

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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**Chief Executive**  
Damian Roberts

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To: MEMBERS OF THE COUNCIL

Dear Sir/Madam

I hereby summon you to attend an **extraordinary** meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 27th January, 2026 at 7.30 pm.

Information on how to observe the meeting will be published on the Council's website.

The following business is proposed to be transacted:-

1. Guidance on the Conduct of Meetings 3 - 6

### **PART 1 - PUBLIC**

2. Apologies for absence 7 - 8
3. Declarations of interest

To declare any interests in respect of recommended items

### **Matters for Decision**

In order to facilitate the proper consideration of the planning application at agenda item 4, the Council will need to suspend its own procedure rules and resolve itself into a committee to which rules relating to a planning committee will be applied.

4. Planning Application TM/25/01938/PA - Bluebell Hill, Commuter Car Park, Chatham 9 - 40

Erection of a modular building comprising 12no. self-contained apartments for use as temporary housing accommodation, including associated landscaping, refuse / cycle store, parking and office.

As the application has been submitted by the Borough Council's Central Services Department, the application is required to be determined by Full Council in line with the adopted Constitution.

5. Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

DAMIAN ROBERTS  
Chief Executive  
Monday, 19 January 2026

## **GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxiAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact [committee.services@tmhc.gov.uk](mailto:committee.services@tmhc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Apologies for absence

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**Aylesford**  
Aylesford North And North  
Downs

**27 January 2026**

**TM/25/01938/PA**

**Location:** COMMUTER CAR PARK Lord Lees Grove Blue Bell Hill Chatham

**Proposal:** Erection of a modular building comprising 12no. self-contained apartments for use as temporary housing accommodation, including associated landscaping, refuse / cycle store, parking and office.

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

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## 1. Description of Proposal:

- 1.1 Planning permission is sought for the erection of a three-storey residential building comprising 12 no. two-bedroom units to be used as temporary housing accommodation.
- 1.2 The development would provide temporary accommodation which would help address the Council's increasing demand for this form of housing, which the authority has a statutory duty to provide. The development also provides for a small building that will house an administrative office and WC to support the management of the accommodation.
- 1.3 The building is to be constructed from prefabricated modules that will be put together on site, enabling reduced construction times while ensuring consistent build quality. The building will fully comply with relevant building regulations, including standards for energy performance, and will provide high-quality accommodation for the Council. Externally, the building is proposed to have fibre cement weatherboard cladding in a mix of dark and light grey and light brick with a dark grey metal standing seam roof featuring solar panels.
- 1.4 The internal layout provides four apartments per floor. Two ground-floor units will be constructed to M4(3) wheelchair adaptable standard. Three of the apartments will be 2-bed 4-person units, with the remainder being 2-bed 3-person units. All units meet the Nationally Described Space Standards (NDSS).
- 1.5 Externally, the development will provide 14 no. parking spaces, including 2 no. accessible parking spaces, together with 24 no. secure cycle parking spaces in an enclosed cycle store. Refuse and ancillary storage will be provided alongside the cycle store. A communal external amenity area of approximately 200 sqm will be provided, alongside small private terraces serving the ground floor apartments. This will include an element of doorstep play. The site is to be surrounded by wire fencing with the existing landscaping enhanced where necessary.

- 1.6 The 12 self-contained units of accommodation would be utilised by the Council for short term-temporary housing, with units being occupied for a maximum of 6 months. The scheme has been developed specifically in response to need identified by the Council pursuant to its statutory duties under the Housing Act 1996 (as amended) and the Homelessness Reduction Act 2017, which require the authority to secure suitable accommodation for households who are homeless or at risk of homelessness.
- 1.7 Both the Council's Housing Strategy 2022–2027 and Temporary Accommodation Policy require the provision of additional in-borough temporary accommodation as a key corporate priority, emphasising the need to provide sufficient housing options, in part to help reduce reliance on more expensive, nightly-paid accommodation and to increase the availability of stable, well-managed placements that provide high quality accommodation.
- 1.8 The need for temporary accommodation within the borough is urgent and pressing. In support of the application The Council states that the average monthly households in temporary accommodation have risen sharply from 67 in 2019/20 to 147 in 2021/22 and it is consistently predicted to be above 120 households through to 2026.
- 1.9 This chronic pressure has led to a heavy dependence on privately-owned nightly-paid accommodation, which the Council identifies as the most expensive, least stable and sustainable form of provision. The Council's current capacity to house residents in such need only accounts for approximately one third of the current demand. This is recognised as falling demonstrably short of its duty under Section 208 of the Housing Act 1996, which requires local authorities to secure accommodation within their district "*so far as reasonably practicable.*" This application therefore seeks to address this requirement.
- 1.10 Existing Council-owned temporary accommodation is more generally concentrated in Tonbridge, in the south of the borough, approximately 21 miles away. The proposed development on this site would provide a strategically valuable opportunity to serve households with established connections to the Walderslade, Aylesford, Ditton and Larkfield areas, ensuring placements are geographically appropriate and more likely to meet the suitability requirements set out in the Homelessness Code of Guidance.
- 1.11 In terms of the overall need and mix of accommodation provided, the provision of only 2-bedroom units reflect both the funding available, and actual demand trends, given that approximately 50% of households in temporary accommodation require two or three bedrooms and which could also be more flexibly used to support single households should the need arise. The mix therefore best aligns to accommodate most need.

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

- 2.1 Paragraph E8.7, Part 5 (Codes) of the Tonbridge and Malling Borough Council Constitution sets out that:

*‘Proposals for development submitted by the Council must be treated no differently to any other application.*

*To ensure that planning applications submitted by the Council are determined openly and transparently all applications for planning permission submitted by the Council will be determined by Full Council.’*

- 2.2 As the application has been submitted by the Council's Central Services Department, the application is required to be determined by Full Council in line with the adopted Constitution.

### **3. The Site:**

- 3.1 The site occupies approximately 0.2Ha of the disused public car park off Lord Lees Grove, Blue Bell Hill. The site is bounded by the A229 to the west and south, and the M2 motorway to the east and north. Vehicular access is from Lord Lees Grove, which connects directly to the A229. Pedestrian access is available using the local footway network on the western side of Lord Lees Grove which provides access to the shared foot/cycleway on the northern side of the A229. South of the site, the footway on Lord Lees Grove leads to a set of toucan crossings across the A229, which lead to the footways on Maidstone Road into Blue Bell Village itself
- 3.2 The site lies within the Kent Downs National Landscape (AONB) on the crest and upper slope of Blue Bell Hill. The site is outside of, but adjacent to, any defined settlement confines and is considered to be previously developed land as it is currently tarmac hardstanding.
- 3.3 The site is not subject to any tree preservation orders nor is it in or adjacent to a conservation area. There are no heritage assets on the site, though the archaeological assessment notes potential for Palaeolithic to Romano-British remains in the wider landscape.
- 3.4 The site is outside flood zones 2 and 3, being in Flood Zone 1 (lowest risk) therefore not at risk of fluvial or surface water flooding.

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

02/01666/FL

Grant With Conditions - 31 October 2002

Extension of existing park and ride car park, associated landscape works and CCTV security

96/00183/DR3

Grant With Conditions - 15 March 1996

erection and installation of closed circuit television equipment

85/10485/FUL

No Objection - 15 January 1985

Construction of an off-street public car park

## **5. Consultees:**

5.1 PC: No Objection, to the application. However, while the Parish Council recognises the need for temporary accommodation, it wishes to highlight the following concerns:

- The site is located within the Kent Downs Area of Outstanding Natural Beauty (now designated as a National Landscape), and appropriate weight must be given to this designation.
- Several documents reference Phase 1, such as the Covering Letter, the Design and Access Statement point 3.1 mentions 'further expansion to the north' and 'the sites ability to accommodate a three-storey building'. It also shows illustrations of a method to expand the pods. This all implies that further phases are likely to be proposed on the remaining undeveloped parts of the site. The Planning Statement specifically notes that the scheme has been designed so as not to rule out future phases, although there is currently no funding to consider these at this time. Further proof that an expansion is likely to happen.
- The proposed 2-bed units appear very small for family occupation.
- The site is adjacent to a very busy road. The Council is concerned about children accessing or exiting the site and asks whether an appropriate risk assessment has been carried out.
- The Council is not aware of any bus service operating past the site. If this is the case, residents without access to a car will face significant difficulties in travelling to services, shops or employment.
- Although cycle storage is proposed, the Council considers the surrounding road network unsafe for cycling due to traffic volumes and road layout.
- There are no schools within a safe walking distance of the site.
- The proposal is located on the outskirts of a small village, immediately adjacent to a heavily trafficked route.
- Without access to public transport or safe cycling/walking routes, residents who do not drive may be left isolated, which could negatively impact their mental health and wellbeing.
- There is no access to a dentist or doctors' surgery via public transport.

- The Council welcomes the proposal for on-site staffing and notes that having a member of staff available at all times should offer residents day-to-day support and a point of contact for any concerns.

5.2 KCC (Highways): No objection, subject to conditions.

5.3 National Highways: No objection.

5.4 KCC (LLFA): No objection, subject to conditions.

5.5 Environmental Protection: No objection, subject to conditions

5.6 KCC (Heritage): The site lies in an area of prehistoric and Roman activity. To address any potential archaeological issues a condition should be attached to seek a watching brief.

5.7 KCC Education: The application falls outside the remit for developer contributions as it is to provide temporary accommodation.

5.8 KCC Ecology: The site is exempt from Biodiversity Net Gain provision due to the existing site characteristics.

5.9 TMBC Housing Services: Fully support this application as it proposes to deliver much needed temporary accommodation within the borough. Securing high quality temporary accommodation under direct Council control is a key priority for both the Council and the Housing Service, as outlined in the supporting statement submitted with the application.

- This development makes use of government funding through the Local Authority Housing Fund, enabling the Council to provide sustainable quality temporary accommodation. The inclusion of wheelchair accessible flats on the ground floor is particularly valuable as it addresses the needs of households requiring accessible accommodation – provision that is often difficult to secure through private nightly paid arrangements.
- The proposed scheme demonstrates a strong commitment to sustainability, achieving a high energy efficiency standard with an EPC rating of A.
- This development represents an opportunity to deliver essential, high quality temporary accommodation in the north of the borough, helping the Council meet its statutory housing duties and respond to local housing needs.

5.10 Kent Downs National Landscape Partnership:

National Planning Policy

5.10.1 The application site lies within the Kent Downs National Landscape. The application therefore needs to be tested against the purpose of the designation, to conserve and enhance natural beauty and the way that this purpose is

represented in national and local policy. Section 85 of the Countryside and Rights of Way Act 2000, as amended by the Levelling Up and Regeneration Act, requires that local authorities ‘must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty’ in making decisions that affect the designated area.

- 5.10.2 The National Planning Policy Framework (NPPF) paragraph 189 requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.
- 5.10.3 NPPF paragraph 11 explains the presumption in favour of sustainable development. For decision-making this means that proposals in accordance with the development plan should be approved. Part d says that where there are no relevant development plan policies or the relevant ones are out of date then permission should be granted unless: “i. the application of policies in this Framework that protect areas or assets of strong 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”.
- 5.10.4 National Landscapes are listed in footnote 7 and the most relevant policies in the Framework are paragraphs 189 and 190. A court of appeal case confirms that, if a proposal causes harm to a National Landscape sufficient to refuse planning permission if there were no other considerations, then the presumption in favour (or ‘tilted balance’ expressed in ii) above should be disengaged. The decision-maker should therefore conduct a normal planning balancing exercise, applying appropriate weight to each consideration, to come to a decision. This will of course include giving great weight to the National Landscape as required by NPPF paragraph 189.
- 5.10.5 The national PPG revised in 2019 provides additional guidance on new development in National Parks and AONBs (Paragraph: 041 Reference ID: 8-041-20190721). This specifies that ‘all development within nationally protected landscapes needs to be located and designed in a way that reflects their status as landscapes of the highest quality’.

#### Major Development

- 5.10.6 In the event that the decision-maker concludes that development is ‘major’ in terms of its impact on the National Landscape, paragraph 190 of the NPPF states that “Planning permission should be refused for major development other

than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

5.10.7 Footnote 67 states: “For the purposes of paragraphs 189 and 190, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.

#### Local Planning Policy

5.10.8 Adopted local plan policy relating to National Landscapes is provided in Tonbridge and Malling’s Core Strategy policy CP7. This policy specifies that development will not be permitted that is detrimental to the natural beauty of the AONB, other than major development that is demonstrably in the national interest and any other development that is essential to meet local social or economic needs. The policy also requires development to have regard to local distinctiveness and landscape character and to use sympathetic materials and appropriate design.

#### Kent Downs AONB Management Plan

5.10.9 Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must “formulate the policies for the management of the AONB and for carrying out their functions in relation to it”. The Kent Downs National Landscape team produces a Management Plan on behalf of the local authorities within the National Landscape. The Kent Downs Management Plan, Third Revision 2021 to 2026 has been adopted by all the local authorities in the Kent Downs, including Tonbridge and Malling Borough Council. The Management Plan sets out the policy for the conservation, enhancement and management of the National Landscape in a series of aims, actions and principles.

5.10.10 The National Planning Policy Guidance, 2019, confirms that Management Plans can be a material consideration when assessing planning applications (Paragraph: 040 Reference ID: 8-040-20190721) and this view is confirmed in previous appeal decisions, including APP/U2235/W/19/3232201, Cossington

Fields Farm North, Bell Lane, Boxley, Maidstone where at paragraph 5 of the Inspectorate's decision letter it is stated that "I am mindful of the policies contained within the Kent Downs AONB Management Plan (2014-2019) requiring development to conserve and enhance natural beauty of AONB to which I attach substantial weight." The decision can be downloaded at: <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3232201>

The following principles from the Management Plan are considered to be of particular relevance to the application:

- 5.10.11 MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.
- 5.10.12 SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.
- 5.10.13 SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.
- 5.10.14 SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

Impacts on the Kent Downs National Landscape

- 5.10.15 The site comprises a disused car park, enclosed by major highways, that in its current form makes little contribution to the natural beauty of the Kent Downs National Landscape and does not demonstrate any of its special qualities. It is also highly contained within the wider landscape as a result of strongly vegetated boundaries. Given this context of the site, it is not considered that the proposal comprises 'major development' for the purposes of assessment under paragraph 190 of the NPPF.
- 5.10.16 Notwithstanding the above, the KDNL team has concerns over the design quality of the proposal. The proposed development's modular design with shallow pitch roof, incorporation of flat roof elements, proposed grey colour, three storey height and horizontal emphasis is considered to be out of character with development in the KDNL and falls far short of what would be expected for



new development within a nationally protected landscape and fails to be complementary to the local rural character in design, scale and form, as required by national and local policy as well as principles SD2 and SD9 of the KDNL Management Plan. As identified in the Management Plan, Section 3.3, 'to conserve and enhance the natural and scenic beauty of the Kent Downs, the design of new development is critical'. Furthermore, guidance on new development in National Landscapes provided in the Planning Practice Guidance advises that 'all development in National Parks, the Broads and Areas of Outstanding Natural Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality'. (Paragraph: 041 Reference ID: 8-041-20190721).

- 5.10.17 Harm would be exacerbated by the proposed wire mesh perimeter fencing proposed between the site and adjacent retained car park. Despite much being made of additional landscape enhancements within the LVIA, only minimal additional landscaping is incorporated (4 trees around the perimeter of the site and a small amount of garden space).
- 5.10.18 Taking the above into account we strongly disagree with the LVIA that the proposal would result in a moderate beneficial effect and do not consider the proposal would either conserve or enhance the natural beauty of the Kent Downs National Landscape. Should the principle of residential development being considered acceptable by the local authority in this location, we consider that in view of the site's location within a nationally protected landscape, a much higher quality of design that appropriately responds to the site's location within the Kent Downs should be sought.

5.11 Kent Police: Provide guidance on crime prevention on-site.

5.12 Private Reps: 3 representations received raising the following concerns:

- Whilst there is a requirement of temporary accommodation within the Borough, as has clearly been explained during the presentation at Bridgewood Hotel on 6th November 25. The Module design of accommodation offers an expedited solution to enable the Borough to meet its temporary housing obligations. Additionally there are a number of positive design factors that the module concept offers. However, what is not so clear is actually accommodation being considered for the Blue Bell Hill (BBH) project.
- The initial public announcement stated 1 through 4 bed accommodation block. At the public meeting it was suggested that a 3 story elevation in single block, containing 1, 2 and 3 bedroom units, in total 14 units. The submitted planning application states 3 story block containing 12, 2 bedroom dwellings. The understanding was that the BBH project is for families occupation of various sizes. The 2 bedroom units as the planning application states, does this actually provide flexibility that the Borough requires?

- Within the planning application information phase 1 is mentioned a number of times, does this mean that further expansion of the BBH site is being considered?
- It was noted and agreed at the Bridgewood Hotel presentation the majority of current National and Local Government councils / Unitary Authorities temporary accommodation projects are located within urban areas, close to centre of town. Display photos provided evidence this is the situation, NOT on boundary of a small village such as BBH, with few amenities, which is situated inside of a busy intersection of Kent's road network. Can the risk assessment for the choice of BBH site be made public?
- The understanding is that current laws restrict occupancy by non Borough residences within temporary accommodation, is this still applicable or can National Government run rough-shod over Local Government laws and enforce non Borough Occupancy?
- As the development stands with only the minimum car parking provision this will cause additional parking problems on Lord Lees Grove and overflow parking in Blue Bell Hill Village. I have made a proposal to Stuart Edwards to allow the reinstatement of a small Public Car Park limited to 40 spaces adjacent to the proposed development be considered which will alleviate this problem and benefit all stakeholders in the vicinity. I ask that this proposal be shared with Blue Bell Hill Parish Council as part of the Planning application consultation.
- This seems an appalling location to house homeless people even if only temporarily. After attending the meeting at the Bridgewood Hotel it was explained that these units would be used for people who have hit hard times and find themselves unable to carry on paying for rented accommodation for whatever reason. On reading the documents on the planning permission I suggest someone actually goes and carries out a proper survey of the immediate area . There is only a school bus that stops in the village at Keefe Close one in the morning and one in the afternoon. On the bus shelter you mention it actually states no bus service from here. The only public transport is the 101 at Asda a good twenty minutes walk or half way down Blue Bell Hill 25 minutes walk. The dentist opposite is a BUPA dentist I am sure homeless people will find the cost prohibitive because I certainly do. Nurseries and Tunbury School are mentioned but no secondary schools. The traffic noise levels in that area is horrendous and the air quality very poor due to constant traffic which of course will increase and why we are being told they must be extended.
- To suddenly find themselves stuck on the edge of a major roundabout and roads which we are told by Kent Road Planning are to be extended due to the planned Lower Thames Crossing and becoming a major road route from M25 to Dover and the Channel Tunnel by increasing the roundabout and roads. I am sure this will further damage their health and mental health.

- What is anyone housed in the units supposed to do, there is no facilities in the area, we all need cars here and have to travel a distance for anything we need. Is this a suitable site for homeless surely they need to be close to a town with public transport and be able to get to work shops leisure facilities and opportunities to improve their wellbeing.
- At the Bridgewood meeting we were told it is the only land TMBC own round here I do not think that is an acceptable answer. I find it hard to believe that our money has been wasted on this incorrect pre work. It seems waiting for TMBC to give planning permission to TMBC just because money from the Government was on the table.

## **6. Determining Issues:**

### Policy and Other Considerations

#### **6.1 The following policies and other material considerations are relevant to the proposal:**

National Planning Policy Framework (NPPF) 2024 (December).

National Planning Practice Guidance (NPPG)

Tonbridge and Malling Borough Core Strategy 2007 (TMBCS):

Policy CP1 Sustainable Development

Policy CP2 Sustainable Transport

Policy CP7 Areas of Outstanding Natural Beauty

Policy CP14 Development in the Countryside

Policy CP24 Achieving a High Quality Environment

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

Managing Development and the Environment Development Plan Document 2010 (MDE DPD):

Policy NE2 Habitat Networks

Policy NE3 Impact of Development on Biodiversity

Policy NE4 Trees, Hedgerows and Woodland

Policy SQ1 Landscape and Townscape Protection and Enhancement

Policy SQ5 Water Supply and Quality

Policy SQ6 Noise

Policy SQ8 Road Safety

TMBC Biodiversity Net Gain (BNG) Interim policy position statement

Kent Design SPD (Kent Design Guide)

KCC'S Parking Standards

TMBC Climate Change Strategy 2020 to 2030

Kent Downs AONB Management Plan

### Emerging Local Plan

On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council's cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025.

The emerging Local Plan sets out how the Council will meet the government's objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.

It should be noted that this Regulation 18 Local Plan carries no weight in the assessment of the application, but the evidence base may be material.

### Principle of Development:

- 6.2 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN) with its most recent published position at 2.89 years. On 12 December 2024 the Government published an updated iteration of the NPPF, and the Minister of State for Housing and Planning, Matthew Pennycook MP, made a Written Ministerial Statement ("WMS"), 'Building the Homes We Need'. The WMS confirmed the Government's "ambitious goal of delivering 1.5 million new homes this Parliament" and outlined a series of measures to reflect the Government's "commitment not to duck the hard choices that must be confronted in order to tackle the housing crisis". The latest iteration of the NPPF retains the presumption in favour of sustainable development, as revised.
- 6.3 In the absence of a five-year supply of housing, the presumption in favour of sustainable development contained in paragraph 11 of the NPPF (2024) applies – including what is often called the "tilted balance", For decision taking this means:

*“c) approving development proposals that accord with an up-to-date development plan without delay; or*

*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.”*

- 6.4 In undertaking this exercise, the adopted development plan must remain the starting point for the determination of any planning application (as statutorily required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is 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 development.
- 6.5 In terms of the principles of the development in relation to the adopted development plan, policy CP14 is the most important to the determination of this application, due to its specific locational characteristics outside the built confines and within the countryside. However, as the development relates to the provision of housing, this policy is considered to hold significantly diminished weight and to be out of date, pursuant to footnote 8 of the NPPF because the LPA cannot demonstrate a 5-year supply of housing land.
- 6.6 With regards to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. This includes areas designated as a National Landscape. It is therefore necessary to consider the development proposals against these restrictive policies before going onto the remainder of the considerations.

National landscape:

- 6.7 Policy CP7 of the TMBCS states:

*“Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:*

*(a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; or*

*(b) any other development that is essential to meet local social or economic needs.*

*Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.”*

6.8 Paragraph 189 of the NPPF states that:

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

6.9 Section 85 of the Countryside and Rights of Way Act 2000, as amended by the Levelling Up and Regeneration Act sets-out that:

*“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*

6.10 The following principles from the Kent Downs AONB Management Plan are considered to be of particular relevance to the application:

*“MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.”*

*“SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.”*

*“SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.”*

*“SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.”*

*“SD9 The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.”*

- 6.11 The proposed development involves the construction of a single three storey building containing 12 no. 2-bedroom units to be used as temporary housing accommodation on the southernmost part of the former long stay park. The development includes the provision of 14 no. parking spaces, including 2 no. accessible parking spaces, together with 24 no. secure cycle parking spaces in a standalone cycle store. A communal external amenity area of approximately 200 sqm will be provided, alongside small private terraces serving the ground floor.
- 6.12 Although the site is within the Kent Downs National Landscape, the proposed works are confined to an existing zone of hardstanding and do not extend into undeveloped countryside. The modest scale of development, its compact footprint, and its containment by woodland and infrastructure strongly indicate that the scheme does not constitute “major development” for the purposes of part A of Policy CP7. The development proposed does meet the requirements of part B of Policy CP7 in that development proposed delivers essential accommodation to meet statutory duties, whilst also utilising brownfield land, avoiding more sensitive sites.
- 6.13 The building is to be 3 storey, approximately 10m in height and 30m in length, with a shallow pitched roof finished in metal standing seam in dark grey. The elevations would be finished in a mix of light and dark grey boarding and brick cladding. The south elevation features balconies with glazed screens with the north elevation having a central stairway for accessing the upper floors.
- 6.14 The development, being sited within the Kent Downs National Landscape, has been objected to by the Kent Downs National Landscape Partnership on the grounds that the design of the building, with its bulk, proposed colour palette and horizontal emphasis fail to be complementary to the local rural character as required by local and national policy. The design issue, in their opinion, is exacerbated by the lack of landscaping and the use of wire mesh fencing to separate the development from the car park.
- 6.15 Whilst these concerns are noted I do not agree with the conclusion. The site does not have a rural character, being as it is between two major roads and isolated from the majority of the National Landscape area. The site is previously developed land and is adjacent to the modern dental practice building from which a number of architectural design elements have been used on the proposed development. The

application is supported by a detailed Landscape and Visual Impact Assessment (LVIA) that supports the fact that the development would not be widely visible through the National Landscape and that the proposed additional landscaping in the form of four additional boundary trees would assist in the wider screening.

- 6.16 Overall, subject to the additional planting being undertaken, the proposed development would not fail to conserve and enhance the landscape and scenic and natural beauty of the North Downs National Landscape, complying with Policy CP7, paragraph 189 of the NPPF, Section 85 of the Countryside and Rights of Way Act 2000 and the Kent Downs AONB Management Plan.
- 6.17 In conclusion, it is considered that the NPPF tests regarding harm are therefore met, with the development not conflicting with NPPF policies in relation to areas and assets of importance (paragraph 11 (d) (i)). As such the presumption in favour of sustainable development set out at paragraph 11 (d) (ii) re-emerges and needs to be applied. The remainder of the assessment must therefore be undertaken within the context of the tilted planning balance, with planning permission being 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. It is on this basis that the remainder of the analysis, and the conclusions drawn, follow.

#### Locational characteristics and associated impacts

- 6.18 Paragraph 84 of the NPPF states that “planning policies and decisions should avoid the development of isolated homes in the countryside”.
- 6.19 The site is located within the countryside but adjoins the existing confines of Bluebell Hill and Walderslade. Thus, it is considered that the development would not represent isolated homes in the countryside.

#### Design and Visual Amenities:

- 6.20 Policies CP24 of the TMBCS and SQ1 of the MDE DPD are the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.21 These policies within the LDF are broadly in conformity with those contained within the NPPF. In particular, paragraph 135 of the NPPF which sets-out that planning decisions should ensure that developments:

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



- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

6.22 Paragraph 139 of the NPPF goes on to explain that:

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

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

6.23 Overall, given the assessment and conclusions in relation to the impact upon the North Downs National Landscape, it is considered that the design is appropriate for the character of the area. The building has similar design features to the adjacent dental practice and would not detract from the street scene or create any unacceptable impact on the character and appearance of the area. As such, the development accords with policies CP24 and SQ1 and paragraphs 135 and 139 of the NPPF.

#### Residential Amenity

6.24 Policy CP1 of the TMBCS sets-out that the need for development will be balanced against the need to protect and enhance the natural and built environment. In selecting locations for development and determining planning applications, the

quality of a range of matters, including residential amenity, will be preserved and, wherever possible, enhanced.

- 6.25 Policy CP24 of the TMBCS requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted. Paragraph 135 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.26 The site is not in close proximity to residential properties as the nearest existing dwellings are on Maidstone Road to the south of the A229 or on Hallsfield Road to the north of the M2. The development would therefore not impact on the residential amenity of existing dwellings. With regard to the amenity of the proposed units, these would be in their own landscaped setting, with shared private amenity space, and appropriate parking, cycle and refuse storage. Given the specific nature of the accommodation as short term temporary housing it is appropriate to have an on-site office to assist the residents and enable on-site management. It is acknowledged that the site is not within an existing settlement but there are facilities in the surrounding area, including an Asda supermarket and bus services to the north and links to the local pedestrian and cycle network. On this basis it is considered that the development is appropriate for the location and complies with policy CP1 and CP24, alongside the NPPF.

#### Highways and Parking

- 6.27 Policy SQ8 of the MDE DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

- 6.28 Paragraphs 115 and 116 of the NPPF explain that:

*“115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

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

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

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code<sup>48</sup>; and*

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

*“116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

- 6.29 Paragraph 117 then states within this context, applications for development should give priority first to pedestrian and cycle movements and secondly facilitate access to high quality public transport; address the needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive.
- 6.30 Access to the site is to be from the existing car park access. Fourteen parking spaces, including two disabled spaces are provided to serve the 12 units and the office. The development also includes a secure cycle store with space for 24 bicycles. Given the use of the site the level of provision is considered to be acceptable.
- 6.31 The site is accessed from Lord Lees Grove off the A229. The access is the existing point that served the car park and is considered appropriate for the level of traffic to be generated by the development. No objections are raised by either Kent Highways Services or National Highways.
- 6.32 The proposal as a whole would therefore be in accordance with Policy SQ8 and paragraphs 115 and 116 of the NPPF.

#### Ecology and trees

- 6.33 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.34 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.
- 6.35 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.
- 6.36 These policies broadly accord with the policies of the NPPF. In particular, paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures. Biodiversity maintenance and enhancement is also reiterated under section 40 of the NERC Act 2006 and paragraphs 193 of the NPPF.

- 6.37 The application is supported by a preliminary ecology appraisal that confirms the site has low ecological value as it is an existing hard-surfaced car park and lacks sensitive habitats. No protected species have been found on the site that would prevent development. The proposal will deliver measurable ecological enhancement through native planting and habitat creation, strengthening woodland edges and improvements to biodiversity connectivity. The proposals fall below the *de minimis* Biodiversity Net Gain (BNG) threshold of 25 Sqm. The site is currently dominated by hard standing associated with the former car park, alongside very small pockets of modified grassland, wasteland vegetation and a number of individual trees. KCC Ecology have confirmed this approach would satisfy this BNG exemption.
- 6.38 Whilst the development is exempt from BNG the proposed landscaping strategy would introduce a range of new and improved habitats including vegetated gardens, native perennial shrub planting, species-rich wildflower areas, native hedging, and the planting of new native trees. This new planting, combined with the retention of all existing trees and grassland patches, in addition to the inclusion of bird and bat boxes would raise the post-development biodiversity value compared with baseline conditions, creating an overall BNG net gain.
- 6.39 The application is supported by an Arboricultural Impact Assessment. No trees are proposed to be removed to facilitate the development and appropriate tree protection measures proposed. The tree protection measures can be controlled with a planning condition.
- 6.40 Overall, it is considered that the proposals accord with all relevant national and local planning policy in relation to ecology and trees including policies NE2, NE3 and NE4 of the MDE DPD and the NPPF.

#### Noise pollution, contamination and foul drainage

- 6.41 Policy SQ5 of the MDE DPD requires that all development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.
- 6.42 Policy SQ6 of the MDE DPD details that in considering the impact of noise from transport-related sources on proposal for new residential development, the Noise Exposure categories (NECs) identified in the policy annex will be applied. It also explains that proposals for noise-sensitive development will be required to demonstrate that noise levels are appropriate for the proposed use, and proposals for built development should incorporate design measures such that internal noise levels are demonstrated to meet the criteria levels in relevant guidance.

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

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

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

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

*“a) a site is suitable for its proposed use taking account of 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.”*

6.45 In relation to noise pollution, paragraph 198 of the NPPF states:

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

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

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

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

6.46 The site historically was used as a long-stay car park. The application is supported by a land contamination assessment that has shown potential areas of contamination

that will require remediation. On this basis a series of planning conditions relating to contamination are necessary.

- 6.47 In relation to noise, a full noise assessment has been made of the site. The submission indicates that the primary noise source in the area is the M2 and that appropriate external noise levels for the shared outdoor space can be achieved without the need for acoustic fencing. The units themselves can be fully mitigated against the effect of noise by the use of double glazing and acoustic trickle ventilation and where necessary assisted with mechanical ventilation. Subject to works being undertaken in accordance with the recommendations of the submitted noise report there are no objections to the development raised by Environmental Protection.
- 6.48 The development proposes to deal with foul drainage by a connection to the existing mains sewer. Surface water drainage is to be dealt with using a sustainable urban drainage system. The principle of such a system is set out in the submitted flood risk assessment with full details to be secured by condition.
- 6.49 Overall, with these conditions attached, the development would adhere to policies SQ5 and SQ6 and the NPPF.

Archaeology:

- 6.50 Paragraph 207 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.51 In terms of archaeology, the proximity of the site is sensitive to an area of Neolithic activity (in the wider landscape), and, at closer distance, Iron Age and Romano-British agricultural activity. Thus, the potential interest of settlement and burial activity is potentially significant in terms of archaeological remains, especially associated roadside Romano-British cemeteries. The proposed development would involve some minor landscaping and foundation work, with 1.5m strip foundations proposed for the modular buildings. It is therefore considered appropriate to attach a watching brief condition to cover any potential archaeological remains.

Developer contributions

- 6.52 The development proposes the construction of 12 two-bedroom units to be used as temporary accommodation. As the application is not proposing permanent residential accommodation KCC does not seek its regular contributions towards education, community services and adult social care. Similarly, given the proposed use of the development it is not appropriate to seek open space or NHS contributions.

Public Sector Equality Duty – Equality Act 2010: Equality Impact

6.53 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

6.54 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.

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

6.56 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.

6.57 I 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.

6.58 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.

Other issues raised by public comments:

6.59 Concerns have been raised regarding the fact that the development appears to be the first phase of a wider development of the redundant car park. Whilst it is not

possible to say what future use the remainder of the site would be put to Members are reminded that they are only considering the application before them and that any future proposals for the remainder of the site would require their own separate planning permission.

- 6.60 The concerns regarding the location in relation to services are noted, however as stated the distances are considered appropriate. The site is readily available for development and would fulfil a much-required need in the north of the borough for this type of accommodation where there are few other appropriate Council owned sites that could accommodate such development.
- 6.61 All other issues raised by public comments are considered to be addressed either in the main body of the officer report, or dealt with by planning conditions and informatives.

### Conclusion

- 6.62 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. For the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole. The development would deliver 12 high-quality units of accommodation on previously developed land, directly intended to address Tonbridge & Malling Borough Council's statutory duties under the Housing Act 1996 and Homelessness Reduction Act 2017. The Council has a severe and growing shortage of suitable temporary accommodation, with demand consistently exceeding in-borough supply. The application therefore responds to an urgent social need, delivering clear and substantial public benefits that carry significant weight in the planning balance. It is therefore recommended that planning permission be granted subject to various planning conditions and informatives to ensure that the development comes forward in an acceptable, high-quality fashion.

## **7. Recommendation:**

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

### **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 Z65-ZPL-AR-ST-DP-A-00010; Proposed Site Plan Z65-ZPL-AR-ST-DP-A-00030 P02; Block Plan Ground Floor Z65-ZPL-AR-00-DP-A-10000 P02; Block Plan First Floor Z65-ZPL-AR-01-DP-A-10100 P02; Block Plan Second Floor Z65-ZPL-AR-02-DP-A-10200 P02; Roof Plan/PV Plan Z65-ZPL-AR-03-DP-A-10300 P02; Proposed Site Elevations Z65-ZPL-AR-ZZ-DE-A-06100 P02; Proposed Landscaping Strategy Z65-ZPL-AR-ST-DP-A-04500 P02; Proposed Boundary Treatment Strategy Z65-ZPL-AR-ST-DP-A-05300 P02; Proposed External Lighting Strategy Z65-ZPL-AR-ST-DP-A-05400 P02; Proposed Site Sections Z65-ZPL-AR-ZZ-DS-A-07100 P02; Proposed Unit Plans Z65-ZPL-AR-ZZ-DP-A-01300 P02; Design & Access Statement Z65-ZPL-A1-XX-PP-A-0002 P02; Archaeology Desk Based Assessment DA BBH 25 Version 03; Air Quality Technical Note Version 1.1; Landscape and Visual Impact Assessment November 2025 Rev A; Landscape Strategy, Implementation and Management Plan November 2025 Rev A; Landscape Planting Plan 46.001 Rev C; Sustainability Report 23170 Rev B; Preliminary Ecological Appraisal 14358 V1; Biodiversity Net Gain Exemption Letter V1 Dated 14 November; Arboricultural Impact Assessment 14358 V3; Noise Assessment 13754E (NV) V1; Flood Risk Assessment 10778 Issue 2; Transport Statement 08953-R-02-B; Travel Plan 08953-R-03-B; Phase I Geo-Environmental 6935 25 10 22 Rpt 01 Rev B RC ZP.

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 and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

- 3 The development hereby approved shall only be used as temporary residential accommodation with occupation of each individual unit limited to a maximum of 6 months by any particular occupant in any one calendar year, and for no other purpose within Class C3 of Part C of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

Reason: Any change to permanent residential occupation may result in the requirement for appropriate developer contributions to be sought.

- 4 All materials used externally shall accord with the approved plans

Reason: In the interests of visual amenity.

- 5 The scheme of hard and soft landscaping and boundary treatment shown on the approved plans referenced Z65-ZPL-AR-ST-DP-A-04500 P02 and Z65-ZPL-AR-ST-DP-A-05300 P02 shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

- 6 The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

- 7 a) The units hereby permitted shall not be occupied until the area shown on the submitted Proposed Site Plan Z65-ZPL-AR-ST-DP-A-00030 P02 as vehicle parking spaces and turning area to serve the proposed development have been provided, surfaced and drained.

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

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

- 8 Prior to the first occupation of the development hereby approved, the secure cycle storage as shown on the approved drawings shall be provided and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with the Council's adopted standards

- 9 Prior to the first occupation of the development hereby approved, the refuse storage area shown on the approved drawings shall be provided and retained at all times thereafter.

Reason: To facilitate the collection of refuse

- 10 The development shall be carried out in accordance with the recommendations contained within the Noise Impact Assessment 13754E (NV) V1.

Reason: To ensure that the development is not adversely affected by road traffic noise and is carried out in accordance with the plans and documents hereby approved.

- 11 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

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

- 12 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

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

- 13 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 Flood Risk Assessment & Drainage Strategy dated November 2025 and prepared by Cole Easdon.

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

The detailed drainage scheme will also be required to demonstrate that any existing surface water flow paths 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.

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

installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 15 No development, other than the removal of hardstanding, ground investigations or site survey works, shall take place until arrangements for the management of any and all demolition and/or construction works have been submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;

Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;

The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

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

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

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

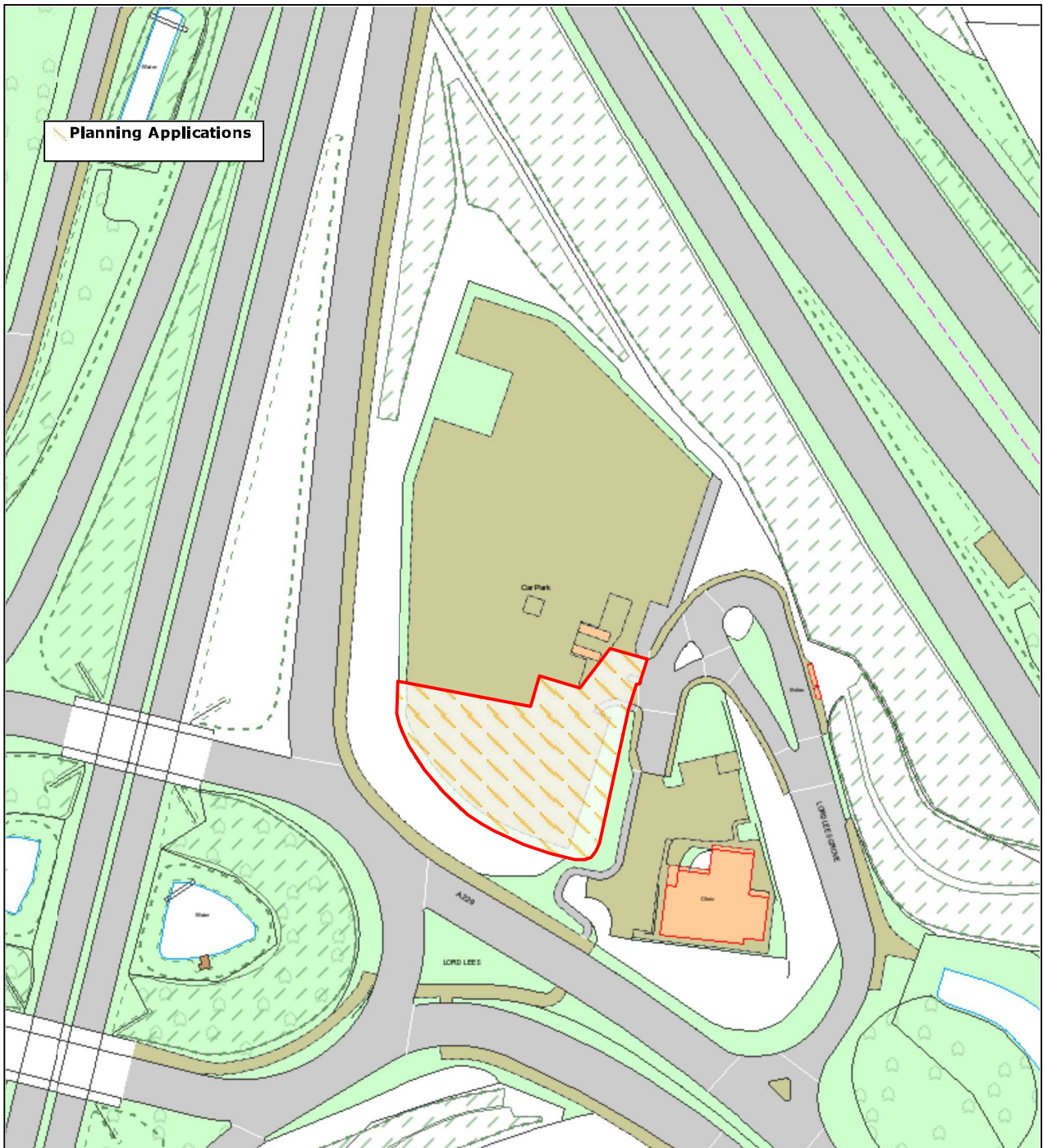
- 16 If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature for approval and works subsequently undertaken shall be in strict accordance with the approved brief.

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

**Informatives:**

- 1 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 2 The use of bonfires on the site could lead to justified complaints from residents and the disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommend that bonfires not be had at the site.
- 3 Your attention is drawn to the comments available online by Kent police Designing Out Crime Officers in relation to crime prevention on the site.

Contact: Robin Gilbert



**Planning Applications 25/01938/PA**

**Scale: 1:1250**



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