragraphs 115-117).

Contamination/lighting/noise

12. The development shall be carried out in accordance with the contamination and site investigation details approved under ref: TM/23/00229/RD (Phase 2 Report on a Site Investigation received 01.02.2023, Letter received 23.03.2023, email - arrangements for dealing with unforeseen contamination received 06.04.2023 and email - response to Environmental Health received 05.05.2023).

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2024 (paragraphs 187, 196 and 197).

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

b) 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 2024 (paragraphs 187, 196 and 197).

14. a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless first agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority.

b) The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2024 (paragraphs 187, 196 and 197).

15. a) No external lighting shall be installed within the application site until details of the location, design, mounting, intensity and shielding of the lighting have been submitted to and approved in writing by the Local Planning Authority.
- b) The external lighting works shall be carried out in accordance with the approved details and maintained and retained at all times thereafter.

Reason: In the interests of amenity and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraph 198).

16. a) No dwellings within the development hereby permitted shall be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority.

The report shall set-out any noise attenuation measures required to ensure an acceptable aural environment for future onsite receptors.

In relation to the Air Source Heat Pumps, the report shall set-out any noise attenuation measures required to ensure an acceptable aural environment for existing off-site receptors and future onsite receptors, considering both individual and cumulative impacts from the proposed development. The submission shall also include specifications of the proposed Air Source Heat Pumps.

- b) The development shall be carried out in accordance with the approved details, with the sound insulation/attenuation measures installed prior to occupation of the dwelling they serve and prior to occupation of the development for mitigation measures for offsite receptors. The mitigation measures shall be maintained and retained at all times thereafter.

Reason: To safeguard the aural amenity of existing residents and the occupiers of the dwellings hereby approved and in accordance with the Managing Development and the Environment Development Plan Document 2010 policy SQ6 and the National Planning Policy Framework 2024 (paragraphs 187 and 198).

Construction Management:

17. a) No further development shall take place until details of a management plan to address the physical practicalities of carrying out the demolition and construction work have been submitted to and approved in writing by the Local Planning Authority.

The plan shall specify access routes into the site for construction traffic and contractors' vehicles, and maximise contractor parking within the site. The plan shall specify protection of listed buildings at the High Street/West Street junction and pedestrian safety measures across and adjoining the site.

b) The development shall be carried out in strict accordance with the approved details.

Reason: To maximise safety and minimise disruption during the demolition and construction period, in the interests of general amenity and highway safety and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policy CP1 and Managing Development and the Environment Development Plan Document 2010 policy SQ8 and the National Planning Policy Framework 2024 (paragraphs 115-117 and 198).

Surface Water Drainage:

18. a) No drainage works shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The submitted scheme shall demonstrate compliance with the required technical standards at the time of submission and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water, to ensure that the development does not exacerbate the risk of on/off site flooding and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2024 (paragraphs 181, 182 and 187).

19. The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, to ensure that the development as constructed is compliant with and subsequently maintained and in accordance with Managing Development and the Environment Development Plan Document 2010 policy CC3 and the National Planning Policy Framework 2024 (paragraphs 181 and 182).

Ecology/biodiversity:

20. a) Within a month of the date of this permission an Ecology Mitigation Strategy shall be submitted to the Local Planning Authority for its formal written consent. The strategy shall set out method statements for protecting bats, birds and reptiles during and subsequent to development.
- b) The Ecology Mitigation Strategy shall be carried out as approved.

Reason: In the interest of minimising the impacts of the development on local wildlife and in accordance with Managing Development and the Environment Development Plan Document 2010 policies NE2 and NE3 and the National Planning Policy Framework 2024 (paragraphs 187 and 193).

Archaeology:

21. The development shall be carried out in accordance with the archaeology details approved under ref: TM/25/00051/RD (Written Scheme of Investigation for an Archaeological Evaluation received 14.01.2025, Covering Letter received 16.01.2025 and email confirming implementation of WSI received 10.02.2025).

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and in accordance with the National Planning Policy Framework 2024 (paragraph 207).

Informatives:

1. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.

2. The disposal of demolition waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
3. Planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC).

Anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees are advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by KCC whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to retaining walls which support the highway or land above the highway, and to signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

KCC has introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on the website below: <https://www.kent.gov.uk/roads-and-travel/highway-permits-andlicences/highways-permissionsand-technical-guidance>.

It is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on KCC's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

4. It is recommended that there be provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
5. Drainage shall be provided within the site such that surface water from the vehicular access, turning areas and parking does not drain into the public highway. Surfaces shall be porous or shall discharge run off to permeable areas within the curtilage or to a soakaway.
6. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. 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. The Public Right of Way (footpath MR236) must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.
8. Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.
9. If the applicant wishes to discuss site-specific security measures, including Secured By Design, please contact Kent Police: alistair.hendry@kent.police.uk
10. In line with the S106 Legal Agreement, a Local Lettings Plan (LLP) will be needed, to be agreed between the Council and the Registered Provider/applicant, which will include priority for households with a local connection to the Rural West area.
11. Given the previous affordable housing provision on this site was for older peoples housing, the applicant should consider setting a number of homes on this site to be prioritised for older people. It is strongly recommended that this is included in the LLP.
12. If further works are required to trees covered by Tree Preservation Order, other than those specified within the Tree Survey Report 15_1116_Report_NT_GB-V7 13th March 2026 and Tree Protection Plan 15_1116_TPP_NT_Rev_I, a Tree Preservation Order Consent application would be required in accordance with the tree regulations.

Contact: Andrew Longman