

---

**Wateringbury**  
East & West Peckham  
Mereworth & Wateringbury

**18 FEBRUARY 2026**

**TM/25/01412/FL**

**Location:** Land North Of Drayhorse Meadow, Fields Lane, Wateringbury

**Proposal:** Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

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

---

**1. Description of Proposal:**

- 1.1 Planning permission is sought for the development of the site to provide 66 dwellings (including 50% affordable) together with associated access, parking, open space and landscaping.
- 1.2 The development would deliver a mix of new homes (limited to two storey) comprising of 6 x 1 bed, 24 x 2, 24 x 3, and 11 x 4 bedroom homes.
- 1.3 A new vehicular access is proposed on Tonbridge Road, along with a secondary emergency access also located on Tonbridge Road further to the east.
- 1.4 The 2 and 3-bedroom homes will be provided with 2 parking spaces each and the 4-bedroom homes with 3 parking spaces. The 1-bedroom maisonettes will benefit from 1 allocated space per unit. In addition, 14 visitor spaces will be provided across the site. One cycle space per bedroom will be provided (e.g. 3 bedroom homes will have 3 cycle spaces).
- 1.5 The proposed development provides a number of access points for pedestrians and cyclists.
- 1.6 Footways will be provided on both sides of the primary access through the site whilst a separate pedestrian/cycle access (that also forms the emergency access) is provided further east. A pedestrian access to the south will provide access towards Wateringbury Playing Fields and the PRoW route (MR509).
- 1.7 A Sustainable Drainage Scheme is proposed; this includes the provision of an attenuation basin along the south eastern edge of the site.

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

- 2.1 The application is presented to committee at the request of Councillor Boughton as this is a 'Grey Belt' planning application for a site which is in the Green Belt and so Councillors may take a view on the impact on the nearby Air Quality Management Area, Medway Valley Landscape, and Green Belt.

**3. The Site:**

- 3.1 The application site extends approximately 4.42 ha and is located on the south side of Tonbridge Road
- 3.2 The site comprises a field which is currently used for horse grazing, alongside some small structures associated with its current use in the north-western corner and timber fencing. The site is currently accessed from Fields Lane.
- 3.3 The site is bound by Tonbridge Road to the north and Fields Lane to the west. Residential development adjoins the site to the west. The eastern boundary is defined by hedgerows and a line of mature trees, beyond which there is further residential development which falls within the adjoining administrative area.
- 3.4 In policy terms the site falls within the Metropolitan Green Belt and sits immediately adjacent to the existing settlement of Watringbury defined as 'other rural settlement' in the settlement hierarchy. The land is classified as Best and Most Versatile Agricultural Land (Grade 1/2), albeit it has been used for horse grazing for a number of years. The site falls entirely within Flood Zone 1 and small parts of the site are at low risk of surface water flooding. A stretch of Tonbridge Road to the west (by the junction with Bow Road) is located within an Air Quality Management Area.

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

- 4.1 There is no recent relevant history for the site, the only planning history concerns an historic application for residential development in 1974.

74/12761/OLD - Refuse - 15 May 1974  
Residential development with access.

#### **5. Statutory Consultees (in alphabetical order):**

- 5.1 The statutory comments listed below have been summarised, this is only to ensure that the committee report is kept to a manageable level. All comments have been viewed in full by the Case Officer and a full version of the statutory comments can be viewed via the Councils website.

5.2 **Arboriculture:** No objection subject to conditions.

5.3 **Conservation Officer:** No objection.

5.4 **Developer Contributions (KCC):** No objection subject to contributions.

5.5 **Ecological Advice Service (KCC):** No Objection subject to conditions.

5.6 **Environment Agency:** No Objection

5.7 **Environmental Health Protection** – Observations in regard to Air Quality. No objection in regard to Noise and Contamination.

- 5.8 **Heritage Conservation (KCC)** No objection subject to pre commencement condition.
- 5.9 **Housing Services:** Initial concerns raised in relation to the tenure split. Following a revised Tenure split no objection is raised.
- 5.10 **Kent Fire (CCT):** No comments received
- 5.11 **Kent Highway Services:** No objection subject to Section 106 agreement in relation to a proportionate financial contribution upgrading Wateringbury Crossroads with the implementation of a Microprocessor Optimised Vehicle Actuation MOVA and conditions.
- 5.12 **Kent Police:** No Objection - Standard design advice give
- 5.13 **Leisure Services:** No objection subject to financial contributions being secured via Section 106 agreement.
- 5.14 **Local Lead Flood Authority (KCC):** Observations and conditions relating to offsite surface water sewer, Suds, and verification report
- 5.15 **Maidstone Borough Council:** No comments received.
- 5.16 **National Highways:** No Objection.
- 5.17 **Natural England:** No Objection.
- 5.18 **NHS West Kent CCG:** No objection subject to financial contributions secured via a section 106 agreement.
- 5.19 **South East Water:** No comments received.
- 5.20 **Southern Water Services:** No within Southern Waters statutory area.
- 5.21 **Teston Parish Council:** Objection.

The site is not in Grey Belt. The site contributes to Green Belt purposes the site. The site is beyond the established settlement boundary of Wateringbury and would allow Wateringbury to sprawl some 150 metres eastwards contrary to NPPF (Para 143 purpose a).

The site demonstrably assists avoidance of eastwards spread of Wateringbury towards Teston – conflicts with b para 143 NPPF

The setting, particularly long-view setting, of Wateringbury would be substantially degraded. Conflicts with d para 143 NPPF. In addition, the site would encroach considerably into the countryside, which would conflict with “c” above.

Local Landscape Value - in Maidstone's Local Plan, the stretch of Medway immediately to the south of the application site is part of one of Maidstone's Areas of Local Landscape Value. While Maidstone's Area of Local Landscape Value is not in Tonbridge & Malling Borough, consideration of this application should take account of its visual impact, irrespective of Local Authority boundaries.

Traffic - Teston endures rush-hour traffic disruption due to the traffic lights at Wateringbury. On several mornings, the queue stretches back over a half-mile eastwards from those lights.

The proposed development is for 66 homes, with a total of 168 bedrooms and 133 parking spaces (excluding 14 visitor spaces). The number of cars would almost certainly be in excess of 100, perhaps well in excess. To postulate that the peak hour movements would then be only 36.27 vehicles would appear somewhat improbable.

Air Quality at Wateringbury traffic lights would deteriorate further.

Pressure on Local DP Surgery and on the Primary School.

5.22 **Waste Services:** - No Objection - Standard information

5.23 **Wateringbury Parish Council:** Objection

The proposal fails to demonstrate compliance with NPPF (Dec 2024) paragraph 199 and TMBC MDE DPD Policy SQ4 (Air Quality) and therefore does not meet the development plan taken as a whole.

#### Air Quality

The submitted AQA is internally inconsistent and omits requested scope.

Mitigation is not secured, quantified or policy-compliant.

Decision-making cannot proceed lawfully on the basis of the AQA as it stands.

#### Traffic

The application fails to demonstrate compliance with NPPF (Dec 2024) paras 115–118 and TMBC MDE DPD Policy SQ8 (Road Safety, Transport & Parking) and would result in severe residual cumulative impacts at the Wateringbury Crossroads (A26/A228), a long-recognised congestion hotspot with limited scope for capacity increase.

- Highway and Transport appraisal submitted.
- Inadequate/insufficient transport evidence for a strategic bottleneck.
- Parking & layout non-compliance risk (overspill and obstruction).
- No secured package of sustainable transport measures.

5.24 **West Kent Public Rights of Way:** No objection subject to informatives.

5.25 **Interested Parties:**

5.26 In addition to the statutory responses, 160 representations have been received by Interested Parties including, neighbouring properties, CPRE, West Farleigh Parish Council, and Nettleded Parish Council.

5.27 Whilst comments have been summarised and categorised for the purpose of this report, all Interested Party comments have been reviewed in full. Moreover, comments may not be specifically referred to within the assessment, but all planning related/relevant comments have been taken into account prior to the preparation of the committee report.

Highways and Traffic

The village already experiences severe traffic congestion. This is exacerbated by up to 8 vehicle access points in a very short distance near the junction.

The parking in Fields Lane, The Brucks and Cobbs Close is horrendous. On many occasions there would be no way that an emergency vehicle could get through if needed without wasting valuable time moving vehicles out of the way. If the proposed build goes ahead this would put further pressure on these roads, as there will not be enough parking for friends, family, partners etc within the build and will possibly lead to parking on the A26 as well.

The proposal does not include any evidence that highway improvements will be secured as part of the application.

The layout is designed in a fashion which would result in conflicting vehicle and pedestrian movement at the risk of pedestrian safety.

We challenge the Transport Statement's forecasted travel movements. It claims only one additional vehicle movement every two minutes post-development, equating to 30 extra vehicles at Wateringbury Crossroads during peak hours—an impact deemed negligible. We disagree, as the junction is already congested during peak times, and the development will exacerbate this.

The proposal includes MOVA mitigation at the junction lights, adjusting signal timings based on traffic conditions. The Transport Statement suggests MOVA will offset the development's impact, citing average delay reductions of 24% (morning) and 21% (afternoon), and queue reductions of 17% and 19%, respectively. We contest these figures, as Department for Transport trials show only a 13% average delay reduction. We urge KCC Highways to scrutinise these findings due to the discrepancy.

There is no evidence that the MOVA system is financially secured by the applicant. Without this assurance, it's unclear whether mitigation will be implemented if planning permission is granted.

### Air Quality

The sheer volume of traffic will rapidly increase the pollution in the air from an already known heavily polluted area.

The building of the housing will also add to an already highly polluted area causing further health risks to the residents of Wateringbury and neighbouring villages.

We have a right to breath fresh air. Adding 66 homes to the village is going to exacerbate already highly polluted area. So polluted that it is named as one of the most polluted cross roads in Kent.

We do not accept the reading done by the applicant on air quality as they were taken during the school holidays when there was less traffic. We would be far more interested in the readings achieved by the consultant funded by the Parish Council.

The applicant's air quality and noise modelling offers an incomplete and potentially misleading assessment, and the results certainly do not reflect the lived experience of myself as someone so close to the area. Moreover, the proposed mitigation measures appear to be highly insufficient to address the specific challenges of this location.

### Infrastructure

Our local GP surgery is under stress having to wait weeks for an appointment or sent miles to an alternative surgery.

The site is nowhere near a main station, shops, supermarket. The only way these can be accessed is by car. I understand that housing should be near accessible amenities to avoid car usage.

### Landscape

Area is renowned for its breathtaking view of the Medway Valley. This is exemplified by public seating located on the Tonbridge Road overlooking the views

It has also been nationally flagged up in several nature publications, guides, and conservation literature as a landscape of outstanding beauty and heritage.

This field is also part of the very important Medway Valley and this should be protected from development for future generations. Once this is concreted over, the damage is done and this part of the Medway Valley will be lost forever.

The proposal will affect the Wateringbury Landscape of Local Value, intruding on the skyline and going some way to obliterating the green division between the Teston and Wateringbury settlements.

The applicant acknowledges that the land is open to long views from the south and south-west, including across the Medway valley towards the Greensand Ridge, yet dismisses these effects as minor.

The site's contribution to the wider Medway Valley landscape and its role in defining the village's setting should not be downplayed.

The replacement of open paddocks with built form, lighting and estate roads would erode the visual containment of the village and introduce a suburban edge that would be readily visible from public viewpoints.

This land provides a break in the creeping development which threatens to turn East Malling Teston and Wateringbury into a conurbation destroying the village concept.

The proposal would be visually intrusive from local vantage points south of the Medway River.

Wateringbury is encircled by Green Belt land and designated Areas of Local Landscape Importance, making the preservation of its scenic views and open spaces vital to the local community.

Impact upon Landscape, in breach of Paragraphs 135-139 & 187 of the NPPF and Policy LPRSP14(a) and LPRQD4 of the Maidstone Local Plan Review (March 2024)

#### Green Belt/Grey Belt

This proposal is contrary to both National Planning Policy Framework (NPPF) and local authority plans, which place a strong emphasis on the protection of Green Belt land. The NPPF clearly states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances, which have not been demonstrated here.

The Government have stated that although the Green Belt can be renamed as grey belt this is not an automatic right. The field in question is not just a field, it is part of the Medway Valley, it is a part of our village, it stops Teston merging with Wateringbury.

The Green Belt review concludes the site makes only a "weak" or "no contribution" to purposes (a), (b) and (d), yet this overlooks its clear role in containing the eastern edge of Wateringbury and maintaining a visual and spatial break with the wider rural landscape. Even enclosed or edge-of-settlement land can make a strong contribution to Green Belt purposes where it prevents perceived sprawl or countryside encroachment.

Even if the site were to be regarded as Grey Belt, that does not remove the requirement for harm to the Green Belt to be clearly outweighed by other

considerations. The loss of openness, both visually and spatially, would remain significant.

Housing need, while acknowledged, cannot on its own amount to a very special circumstance.

The development will encourage neighbouring towns to merge into one another and does not assist in safeguarding the countryside from encroachment.

#### Agricultural Land

Loss of best and most versatile agricultural land

Development in this location would impact on food security.

The applicant's planning statement does not appear to detail any search for alternative sites. Where is the evidence that brownfield sites have been considered?

#### Ecology/Biodiversity

Key parts of the submitted Ecological Impact Assessment and Protected Species Survey have been redacted from the submission despite recommendations for protection measures to avoid harm to these protected species.

The proposal fails to demonstrate the presence of protected species on the site and that necessary mitigation measures are to be taken to safeguard protected species.

#### Design/Layout

No private amenity space is provided to the apartments/flats.

Affordable housing is grouped and not pepper potted through the proposal.

Pedestrian safety concerns due to extensive shared surfacing, especially on the western side where 22 homes lack dedicated footpaths. Wide corners and setback homes may encourage higher vehicle speeds, increasing conflict risks. The Kent Design Guide warns that such layouts promote faster driving. The southwest corner's road design appears particularly problematic, again conflicting with NPPF guidance.

#### Drainage/Flooding

No robust surface-water strategy to NPPF and LLFA tests NPPF 181–182 requires site-specific assessment, SuDS unless clearly inappropriate, and secured lifetime maintenance. The submission does not (a) prove the discharge hierarchy

with evidence (infiltration/watercourse/sewer), (b) size attenuation for the 1 in 100yr + climate change event, or (c) set out adoption and funded maintenance.

Greenfield runoff rates/volumes not demonstrated. For greenfield sites, peak and volume control must match greenfield conditions.

Known local surface-water issues ignored KCC's Tonbridge and Malling Surface Water Management Plan identifies local receptors and actions in the Rural Mid drainage area (includes Wateringbury Road). A major new discharge here needs robust modelling and mitigation; the submission is silent.

The applicant has not provided a compliant, maintainable SuDS strategy showing greenfield-rate discharge, climate-change resilience, groundwater protection, exceedance management, or foul-network capacity.

### Heritage

Wateringbury Place is a Grade II\* listed house with several associated Grade II structures (conservatory, outbuildings, gates and walls), all of which derive part of their significance from their landscaped and rural approach and wider setting around Tonbridge Road/Canon Lane.

TMBC's adopted MDE DPD identifies Wateringbury Place and its parkland within the Borough's Historic Parks and Gardens inventory, noting the connection with the Conservation Area.

One of the notable landmarks is Wateringbury Place, a beautiful Georgian house built around 1707 for Sir Thomas Style. The village was also known for its breweries, with Phoenix Brewery operating until 1982. Today Wateringbury still retains its historical charm, with landmarks like the Wateringbury railway station, a Grade II listed building continuing to tell the village's story through the ages.

### General comments

The village green in Wateringbury is the only green public space that is available to all. This is the heart of the village and is very precious to those that live here. The field that has been marked for development is used as part of village events as the carpark and prevent major parking issues in the village and on to the A26.

These houses are directly on footpath KM17.

Such a large number of houses will also increase light pollution in a greenfield and conservation area.

Wateringbury is a village, we do not want to be joined to Teston, Kings Hill etc, we wish to retain our village status and beautiful surrounding countryside.

Wateringbury has benefitted from being a medium sized village, but would soon become a large one, but without amenities and facilities to cope with this change.

No Vehicle Tracking Plans have been submitted to confirm access for fire and refuse vehicles. This omission raises safety concerns regarding emergency and service access.

The plans show a Wild flower meadow which I understand would be owned by all the houses who would be responsible for its maintenance. I consider this would be unworkable. The maintenance of wild flower meadow to maintain their diversity need careful, and therefore quite costly, maintenance. The area should be gifted to the Parish Council.

The houses will be far too expensive for local farm workers and people who work in service industries will never afford your so called affordable housing is far from affordable.

## **6 Determining Issues:**

### Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025), and Affordable Housing SPD.
- 6.4 Other material considerations include, Landscape Assessment of Kent (Oct 2004), Kent Downs AONB Landscape Character Assessment Update 2020 (Medway Valley Landscape Character Area 4B), Natural England National Character Area, Air Quality Strategy 2023 and Clean Air Strategy 2019.

### Emerging Policy - TMBC Local Plan

- 6.5 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council’s cabinet that the next stage of the emerging draft Local Plan is moved forward, this paved the way for the formal public consultation

which commenced on 10 November 2025 to Midnight 2 January 2026. At the time of writing the Committee report, the representations received were being processed.

- 6.6 The emerging Local Plan sets out how the Council will meet the government's objectively assessed housing need requirement to deliver 19,746 new homes over the plan period, which equates to 1097 per year.
- 6.7 Whilst the emerging Local Plan is at Regulation 18 stage and therefore carries limited weight, the evidence base in preparation for the emerging Local Plan is a material consideration in the determination of the application.
- 6.8 The site has been assessed in regard to the call for site process and within the Green Belt Stage 1 and Stage 2 Assessment as part of the emerging Local Plan and this is discussed further within the committee report.
- 6.9 Both Wateringbury and the site has also been reviewed within the Landscape Character Assessment, and Landscape & Visual Appraisal evidence documents for the emerging Local Plan and these conclusions are also discussed further within the committee report.
- 6.10 Other documents within the Emerging Local Plan, include "A Green and Blue Infrastructure Strategy for Tonbridge and Malling March 2024".

Principle of development

- 6.11 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, *"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old"*.
- 6.12 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council's latest published position indicates a 2.89 year supply of housing (December 2025). As a consequence, the policies most important for determining this application for housing are now out of date in the context of footnote 8 of the NPPF.
- 6.13 Applying the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) in the context of decision making means:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

- 6.14 The development plan must remain the starting point for determining any planning application (as statutorily required by S38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination
- 6.15 In relation to Paragraph 11d (i), the footnote to this paragraph (footnote 7) provides a list of those policies that relate to protected areas and assets of particular importance, this includes Green Belt. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a 'strong' reason for refusing the development.

#### Green Belt

- 6.16 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.
- 6.17 Paragraph 153 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds, when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.18 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). The proposal would not fall within any of the exception listed under paragraph 154 NPPF and therefore would be inappropriate development in the Green Belt.

#### Emerging Local Plan Evidence – Green Belt

- 6.19 The site (Site ID ref: 68460) was submitted under the 'call for sites' process, however, the site has been subsequently discounted, as it was deemed unsuitable for the following reason:

*“The site is undeveloped agricultural fields. The site is located adjacent to the settlement boundary of Watlington. It is located within the Green Belt, and the Stage 2 Green Belt assessment considers that the site performs strongly against the NPPF purposes and makes an important contribution to the wider Green Belt. The site is also Grade 1 agricultural Land (Best and Most Versatile). The development of the site would result in an increase in traffic in the nearby AQMA. Due to the high sensitivity of the site to the purposes of the Green Belt and its designation as Grade 1 Agricultural land and also the likely worsening of air quality in the nearby AQMA it is considered that the site would be unsuitable for development”.*

- 6.20 Within the Stage 2 Green Belt Assessment the site falls within site reference WA-03. This also includes a further parcel of land immediately adjacent to the southern boundary. The purpose of the Stage 2 Green Belt Assessment is to provide a robust local review of the Borough’s Green Belt to help inform the emerging Local Plan. This spatially focused and granular study has identified and assessed the performance of defined sub-areas against the National Planning Policy Framework (NPPF, 2024) Green Belt purposes (a) – (e):
- 6.21 The assessment also considers the role of the sub-areas within the wider Green Belt (Strategic Green Belt Assessment) and the strength of sub-area boundaries in relation to the NPPF Green Belt boundary definition. A final recommendation for each sub-area is presented within the assessment.
- 6.22 The table below sets out the conclusion for Site WA-03 on the five purposes of the Green Belt. (Scale range: 0 = weak to 5 = Strong)

Green Belt Purposes	WA-03
a) To check unrestricted sprawl of large built up area	0
b) To prevent neighbouring towns merging into one another	0
c) To assist in safeguarding the countryside from encroachment	5
d) To preserve the setting and special character of historic towns	0
e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	1
Overall NPPF	Strong
Sub-area categorisation	Strong & Important

- 6.23 This clearly demonstrates that the site performs ‘strongly’ in safeguarding the Countryside from encroachment and as such in purely Green Belt policy terms the policies in the Framework that protect areas or assets of particular importance provides a ‘strong’ reason for refusing the development.

- 6.24 However, the most up to date NPPF published in December 2024 introduces the concept of Grey Belt. Grey Belt is now a material consideration and an assessment to establish if the site constitutes Grey Belt must also now be undertaken.

Grey Belt

- 6.25 In regard to Grey Belt, paragraph 155 (NPPF) states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
  - b) There is a demonstrable unmet need for the type of development proposed;
  - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
  - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

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

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

- 6.27 Therefore, whilst under the Green Belt assessment set out above, it has been concluded that the site performs 'strongly' in safeguarding the Countryside from encroachment, the definition of Grey Belt is clear that it excludes Green Belt. As such, the site is not located in any of the other assets referred to in footnote 7. Therefore, the next test would be to establish if the parcel of land 'strongly' contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:

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

- 6.28 The Council's emerging Local Plan evidence confirms that under criterion a), b) and d) the site performs weakly scoring 0 for each.
- 6.29 Therefore, to conclude on Para 155 criteria a), it is considered that the site does not 'strongly' contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as 'Grey Belt' land.
- 6.30 The PPG is clear and states "*After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development*". [Paragraph: 007 Reference ID: 64-007-20250225].
- 6.31 Turning back to criterion b of paragraph 155) – the Council cannot demonstrate a five-year housing land supply as such there is a demonstrable unmet need for the type of development proposed.
- 6.32 In regard to c), this requires development to be in a sustainable location having specific regard to paragraphs 110 and 115 of the NPPF.
- 6.33 Paragraph 110 (NPPF) identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also, in paragraph 115, states that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
- 6.34 Whilst the site is outside of the settlement of Watringbury the site is not in an isolated location. The site sits adjacent to the Watringbury settlement separated by Fields Lane to the west of the site.
- 6.35 Tonbridge Road benefits from regular street lighting, and footpaths on both side of the road, together with a zebra crossing, approximately 75 metres to the west of the site (measured from the centre of the proposed access).
- 6.36 Whilst the range of services is limited, there is public house, petrol garage with convenience store. The nearest bus stops to the site are 'The Watringbury' stops located on the Tonbridge Road within a two minute walk from the site close to the zebra crossing referred to.
- 6.37 The nearest rail station to the site is Watringbury, which is located 800m south from the centre of the site and can be accessed via a 10-minute walk or a 3-minute cycle. Watringbury station offers services to a range of destinations within Kent with services operating on a half hour frequency to Strood (via Maidstone, Aylesford, Snodland and Halling) and Paddock Wood (via Yalding and Beltring). In addition, there are 2 direct trains per day to Tonbridge (via Paddock Wood). These

services provide connections to additional services that serve wider destinations including London.

- 6.38 Therefore, a residential scheme in this location is considered sustainably located and not 'heavily' reliant on the motor vehicle.
- 6.39 Lastly turning to criteria d), the application proposes 50% affordable provision and as such would comply with the Golden Rules.
- 6.40 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.
- 6.41 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].

#### Conclusion on Paragraph 11 (d) (i)

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

#### Countryside

- 6.43 The site lies outside the defined settlement confines of Waterinbury within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy pre-dates the NPPF and is not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.
- 6.44 The NPPF requires planning decisions to avoid the development of isolated homes in the countryside, except in specific circumstances. As noted earlier in the Green Belt assessment, any new dwellings on this site would not be considered isolated for the purposes of paragraph 89 of the NPPF.

Assessment on Access, Parking and Highway Matters

- 6.45 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.46 Paragraph 117 then sets out that all developments that will generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed.
- 6.47 Policy SQ8 of the MDE DPD sets out that 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. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.48 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. Development proposals should comply with the adopted parking standards.
- 6.49 The application proposes a primary vehicular access onto Tonbridge Road (A26) approximately 60 metres west of the junction for The Orpines which is located on the northern side of Tonbridge Road almost opposite the site. The planning statement states that *“the site access has been designed in accordance with the Kent Design Guide, taking the form of a priority-controlled junction. It will provide a 5.5m wide carriageway with 10.0m radii to allow refuse vehicles to safely manoeuvre in and out of the site”*.
- 6.50 A separate emergency vehicle access is also proposed onto Tonbridge Road which will accommodate pedestrian and cycle movements. This access would be a 3.7m wide, complying with the requirements of the Building Regulations 2010 for fire access.
- 6.51 The submitted Transport Assessment has been assessed by KCC Highways where it was noted that *“stagger distance between the new access and The Orpines is approximately 60 metres which meets Kent Design Guide standards; therefore, the new layout is acceptable. Also, the applicant has provided a supporting road safety audit which does not raise any issues with the design, except for considering pedestrian travel. The junction design will include dropped kerbs and tactile paving”*.

- 6.52 However, there were a few of points raised by KCC Highways which required further clarification, first it was noted *“The applicant has suggested using a DfT manual count (6286) to analyse traffic trends. The DfT collected data in 2021 but subsequent years have been estimated without having the data collection to support the numbers. KCC would still suggest that the assumption made to say that levels are not increasing leaves some doubt and may not be correct, and the applicant should interrogate this data further. The 2017 and 2024 traffic count data should be shared with KCC Highways, although these two data sources only provide two dates within the period and not necessarily a trend/pattern”*.
- 6.53 It was also noted: the internal site layout should ensure that vehicles do not park within the swept path and turning facilities of refuse vehicles. It is unclear whether the site will be offered for adoption to KCC, the applicant should clarify this point and possibly install measures to stop residents parking in turning places which could affect refuse vehicles carrying out waste collections.
- 6.54 In regard to parking provision KCC Highways noted in relation to the four-bedroom dwellings, that each property showed two parking spaces and proposed to utilise the garage for the third parking space. However, Kent Parking Standards does not accept garages for parking and as such it was requested that the applicant clarifies/addresses this point.
- 6.55 An updated Technical Transport note was submitted in response, which specially addressed those points set out above together with an updated parking provision/strategy layout, and refuse layout plan. The level of car parking provision will be provided in accordance with KCC’s Parking Standards. KCC Highway subsequently confirmed that no objection is raised on behalf of the local highway authority subject to conditions.
- 6.56 Electric vehicle (EV) charging points will be provided in accordance with the Building Regulations 2010. Cycle parking will be provided in accordance with KCC’s Parking Standards, with one cycle parking space provided per bedroom.
- 6.57 It was also noted that the refuse strategy shown on drawing number P24-2641\_DE\_001\_D\_12 is acceptable to KCC Highways. The Councils internal Waste Service team has also reviewed the application and raises no objection.
- 6.58 In addition, KCC Highways also commented that the new access point appears to affect an existing street lighting and Vehicle Actuated Sign (VAS). The applicant will be required to relocate the street lighting column equipment as part of any approval. The applicant should contact KCC’s Street Lighting team to determine the best location for moving the column. The VAS will need to be removed and returned to KCC as the access junction could change the characteristics of traffic along A26 Tonbridge Road, this matter can be dealt with via a S278 agreement.
- 6.59 Concerns raised by interested parties in relation to highway matters have been noted. However, KCC Highways have reviewed the supporting information and

has confirmed that there would be no harm to the safe and efficient operation of the highway network subject to conditions.

- 6.60 It is also to be noted that National Highways has reviewed the application and raised no objection stating that *“We are content that given the scale, form and location of the development, it would not result in an SRN safety or capacity concern needing to be further assessed or mitigated”*.
- 6.61 Watlington Parish Council has submitted a ‘highway and transport appraisal’ undertaken on behalf of the Parish Council by Les Henry Associates Ltd (dated Oct 2025) the content of which has been reviewed by KCC Highways, who have confirmed that it does not change their position. KCC Highway did however confirm one substantive point raised within the report that *“whilst it is acknowledged that the outputs for the modelling have not been provided within the planning submission, I have seen them as part of the pre-application process with us. As a result, we are satisfied that the modelling work is suitably robust”*.
- 6.62 Therefore, in terms of the access, parking and highway safety, it is considered that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The proposal would therefore not conflict with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

#### Other Highway Matters

- 6.63 The application also offers a financial contribution towards the upgrading of Watlington Crossroads with the implementation of MOVA. (Microprocessor Optimised Vehicle Actuation). In response to KCC initial comments on the amount suggested, the applicant has revised the proposed a contribution and now offers £20k towards the introduction of MOVA technology at this junction. This would be secured via the S106 should permission be forthcoming.

#### Assessment on Landscape Character

- 6.64 Paragraph 187 (NPPF) states that planning policies and decisions should contribute and enhance the 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);
  - (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 6.65 Paragraph 188 states *“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”*.
- 6.66 Policy SQ1 of the MDE DPD relates to Landscape and townscape protection and enhancement. The preamble to the policy states. *“In addition to the Areas of Outstanding Natural Beauty in the Borough, there are other broad areas of landscape which are of strategic importance either because they provide a setting to settlements and/or because they have landscape value in their own right as part of the wider historic landscape of the Borough. As well as these broad areas of landscape, there are many local areas in the Borough that play an important role in providing a setting to settlements and contribute to the character of the landscape and townscape. This may be by virtue of a particularly attractive landscape foreground to a settlement, or a particular architectural style or settlement pattern, or an open area which simply facilitates an attractive view of the settlement”*.
- 6.67 The diverse character of the towns, villages and countryside in Tonbridge and Malling should be protected and enhanced for its own sake as it is important for the social, economic and environmental wellbeing of the Borough. It is important that the unique characteristics of the area are identified and protected and where practicable enhanced in line with Core Policy CP24 having regard to the Character Area Appraisals SPD in order to strengthen this diversity rather than eroding its character and local distinctiveness.
- 6.68 Any 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.
- 6.69 Interested parties have raised concerns in relation to the visual impact of the development within the wider context and specifically from the Medway Valley area immediately to the south/south east of the site.

- 6.70 The site itself is not located within any national or local landscape designations, albeit that the site is located within Natural England National Character Area (NCA) 120: - Wealden Greensand which comprises a long, curved belt of Wealden Greensand running across Kent, parallel to the North Downs, and through Surrey. It moves south, alongside the Hampshire Downs, before curving back eastwards to run parallel with the South Downs in West Sussex. Around a quarter of the NCA is made up of extensive belts of woodland – both ancient mixed woods and more recent conifer plantations. In contrast, the area also features more open areas of heath on acidic soils, river valleys and mixed farming, including areas of fruit growing (which is the area in which the site is located).
- 6.71 At a county level the site is identified within The Landscape Assessment of Kent (2004) as within the ‘Greensand Fruit Belt – Wateringbury Character Area, and the wider area is within Medway Valley (Upper).
- 6.72 The surrounding area includes:
- Waregrave’s Wood - approximately 490m Southeast of the site (Maidstone BC)
  - Teston Bridge Country park – approximately 820m east of the site. (Maidstone BC)
  - Wateringbury Place Non designated historic park and garden – approximately 900m north west of the site.
- 6.73 The Medway Valley Walk and Greensand Way are paths within the wider visual area to the south.
- 6.74 The application is accompanied by a Landscape and Visual Appraisal (incorporating Green Belt Review) this Appraisal identifies *“In evaluating the proposed residential development, the LVA assesses that, due to the sites location adjacent to the settlement edge of Wateringbury and the A26, (Tonbridge Road) the landscape effects are generally focused on the site itself and the local landscape associated with the Medway valley”*.
- 6.75 The LVA then contends that *“Views out from the site to the east and west are generally constrained by the vegetation and built form located at or close to the site boundaries. To the north, views are screened by rising landform and roadside vegetation along the A26. Open views are available to the south and south west across the River Medway towards the Greensand Fruit Belts and the distance wooded Greensand Ridge”*.
- 6.76 However, the LVA does acknowledge that there will be several receptors that will experience a substantial change in their view. These include residents overlooking the site at Fields lane, walker using the footpath MR509, users of the A26 (Tonbridge Road) and users of the track leading to the Waterbury Playing Fields. The LVA confirms that these receptors will all experience major/moderate negative effects both in the short and long term

- 6.77 The LVA acknowledges that *“the paddocks within the site are highly susceptible to the proposed development because their key characteristics have no, or very limited, ability to accommodate it without transformation adverse effects”*. Concluding *“they have a medium sensitivity to the proposed change”*. The LVA then states *“Mature trees adjacent to the A26 (Tonbridge Road) and to the playing fields to the south west offer some sense of containment and filter/obstruct views into the site”*.
- 6.78 Whilst it is noted that views out from the site to the north and west are constrained by the existing built form. Views into the site from Tonbridge Road and Fields Lane are very clear due to the limited vegetation marking the boundaries (more so during the winter months). However, from the receptors identified above, the site would be viewed in the context of the surrounding area, which comprises residential development to the north, east and west.
- 6.79 The proposal also seeks to retain all of the boundary vegetation, with the exception of some vegetation along the A26 (Tonbridge Road). In addition, the Landscaping Masterplan (Drawing no. TR-05 Rev 4) proposes native parkland trees, fruit trees and native hedgerows etc. within the site and around the boundaries all of which will reinforce and enhance the existing landscape thus assisting in filtering views into the site. This additional planting will mitigate the major/moderate short and long term effects identified in the LVA, the application contends that the scheme has been designed to ensure that positive elements will be brought into the site and the public realm to ensure that the new settlement edge present as an attractive extension to the existing built up area.
- 6.80 Before a conclusion is drawn on Landscape Character, the evidence base in preparation for the emerging Local Plan in relation to landscape is also a material consideration and feeds into the assessment of Landscape Character so this is discussed first.

#### Emerging Local Plan – Landscape Evidence

- 6.81 As part of the emerging Local Plan process various documents have been commissioned with the aim of assisting the Council’s spatial strategy for the area. A Landscape Sensitivity Assessment (LSA), Landscape Character Assessment (LCA), and a Landscape and Visual Appraisal (LVA) have all been undertaken.
- 6.82 It is first important to note however, that for the purpose of all the Landscape documents, the sites development typology would fall within the category “small”, this being identified as *“Two and two and a half storey residential dwellings – either terraced, semi-detached or detached – with associated access roads, private gardens and garaging, and with an assumed density of approximately 30-40 dwellings per hectare”*. (as defined in Table 1 – Development typologies).

Settlement Tier	Sustainable Settlement Name
Small	Two/two and a half-storey residential dwellings – either terraced, semi-detached or detached – with associated access roads, private gardens and garaging, and with an assumed density of approximately 30-40 dwellings per hectare.  (A small scale employment typology is not considered relevant for the purposes of development allocation as this is likely to be related to a single building or the reuse/extensions to an existing building.).
Medium	Two to three with some four-storey residential development – e.g. including blocks of flats, care homes or hotels with associated access roads, parking and communal open space and with an assumed density of approximately 40-50 dwellings per hectare; or  Smaller scale commercial/industrial use – maximum two to three storeys with associated access roads, parking and open space – e.g. local business park units.
Large	Large scale residential development and high densities (+50 dwellings per hectare average), e.g. including multiple five storey plus blocks,  Large commercial/industrial units or hotels – e.g. warehouses or office blocks, with large expanses of cladding or glass, access roads, large car parks and associated landscaping.

Table 1 Development Typologies

6.83 Within the LSA the site forms part of a wider site area KMW05. Within this assessment it is noted that the landscape value for the site is Medium Sensitivity and specifically considers that:

*“This landscape is sensitive to large scale residential development, which could weaken traditional settlement boundaries and threaten the quiet, agricultural character. However, this is not a particularly valuable or distinctive area, and the existing well-established vegetation could provide screening of potential smaller housing developments close to the existing settlement of Wateringbury”.*

6.84 Within the LCA (pages 143 to 147) the site is within - 5c Wateringbury Greensand Fruit Belt. The LCA also sets out the key characteristic and valued qualities of the area. It states, (amongst other suggestions) that:

- That new development should be sited in suitable locations with existing screening elements, making use of undulating landform and vegetation to contain development.
- New development, whether infill or on the periphery of existing settlements is mindful of the existing local vernacular, utilising appropriate materials including brick, ragstone, timber and weatherboarding to maintain historic character, looking to localised precedent.

6.85 Landscape and Visual Appraisal is a high level assessment of some 131 potential development sites promoted as part of the call for sites exercises. The purpose of the LVA is to provide a high-level appraisal for each site, which:

- Provides advice on the key landscape and visual sensitivities of each site.

- Identifies some of the key receptors to be considered within more detailed site assessment which should come forward in planning application documents provided by site promoters.
- Provides a high-level assessment of potential landscape and visual effects.
- Where relevant, includes an assessment of the potential effects of the development of each site on the special components of the National Landscapes and/or their settings.
- Proposes key strategic-scale mitigation measures that could avoid or mitigate adverse effects, along with opportunities to enhance the landscape.

6.86 The site within the LVA is referred to as site 59845 – Land North of Drayhorse Meadow. The assessment notes:

*“Mid distance views are identified to the south and west. Views from the south along Medway Valley Walk, are filtered by trees along the River Medway which provide a degree of screening for potential development. Where the PRow rises towards Tustham Hall, views become more elevated and less obscured, therefore potential development will be more visible from the higher ground and more prominent during winter than in the summertime.*

*Close range views from Tonbridge Road are partially screened along the road by shrubs and trees running along the northern boundary, and on the approach from the east the site is well screened, however views open up through gaps in the planting (VP247). Along Fields Lane the site has limited physical screening providing direct, unobstructed views along most of the extent of the western boundary (VP249).*

*Despite the site being so open and visible from the elevated grounds to the south, it being directly adjacent to the settlement, with residential properties to the east and the west, a small scale residential development typology could be accommodated with robust mitigation. Mitigation in the form of hedgerow and tree groupings, typical to the area, should be introduced along the more open edge on the west, together with strengthening the tree planting to the north, by planting up gaps. To further reduce potential visual impact of proposed development tree groups, or a more substantial tree block, should be introduced along the southern boundary, which is most open and allows for a range of views from the south. With sensitive consideration of development density, massing and layout, alongside a considered landscape strategy a small to scale residential development typology could be successfully integrated without undue visual harm”.*

6.87 The combined summary concludes:

*“The site lies within LSA KMW05, assessed as having Medium–Low sensitivity to small scale and medium sensitivity to medium scale residential development. This*

*reflects a moderate capacity for development without significantly affecting key landscape characteristics. Large scale development typology is deemed inappropriate in this location and has not been assessed.*

*The site is a series of paddocks and is open in character. This is the main perceptual landscape characteristic, alongside the sense of rurality and tranquillity, that would be altered and lost through the introduction of built form and associated hard surfacing. The loss of existing vegetation would be limited, as the main typology is open grassland. There would also be a partial urbanising effect of development on the countryside, however adjacent to existing settlement.*

*These changes would have a Moderate to Major-Moderate adverse impact in the case of small scale residential development typology and Major adverse for medium scale residential development typology.*

*The presence of adjacent residential dwellings to the eastern and the western boundaries would help integrate a smaller scale development into the local built context.*

*A small scale residential development typology could be accommodated on the site with a carefully considered design approach, incorporating a sympathetic layout and building character, alongside introduction of tree groupings and hedgerow planting reflective of the local landscape character, especially along the western and southern boundary, together with enhancement of the tree line running along the A26. While this type of development would result in some localised adverse landscape effects, particularly on perceptual qualities, these impacts would be limited in extent and could be effectively mitigated through sensitive design and strategic landscaping”.*

- 6.88 Therefore, to conclude on Landscape Character, it is clear from the Landscape and Visual Appraisal undertaken for the emerging Local Plan that the site is capable of a small scale residential development typology and whilst this type of development would result in some localised adverse landscape effects, particularly on perceptual qualities, these impacts would be limited in extent and could be effectively mitigated through sensitive design and strategic landscaping”.
- 6.89 Notwithstanding the Landscape Master plan submitted with the application, a landscaping condition is suggested should permission be granted as this will allow the Local Authority to ensure that a robust landscaping scheme is achieved for the site.
- 6.90 It is also worth noting that Natural England has confirmed, based on the submitted plans, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and as such raises no objection.

### Agricultural Land

- 6.91 Government Policy as set out in “*A Green Future: Our 25 Year Plan to Improve the Environment*” sets out the plan to improve the health of the environment and includes the aim of protecting the best agricultural land. Aligned with this aim, the NPPG Natural Environment states that planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land. Moreover, it highlights that soil is “*an essential natural capital asset that provides important ecosystem services, including as a growing medium for food, timber and other crops.*”
- 6.92 It is noted that the Agricultural Land Classification and Consideration supporting document which accompanies the application, identifies the site as Grade 2 and in places Grade 1 agricultural land. This is because, according to Natural England – ‘Provisional’ Agricultural Land Classification (ALC) (England) data the site comprises Grade 1 agricultural land.
- 6.93 Notwithstanding this, whilst Grade 1 land is classified as being of “excellent quality and Grade 2 is classified as ‘very good’ quality, both classifications form part of what is referred to as best and most versatile (BMV) agricultural land. So whether Grade 1 or Grade 2 the proposal would result in the loss of BMV land.
- 6.94 The Institute of Environmental Management and Assessment (IEMA) produced a Guide “*A New Perspective on Land and Soil in Environment Impact Assessment*” in February 2022. Whilst this refers to EIA development, it identifies in table 3 (page 49) the magnitude of the impacts on soil resources. Losses of under 5ha are defined as minor magnitude losses. Losses of between 5 – 20 ha is classified as moderate losses. Losses of over 20ha are considered to be major losses.
- 6.95 This proposal falls well below the ‘over 20ha’ threshold for consultation with Natural England in relation to the loss of BML It is therefore arguably not “significant” development of agricultural land in the context of the NPPF.
- 6.96 It is noted that the diminution of BMV land supply in this case would be under 5ha. Moreover, this land is not connected to any agricultural holding and has been used for horse grazing for a number of years, therefore not currently serving any agricultural purpose. However, it is still possible that it could be put to such use in future if undeveloped and therefore the loss of the BMV weighs against the proposal. The loss of the BMV land would need to be considered overall in the planning balance exercise.

### Heritage

- 6.97 Paragraph 208 of the NPPF states that local planning authorities should “*identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They*

*should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".*

- 6.98 In determining applications, paragraph 210 states *"local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution the assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness"*.
- 6.99 Paragraph 212 sets out that great weight should be given to the conservation of the asset (taking into account the importance of the asset) irrespective of the level of harm arising. If any harm to or loss of the significance of the designated heritage asset (from alteration or destruction or harm to its setting) should require clear and convincing justification.
- 6.100 It must also be remembered that the LPA has statutory duties placed on it by the Planning (Listed buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires the decision maker to have special regard the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act similarly requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 6.101 The application site is located outside of the Waterinbury Conservation Area approximately 160 metres from the eastern boundary of the Conservation Area. The nearest listed building are within the Wateringbury Conservation Area. (1,3 5 and 7 Bow Road and Pelican Farmhouse Red Hill).
- 6.102 The Councils Conservation Officer notes:

*"The site is currently pastureland, and it was historically planted with hops and fruit trees. While the past uses of the site were closely linked to the agricultural settlement of Wateringbury, existing modern development to the east of the village has severed the traditional, functional relationship between and the historic settlement and the rural landscape.*

*Although further isolating the eastern spur of the conservation area from the open countryside to the east, the proposed domestically scaled development will have no direct relationship with the historic core, and it will not impinge on any characteristic views to or from the designated area.*

*Due to distance and intervening built form, the significance of the designated heritage assets to the west of the site will be little affected by the proposed development on the eastern periphery of their settings".*

- 6.103 On this basis it is considered that the proposal would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (2024).

Assessment on Character and Appearance

- 6.104 Paragraph 135 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.105 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.
- 6.106 These aims are echoed in Policy CP24 of the TMBCS, which seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas.
- 6.107 The site layout plans indicates that the proposed development would be sited more towards the western side of the site allowing for a large open space provision on the eastern side. This provides a landscape buffer between the proposed development and the neighbouring authorities boundary.
- 6.108 The development has been designed to be outward facing with a main primary central access road leading to secondary shared access roads all providing direct access to dwellings. The main street enters from the northern access point to the southern boundary. It consists of 5.5m carriageway with 2m footways either side. Its curved route will naturally calm traffic speeds. Built form will front this route providing strong levels of natural surveillance.
- 6.109 Shared surfaces are used as a transition between the main street and private driveways. These streets are design for low vehicle speeds and priority is given to all users. These streets will typically be block paved however details such as this would be determined via condition should permission be granted.
- 6.110 Affordable dwellings are located in two clusters, one in the northern parcel and the other in the southern parcel. Their appearance and parking arrangements are designed to be tenure blind, which means they will be indistinguishable from Open Market dwellings

- 6.111 Building heights across the development consist of 2 storey dwellings. The building heights have been limited to 2 storeys to ensure that the development is sensitive to the key views in to and from the site, also reflecting the semi-rural location and this accords with the 'small' development typology in the landscaping evidence for the emerging Local Plan. Should planning permission be forthcoming a condition would be imposed to ensure that no alterations are made to the roofs to create further additional accommodation, this would ensure that the dwellings remain true two storey dwellings.
- 6.112 Dwellings will be arranged along a relatively inconsistent building line, creating an irregular street pattern to aid in the creation of a more informal, rural appearance and a loose urban grain. Building setbacks will allow for opportunities for soft landscaping at the front of dwellings, contributing to softening the transition from the built-up area into the open space and the rural context beyond.
- 6.113 Material plan has been submitted with the application, two facing bricks are proposed; a red multi brick and orange brick. In addition, tile hanging, and weatherboarding is proposed in prominent locations to accentuate their importance and aid legibility. No objection is raised in relation to materials, however as set out previously details such as this this would be determined via condition should permission be granted.
- 6.114 The layout demonstrates that there will be a variety of green infrastructure across the site. New planting and trees will create an attractive place and a green settlement edge, as well as providing biodiversity enhancements.
- 6.115 Informal nature inspired play features including a play area are proposed, however, as set out further in the committee report concerns in regard to the size and type equipment proposed has been raised. However, this can be dealt with via a condition should permission be forthcoming. The site also provide a pedestrian link to Wateringbury Play Fields to the south and this is welcomed.
- 6.116 On this basis, it is considered the proposed development, subject to conditions is in accordance with CP24 of the Core Strategy, SQ1 of the MDE DPD and the relevant paragraphs of the NPPF.

#### Housing Mix / Affordable Housing

- 6.117 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The adopted development plan does not contain specific housing mix policies, although Core Strategy Policy CP1 states that provision will be made for housing to meet the needs of existing and future residents of the borough.
- 6.118 The proposal would provide 66 dwellings comprising a mix of 6 x 1 bed, 24 x 2 bed, 24 x 3 bed, and 11 x 4 bedroom homes.

- 6.119 As noted above the Council does not have specific policy in relation to housing mix, the Councils most up to date Strategic Housing Market Assessment (December 2025) (SHMA) recommends the following:

**Table 8.15 Recommended Market Housing Mix**

1-bed	10%
2-bed	30%
3-bed	40%
4+ bed	20%

*Source: Icen Analysis*

- 6.120 The proposal would provide 10% 1 beds, 36.5% 2 & 3 beds, and 17% 4 beds. However, whilst the proposal does not match exactly with the suggested mix set out in the SHMA 2025, it should be noted that the need for different house types does vary notably depending on the site location and thus local demography, for example whether it is in an urban or rural area. In this case the proposal provides an acceptable range (close to the recommended mix), in a sustainable location which is considered to outweigh the slight conflict with the recommended housing mix and in this instance is, on balance, acceptable.
- 6.121 Paragraph 64 (NPPF) notes where a need for affordable housing is identified planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required) and moreover this should be provided on site unless off site provision or a financial contribution can be justified.
- 6.122 With regard to affordable housing provision, Policy CP17 of the Core Strategy requires sites within Urban Areas to provide 40% affordable housing on sites of 15 dwellings or more, or a site size 0.5ha or more. Supporting text confirms that this will be the starting point for negotiations on a site by site basis and is subject to viability considerations
- 6.123 However, in this case, due to compliance with Grey Belt and Paragraph 155 the scheme is required to provide 50% (33 dwellings) of the total number as affordable housing in line with the Golden Rules. Failure to provide 50% affordable provision would result in the site not meeting the Golden Rules and as such would become 'inappropriate' development by default.
- 6.124 In line with Policy CP17, the tenure split should be 70% rented and 30% intermediate/affordable home ownership (e.g. shared ownership). This equates to 23 rented homes and 10 affordable home ownership homes. In regard to the affordable mix the application has been amended following concerns raised by the Councils housing officer that the mix should be revised to include a greater

proportion of family-sized homes, particularly 3-bedroom and 4-bedroom properties for rent.

- 6.125 The application now proposes 23 Affordable – Rented (comprising a mix of 6 x 1 bed, 7 x 2 bed, 7 x 3 bed and 3 x 4 bed. And 10 Affordable – shared ownership (comprising a mix of 7 x 2 bed and 3 x 3 bed). It is also proposed that 10% of these would be accessible. (6% of the proposed dwellings will be M4(2) and 4% of the proposed dwellings will be M4(3) adaptable).
- 6.126 The Councils housing officer has confirmed that the altered mix for affordable is acceptable. The tenure split and mix would therefore accord with relevant policy requirements as detailed in the affordable housing protocol. The size and type of dwellings is considered suitable in the context of local housing need.
- 6.127 The provision of affordable housing and arrangements to provide for local lettings would be secured via a S106 legal agreement, in the event planning permission is granted.

#### Impact on residential amenity

- 6.128 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.129 Paragraph 135 (f) of the NPPF advises that:
- “Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.*
- 6.130 The nearest properties to the application site are 13 & 15 & Tonbridge Road; 1 and 2 Fields Lane; 26 Cobbs Close; 28 to 36 The Brucks; and 67 to 69 Phoenix Drive. However, due to the distances involved and the layout of the dwellings, there would be no impact on neighbouring amenity in regard to, overlooking, overshadowing and loss of privacy.
- 6.131 Therefore, to conclude on neighbour amenity, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF

#### Standard of Accommodation

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

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

Noise Assessment

- 6.134 Paragraph 198 of the NPPF states that:

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

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

- 6.135 Policy SQ6 MDE DPD requires proposals for noise sensitive development, including housing, to demonstrate that noise levels are appropriate for the proposed use.
- 6.136 A Planning Noise Assessment (SUONO) has been submitted in support of the application due to the proximity of the site to (A26) Tonbridge Road. The document has detailed noise measurements taken at three locations within the site. These have then been used to model noise across the site as a whole. The effect of the proposed buildings has then been incorporated to predict the final impact of noise upon the proposed dwellings
- 6.137 The Noise Assessment unsurprisingly identifies the most significant noise sources surrounding the site is from transportation noise (Tonbridge Road) to the north of the site.
- 6.138 A mitigation strategy has been developed such that the relevant noise criteria can be met across the site. It is recommended that standard thermal double glazing will be sufficient for all habitable rooms across the development. The provision of up to three trickle ventilators in living rooms and two within bedroom areas would be acceptable on all habitable rooms on the northernmost façades.
- 6.139 The assessment also found that it will be possible for all external amenity spaces to meet acceptable noise targets.
- 6.140 The Councils Environmental Health Protection Officer has reviewed the submitted details and whilst content with the assessment initially raised a few queries that needed addressing. An updated Planning Noise Assessment (January 2026) was subsequently submitted to address these concerns and

following a further consultation with the Council' Environmental Health Protection Officer no objection is raised in relation to Noise.

- 6.141 Overall, the Noise Assessment demonstrated that it will be entirely possible to ensure a suitable noise climate internally and externally for future residents of the proposed development and would be in accordance with Policy SQ6.

Air Quality

- 6.142 The National Planning Policy Framework (NPPF) (2024) sets out planning policy for England. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system has three overarching objectives, one of which (Paragraph 8c) is 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”.*

- 6.143 To prevent unacceptable risks from air pollution, Paragraph 187 of the NPPF states that:

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

- 6.144 Policy SQ4 MDE DPD which relates to Air Quality states development will only be permitted where all of the following criteria are met:

a) the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity;

b) proposals will not result in the circumstances that would lead to the creation of a new Air Quality Management Area;

c) proximity to existing potentially air polluting uses will not have a harmful effects on the proposed use; and

d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate such impact.

- 6.145 An Air Quality Assessment ('AQA') was undertaken in support of this proposal. The assessment considered the impacts of the proposed development on local air quality in terms of dust and particulate matter (PM) emissions during construction and the emissions from road traffic generated by the completed and occupied development. In addition, the AQA identified the air quality conditions that future residents will experience.
- 6.146 The AQA concludes that air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives throughout the site. The overall operational air quality effects of the proposed development are thus judged to be 'not significant'.
- 6.147 The AQA notes that mitigation measures will need to be applied to minimise dust emissions. The AQA recommends appropriate measures and, with these measures in place, it is expected that any residual effects will be 'not significant'. These measures include
- setting back of the development buildings from roads by at least 20 m;
  - one active electric vehicle charging point per home;
  - preparation of a travel plan statement, including measures to promote sustainable travel;
  - provision of a Welcome Pack which is available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupier;
  - EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points) at one active charger per dwelling to support the transition to cleaner fuels;
  - a permeable site with walking / cycling connectivity to existing active travel and public transport networks, allowing for local services and facilities to be accessed by sustainable modes;
  - provision of secure cycle storage with one space provided per bedroom. Additionally, 5% of all cycle spaces will be of a larger nature, to accommodate disabled / adaptive cycles to encourage users of all abilities to take up cycling; and
  - use of all electric energy strategy which includes heat pumps for heating to avoid the need for on-site combustion.
- 6.148 The Council's Environmental Health Protection Officer has reviewed the submitted information and raises no objection. However, it is suggested that electric charging points should be on all properties and this would be covered by building regulations.

- 6.149 Watringbury Parish Council has submitted an Air Quality Assessment Appraisal' undertaken on behalf of the Parish Council by Create Consulting Engineers (dated Oct 2025) the content of which has been reviewed by the Council's Environmental Health Protection Officer. The Environmental Health Protection Officer does not agree with the independent report and notes a couple of discrepancies, and confirms that the independent report does not change their position.
- 6.150 It was also suggested by Council' Environmental Health Protection Officer the that a financial contribution should be sought to fund an Air monitor to accurately assess the PM values from traffic in AQMA in Watringbury. Any financial contribution must meet the three statutory tests under Regulation of the Community Infrastructure Levy Regulations 2010 (as amended) and the National Planning Policy Framework: they must be necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind.
- 6.151 In this regard, given that it has been demonstrated the development would have an insignificant effect on air quality, including on the Watringbury Air Quality Management Area it is not consider that a financial contribution would be necessary and therefore would not meet the test as set out above.
- 6.152 It is therefore considered that, subject to a condition regarding the implementation of the mitigation measures set out above, that the proposal would have an insignificant effect on air quality, including on the Watringbury Air Quality Management Area would be acceptable.
- 6.153 Moreover, it should be noted that in the recent appeal decision for Land north-east and south of 161 Watringbury Road, East Malling. (Ref: TM/22/01570/OA / APP/H2265/W/25/3366031) the Inspector concluded "It has been satisfactorily demonstrated that the development would have an insignificant effect on air quality, including on the Watringbury Air Quality Management Area through a technical report prepared by a professional in the field. Although I have noted the general concerns raised on this matter, I have no evidence on which to come to a different conclusion (para 122).

Ecology and Biodiversity.

- 6.154 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.155 Policy NE3 of the MDE DPD also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links.

The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

- 6.156 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.157 Interested parties have raised concerns in relation to ecology in general and consider that the proposal fails to demonstrate the presence of protected species on the site and that necessary mitigation measures are to be taken to safeguard protected species.
- 6.158 The site and the surrounding area are not subject to any specific ecological policy designations. There are also no nearby ecological statutory designated sites
- 6.159 The application is accompanied by an Ecological Impact Assessment and a Habitats Regulations Assessment (Screening) (CSA; August 2025). These documents have been reviewed by KCC Ecology who confirm that they are satisfied the survey information provides a good understanding of the ecological interest of the site.
- 6.160 It is noted the bat surveys are ongoing, however, in the specific case, due to the current condition of the site and the proposed habitat creation KCC Ecology is satisfied that the final bat survey results can be used to inform a detailed mitigation strategy.
- 6.162 The proposal will result in the creation of an area of open space (including an ecology area) and provided that it is established as intended and managed in the long term KCC Ecology are satisfied that it will benefit protected/notable species.
- 6.163 An overview of the mitigation has been provided and again KCC Ecology are satisfied that it is appropriate but do request should planning permission be granted a Construction Ecological Management Plan is secured as a condition of planning permission.
- 6.164 In addition, a further condition is suggested in relation to lighting given that bats have been recorded within the site and lighting can have a negative impact on bats (and other nocturnal species) therefore any lighting must be designed to minimise light spill.

- 6.165 Turning next to BNG, under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site.
- 6.166 A BNG metric, Habitats Regulations Assessment (Screening) (CSA; August 2025) and BNG Assessment have been provided in relation to BNG. KCC Ecology confirm they are satisfied with the baseline information and sufficient information has been provided to meet mandatory BNG.
- 6.167 The assessment demonstrates that there would be a 22% gain in area habitats and 803% Gain in linear habitats on the site as a result of the development. As such the submitted information has detailed that a BNG of over 10% can be achieve for habitats and linear features on site due to the creation of open space – including an ecology area.

Percentage Net Gain Required	Percentage Net Gain/Loss Reported for Area Habitats	Percentage Net Gain/Loss Reported for Linear Habitats	Net Gain Proposed: 1 – all on-site; 2 – no significant on-site and off-site; 3 - significant on-site and off-site	On-site 'significant' Net Gains Proposed (Yes/No)
10%	22% gain	803% Gain	All on site	Yes

- 6.168 Due to the proposed habitat creation and enhancement, the site meets the requirements for on-site 'significant'. Significant on-site gains are areas of habitat creation or enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development. Retention of existing habitat cannot count as an on-site significant gain.
- 6.169 Government guidance states: "*The maintenance of these significant enhancements must be secured with a legal agreement or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.1*".
- 6.170 Therefore, these significant on-site gains would be, should permission be granted, subject to a S106 agreement to secure a monitoring fee and ensure enforceability over a 30-year period.
- 6.171 Additionally, KCC Ecology recommend conditions for a Habitat Management and Monitoring Plan to secure the implementation of the management to achieve significant on-site gains.

6.172 Subject to the aforementioned conditions and the significant BNG being secured via a S106 agreement, I am satisfied that the development would have a net positive effect on habitats and biodiversity in accordance with all relevant national and local planning policy in relation to ecology including Policies NE1-NE4 of the TMBC Local Development Framework Core Strategy and the NPPF.

Trees/Landscaping

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

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

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

6.175 The application is accompanied by an Arboricultural Impact Assessment (AIA) (Barton Hyett Associated Aug 2025) This confirms that there is a totally of 44 Arboricultural features on/off the site, (i.e. trees, groups of trees and hedgerows), all of which are located on the peripheries of the site. One of the 20 trees has been categorised as ‘A’ grade (High quality), this is located adjacent to the eastern boundary and would not be affected by the proposal (Ref: T11 – A2) . 8 trees were awarded a ‘B’ Category, these are trees of moderate quality. There are no Tree Preservation Orders, veteran trees, or ancient trees on the site.

6.176 The AIA considers the effects of any tree loss required to implement the proposed development as well as any reasonably foreseeable, potentially damaging activities proposed in the vicinity of retained trees. This is undertaken with reference to BS 5837:2012 and considering the nature of the proposed development. Actual and potential impacts can include tree removal to facilitate the development, soil compaction in close proximity to trees and direct impact damage to the canopy and roots of retained trees from construction activities.

6.177 One individual tree (T5) and one hedgerow (H2) are proposed to be removed in order to facilitate the access and required visibility splays.

6.178 The Council’s Tree and Landscaping officer has reviewed the submitted documents noting that the loss of trees along the frontage can be mitigated by

new landscape planting delivered as part of the proposed development. Retained trees can be adequately protected during construction activities to sustain their health and longevity as such it would not be justifiable to refuse this application on tree grounds subject to the conditions. These conditions relate to, land levels, hard and soft landscaping, tree protection and method statement.

- 6.179 Overall, I am satisfied the proposal complies with Policy NE4 MDE DPD and relevant paragraphs of chapter 15 NPPF.

Contamination

- 6.180 Paragraph 196 (NPPF) states that planning policies and decisions should ensure that:

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

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

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

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

- 6.182 In terms of land contamination, the submitted Phase 1 Desk Study and Preliminary Risk Assessment is considered to adequately review the history and environmental setting of the site. No significant contamination requiring remedial action was identified or found.

- 6.183 The Council's Environmental Protection Officer has reviewed the submitted information and considers the report adequately reviews the history and environmental setting of the site. Significant contamination has not been identified and as such no further investigation or remedial work is required. However due to the presence of made ground on the site, which can vary greatly in composition, a watching brief condition is required.

Flooding/ Drainage

- 6.184 Paragraph 181 (NPPF) sets out "when determining any planning application, LPA should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site-specific flood risk assessment.

- 6.185 Paragraph 182 (NPPF) also states 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 proposal for major development should:
- a) take account of advice from the Local Lead Flood Authority;
  - b) have appropriate proposed minimum operation standards; and
  - c) have maintenance arrangements in place to ensure an acceptable standard of operations of the lifetime of the development.
- 6.186 Policy CP10 (Flood Protection) TMBCS ultimately seeks to reduce flood risk and Policy CC3 (Adaptation – sustainable Drainage) MDE DPD comments that development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations.
- 6.187 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for development which increases the demand for off-site water and sewerage infrastructure where: a) sufficient capacity already exists; or b) extra capacity can be provided in time to serve the development.
- 6.188 The site is within flood zone 1 and consequently has a low risk of surface water flooding. There are therefore no restrictive policies relating to flooding at the site. The application forms indicate that surface water will be disposed of via a combination of SuDs, Main Sewer and the existing Water Course. (However, there is no existing water course within the immediate area so this is not an option). In regard to Foul Sewage the application forms indicate this will be via main sewer.
- 6.189 The application is accompanied by a Flood Risk Assessment and Drainage Strategy this confirms that the site is at very low surface water flood risk and the site is not within an area with inland indicators of groundwater flooding but is in an area with potential for groundwater flooding to occur at the surface and potential for groundwater flooding of property situated below ground level. Due to this and then being in areas of ‘low’, ‘moderate and ‘high’ risk, it can be seen that the development site is at low to high groundwater flood risk.

- 6.190 The Assessment also notes that infiltration techniques are not viable on site and there is no network of ditches, ordinary watercourses or culverts in the vicinity of the site. Therefore, the drainage strategy for the development will look to discharge surface water at a controlled rate via a flow control to the public surface water sewer via 'System C' non-infiltration pervious pavements and SuDS basin.
- 6.191 KCC Local Lead Flood Authority (LLFA), the Environment Agency, Southern and South East Water all have been consulted on the application. Southern Water confirmed that the site is not located within Southern Waters' statutory area for water supply and suggested to contact South East water. No response was received from South East water. The Environment Agency raised no objection but suggested that the applicant may be required to apply for other (no planning related) consents directly from them, this will be dealt with via an informative should permission be granted.
- 6.192 KCC LLFA, has reviewed the Flood Risk Assessment and Drainage Strategy (dated 20/08/2025) and raises no objection subject to conditions. The condition relates to KCC LLFA observations regarding the requirement for a sewer requisition to be made with Southern Water under Section 98 of the Water Industry Act. While the LLFA acknowledges that this process is independent of the planning system, the LLFA consider it is essential that the proposed outfall is secured through the inclusion of a planning condition.
- 6.193 In addition, LLFA also note as of June 2025, the Department for Environment, Food and Rural Affairs (Defra) has published the National Standards for Sustainable Drainage Systems (SuDS). Although these standards are not mandatory, KCC LLFA is seeking to apply them, where possible, to all new developments across Kent. One of the key requirements within these standards is the provision of interception storage (the first 5mm of runoff). In this regard it is acknowledged that a large-scale attenuation basin is proposed, and the LLFA considers that leaving this feature unlined will allow for infiltration losses to occur prior to discharge into the surface water sewer.
- 6.194 Furthermore, the LLFA encourages the relocation of the basin inlet eastwards, away from the outfall, and the creation of a low-flow channel. This would allow low return period events (up to the 2-year event) to undergo increased filtration and treatment prior to entering the sewer network. Should planning permission be granted the LLFA request that a further condition is imposed in relation to the SuDs drainage scheme to deal with the aforementioned guidance.
- 6.195 The development subject to conditions would accord with the requirements of Policy CP10 TMBCS, SQ5 MDE DPD and the NPPF.

Public Right Of Way

- 6.196 Public Right of Way MR509, also known as Fields Lane, lies to the west of the proposed site. KCC Public Rights of Way and Access Service has confirmed that the public right of way will be unaffected by the application.

Open Space

- 6.197 Policy OS3 Managing Development and the Environment DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.198 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.
- 6.199 The proposal seeks to erect 66 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3. Open space provision should in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces. The opens space requirement generated by the development would be 13,976 square metres.
- 6.200 In this case, the proposal incorporates areas of open space provision throughout the site. Public open space is proposed along the east of the site, with informal nature inspired play features along the centre. Natural and Semi-Natural Green Space will also be delivered across the scheme. In terms of contributions in this case the proposal provides on site provision with the exception of outdoor sports as such a contribution will be required for this element.
- 6.201 The Council's Leisure Services Officer has suggested that the site should provide a LAP and LEAP and a contribution towards a MUGA, noting that the proposed play provision is not currently adequate to fully meet its requirement.
- 6.202 It is also suggested the seats shown on the landscape plan could be improved by making these benches with backs and arms and for accessibility these should be provided on hard surface bases next to surfaced paths. The details can be finalised via the landscaping condition already suggested should permission be granted. Any financial contributions as set out above can be agreed in the event of a resolution to grant planning permission and secured by S.106 agreement.

Archaeology

- 6.203 The site lies within an area with potential for early prehistoric remains associated with movement of communities along the river valley. There is also potential for Roman archaeology, particularly associated with the Teston Roman villa estate.
- 6.204 The application is supported by a Heritage Desk-Based Assessment (DBA) and a Geophysical survey. KCC Heritage Conservation confirm that the Heritage DBA is acceptable and although the Geophysical Survey does not highlight much, it is accepted in that geophysical surveying does not respond to all types of archaeology and may not pick up presence of archaeology due to on site conditions.
- 6.205 In view of the archaeological potential, a pre commencement watching brief condition is required should planning permission be granted.

Public Sector Equality Duty – Equality Act 2010

- 6.206 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011.
- 6.207 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.
- 6.208 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.
- 6.209 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.210 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.

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

Developer Contributions

6.212 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

6.213 Paragraph 57 of the NPPF reflects this statutory requirement.

6.214 The scheme proposes to provide 50% of the total number of dwellings as affordable housing and therefore accords the Golder Rules. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need. The 50% affordable housing shall have a 70/30 split between affordable housing for rent and other affordable housing tenures.

6.215 Policy CP25 of the TMBCS states that:

1. Development will not be proposed in the LDF or permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

6.216 KCC has advised that in order to mitigate the additional impact that the development would have on delivery of its secondary education and community services, the payment of appropriate financial contributions is required. Since KCC responded the mix of the application has been amended in line with comments from the Councils Affordable Housing Officer. Therefore, the financial contributions required will need to be adjusted to reflect this. However, as the principle of the contributions is agreed with the applicant, the amended financial contributions could be agreed via delegated powers and secured via a section 106 Agreement.

- 6.217 In regard to the contributions sought it is considered that sufficient detail has been provided in all these respects to ensure the relevant statutory and policy tests have been met, and if permission is minded to be granted then contributions should be secured through the legal agreement.
- 6.218 NHS ICB have advised that due to the potential patient numbers a contribution of £92,538 (Index Linked) towards refurbishment, reconfiguration and/or extension of practices that cover the development (ie Wateringbury) and other healthcare facilities within a 5 mile radius of the development site or towards new healthcare facility to be provided in the community in line with the healthcare infrastructure strategy for the area. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.
- 6.219 TMBC apply open space contributions to developments of 5 dwellings and greater and therefore the proposal would be liable for a contribution subject to on-site open space provision covering Outdoor Sports Facilities. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.

Planning Balance and conclusion

- 6.220 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for house(s).
- 6.221 Consequently, permission should be granted unless as in this case the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed
- 6.222 It has been established that there are no adverse impacts that provide a 'strong' reason for refusing the development. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on or Green Belt grounds as the site constitutes Grey Belt and is appropriate development within the Green Belt.
- 6.223 The scheme would involve the provision of 66 dwellings, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, and this attracts substantial weight in favour of the proposal due to the lack of 5 year housing supply.
- 6.224 The proposed development would also provide 50% affordable housing on-site in line with the Golden Rules (Para. 155 NPPF) which would contribute to addressing a recognised need for affordable housing in the Borough and this attracts substantial weight in favour of the proposal.
- 6.225 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create

investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.

6.226 Weighing against the development is the loss of BMV land, however this loss needs to be weighed against the aforementioned benefits and specifically the substantial weight given to the provision of 66 dwellings and the substantial weight afforded to 50% of those dwellings being affordable in compliance with the Golden Rules (Para. 155 NPPF.)

6.227 In this case, the weight of other considerations in favour of the development are considered to clearly outweigh the harm identified by reason of the loss of the BMV land.

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

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

**Heads and terms of S106 agreement**

Open Space contributions  
Developer Contributions  
50% affordable provision  
BNG Monitoring Fee  
MOVA contribution

**Conditions**

**Standard conditions**

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

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

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

- Site location plan – Drawing No. P24-2641\_DE\_001\_D\_5
- Site Layout Plan – Drawing No. P24-2641\_DE\_001\_R\_1

- Landscape Master Plan – Drawing No. TR-05 Rev 4
- Parking Strategy Plan – Drawing No. P24-2641\_DE\_001\_C\_11
- Materials Plan – Drawing No. P24-2641\_DE\_001\_C\_9
- Boundary Treatment Plan – Drawing No. P24-2641\_DE\_001\_C\_10
- Tenure Plan – Drawing No. P24-2641\_DE\_001\_C\_13
- Refuse Strategy Plan – Drawing No. P24-2641\_DE\_001\_D\_12
- Illustrative Landscape Typologies – Drawing No. TR-06 Rev 3
- House Type S2JAY Floor Plans & Elevations Plots - Drawing No. P24-2641\_DE\_004\_B\_01
- House Type A1SYCA Floor Plans & Elevations – Drawing No P24-2641\_DE\_004\_B\_10
- House Type A2HAZE Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_B\_12
- House Type A3LAUR Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_B\_14
- House Type S3KITE Floor Plans & Elevations - Drawing No. P24-2641\_DE\_004\_B\_02
- House Type S3ROBI Floor Plans & Elevations – Drawing No. 24-2641\_DE\_004\_B\_03
- House Type S30SPR Elevations – Drawing No. P24-2641\_DE\_004\_B\_04
- House Type P4ASTE Elevations – Drawing No. P24-2641\_DE\_004\_B\_05
- House Type P4ASTE Floor Plans Drawing No. P24-2641\_DE\_004\_B\_06
- House Type P4BIBL Elevations - Drawing No. P24-2641\_DE\_004\_B\_07
- House Type P4BIBL Floor Plans – Drawing No. P24-2641\_DE\_004\_B\_08
- House Type P4SORR Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_B\_09
- A4WILL Floor Plans & Elevations – Drawing No. P24\_2641\_DE\_004\_B-20
- S3MAPL Floor Plans & Elevations – Drawing No. P24\_2641\_DE\_004\_B-21
- Single Carport – Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_A\_15
- Double Carport – Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_A\_16
- Single Garage – Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_A\_17
- Double Garage Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_A\_18
- Marketing Suite (Garage) Floor Plans & Elevations – Drawing No. P24-2641\_DE\_004\_A\_19
- Street Scenes – Drawing No. P24-2641\_DE\_005\_B\_01
- Proposed Level & Contours Sheet 1 – Drawing No. 5898-006
- Proposed Level & Contours Sheet 2 – Drawing No. 5898-006
- Planning Statement by Boyer Planning Dated Document Ref: IMS-F-18, Revision 3 Dated August 2025
- Planning Noise Assessment by SUONO – Document Ref: 29A5.RP.2.4 // 21 October 2025
- Agricultural Land Classification and Considerations by Kernon Countryside Consultants Ltd – dated August 2025.
- Air Quality Assessment Rev 2 by Logika Group dated 7 August 2025.

- Arboricultural Impact Assessment by Barton Hyett Associates Dated August 2025
- BNG Assessment Rev A: Design Stage by CSA Environmental Dated August 2025
- BNG Metric received 27 August 2025.
- Design & Access Statement by Pegasus Group Document Ref: P24-2641\_G001B | August 2025
- Ecological Impact Assessment Rev A by CSA Environmental document Ref CSA/5702/05
- Energy and Sustainability Statement – by Energist dated 18 August 2025
- Flood Risk Assessment and Drainage Strategy by Motion dated August 2025
- Geophysical Survey Report by Magnitude Surveys Dated August 2025
- Habitats Regulations Assessment (Screening) by CSA Environmental Document ref: CSA/5702/06 dated August 2025
- Heritage Desk Based Assessment by Pegasus Group document Ref: P24-2641 Dated July 2025.
- Transport Assessment by i-Transport Document Ref: JCB/MK/ITL200606-002 R Dated 11 July 2025
- Technical Report by i-Transport Documents Ref: JCB/MK/ITL200606-005 TN dated 8 October 2025
- Landscape and Visual Appraisal and Green Belt Review by SLR Consulting Ltd. Documents Ref: 402.065542.00001 Rev 05 dated 22 August 2025
- Desk Study, Site Investigation & Risk Assessment Report by ST Consult Report Ref: J16014 Issue 2 dated 19 August 2025
- Preliminary Utilities Appraisal Report and Appendix Rev 4 dated 27 August 2025
- Statement of Community Involvement by Fairthorn Consultancy received 27 August 2025

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

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

Reason: In the interests of visual amenity.

### **Highways / Parking**

4. No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in

writing by the Local Planning Authority. The Construction Management Plan shall include the following:

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

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

Reason: To ensure the safe and free flow of traffic

5. Prior to the first occupation of the dwellings the access shall be implemented as shown on the approved plans. No obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access. At least the first 5 metres of access from the edge of the highway shall also be constructed with the use of a bound surface. and thereafter retained and maintained.

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

6. The development hereby approved shall not be occupied until the parking spaces shown on Parking Strategy Plan Drawing No. P24-2641\_DE\_001\_C\_11 have been constructed for use of the proposed dwellings. Thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

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

7. Prior to the occupation of the dwellings, details of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwellings shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

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

### **Landscaping/Trees**

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

Reason: In the interest of visual amenity.

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

Reason: In the interests of visual amenity.

### **Ecology**

10. No development shall be undertaken (including any site and/or vegetation clearance) until a construction ecological management plan (CEMP) which contains full details of the mitigation measures has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:
- a) Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
  - b) Measures to avoid impacts to the retained habitats within the site including identification of a construction exclusion zone;
  - c) Specific measures (which may be presented as a series of method statements) to avoid impacts to protected/notable species.
  - d) The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
  - e) Copies of any protected species mitigation licences issued by Natural England as required.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

11. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:
- a) non-technical summary;
  - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
  - c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
  - d) Plans showing the habitats and management areas.
  - e) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

- f) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

12. Prior to occupation, a lighting plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter.

Reason: To limit the impact of light.

### **Drainage / Flooding**

13. Development shall not commence until the necessary agreements for a connection into the offsite surface water sewer has been agreed. Evidence of the relevant agreement, either through a Section 98 of the Water Industry Act 1991 (sewer requisition) or third party access right will need to be submitted to and approved by the LPA.

Reason: To ensure that the necessary agreements are in place that secures the offsite connection in perpetuity of the development.

14. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy (Issue B) and show compliance with the required technical standards at the time of submission. The submission shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

15. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed. 3

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

16. No development other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul water resulting from this development proposal are to be managed in accordance with the

hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

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

### **Contaminated Land**

- 17 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.
- (c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

### **Archaeology**

18. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
  - iii programme of post excavation assessment and publication.

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

### **Other**

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

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the landscape quality of the area.

### **Informatives**

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and  
b) the planning authority has approved the plan.
  - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
  - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan ([www.gov.uk](http://www.gov.uk)).

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

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

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

2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
3. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management

Legislation. The applicant is therefore advised to prohibit fires on site during the development stage of this project.

4. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 7 Your attention is drawn to the comments within the Environment Agency response date 29 August 2025.
- 8 Your attention is drawn to the comments within Kent Police response dated 29 August 2025.

Contact: Susan Field