

HILDENBOROUGH PARISH COUNCIL

Pavilion and Recreation Ground, Riding Lane, Hildenborough TN11 9HY

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Application: TM/24/00733/PA: Riding Farm, Riding Lane, Hildenborough, Tonbridge, Kent, TN11 9AN

Hildenborough Parish Council wish to **OBJECT** to the proposed planning application.

Summary of Points

For ease, The Parish Council Summarise their points below. Detailed reasoning follows.

- **Metropolitan Green Belt and National Planning Policy**– The application is neither sympathetic nor appropriate development in the Metropolitan Green Belt. Also, It is not compliant with National or local planning policy.
- **Volume and Density of Development** – Proposing 8 properties in this relatively small plot of a previous barn, sitting very close to neighbouring properties, feels overly ambitious and leads to various other negative impacts to the surrounding properties such as overlooking on their privacy, visual harm, noise and light pollution
- **Access and Highways** - There is concern surrounding site access, lack of public transport and safety concerns due to poor access to the public highway. Riding Lane is rural, has no footpaths and is dark at night. The single site entrance, currently also used by a busy riding school which is expanding, will put pressure on traffic and potentially cause queues in and out, danger to pedestrians and other road users.
- **Environmental Impact**
 - **Flooding and Water Management** – Surrounding properties already experience surface water flooding due to the impermeability of clay soil, additional hardstanding development would increase this risk. This will be further exacerbated by the proposed tree clearance on the site.
 - **Ecology, Biodiversity and Wildlife** - The development would result in a net biodiversity loss with little consideration for the existing environmental situation, particularly the suggestion that there is little impact to bats despite being in such an optimal location, along with Greater Crested Newts for which there does not appear to have been a survey.
- **Utilities and Waste Removal** – There has been no planning consideration within the application for sufficient, efficient or sustainable utilities provision and plans made for waste removal are deemed unsustainable.
- **Conditions and S106 Monies** – If, regrettably, the planning officer is minded to approve the application The Parish Council would suggest several conditions, listed at the end of the detailed comments.

In summary, this is an over development in a rural lane and out of keeping with the setting, sitting very close to local residents' properties and an ever growing riding school facility and sitting in Metropolitan Green Belt. It is not appropriate development within the NPPF and does not justify any exemptions and will have a negative impact on the local residents and road users, setting a precedent.

Evidenced Full Comment

Metropolitan Green Belt

The Parish Council refer to Tonbridge and Malling Borough Council's Local Development Framework: Core Strategy. Policy CP3 defines the application of the Metropolitan Green Belt within the borough. The proposed development should therefore be considered as lying within the Metropolitan Green Belt.

The National Planning Policy Framework defines the purpose of the Metropolitan Green Belt and puts forward various exceptions to development and new building within it. We refer directly to paragraph 145 of the National Planning Policy Framework, sections a-g. The Parish Council feel that the proposed development does not meet any of the exceptions listed. It may be argued that this development meets the exception of 'limited infilling within a village'. The Parish Council counter this assertion because the proposal would have a direct impact on the openness to the Metropolitan Green Belt. The Parish Council particularly note that there is no current development of this density to the north, south or west of the proposed development. The Parish Council argue that this proposal would not meet the aforementioned exception as we observe no development of similar size or density flanking the proposed site. In fact the density of this development is particularly harmful.

The Parish Council also bring Tonbridge and Malling Borough Council's Local Development Framework: Core Strategy Policy CP14 sections a-l to the attention of the planning officer. The proposed development does not meet any of the exceptions listed in this policy. The Parish Council note that Policy CP19 may be argued in order to meet exception listed as (g).

The Parish Council therefore consider the Policy CP19 of the Tonbridge and Malling Borough Council's Local Development Framework: Core Strategy. The policy states "Such development will only be proposed or permitted where **all** of the following requirements are met". The Parish Council will therefore work through each requirement below.

Requirement (a) states "the Council is satisfied that there is a genuine local need for affordable housing within the Parish or, where appropriate, in adjacent Parishes as defined by the categories of need set out below and verified by means of a comprehensive local appraisal;". The Parish Council understand that there is a need for affordable housing both within the Parish and the surround locality. However, in paragraph 6.3.23 Tonbridge and Malling Borough Council's Local Development Framework: Core Strategy it requires development to provide 35% affordable housing (in total) and this proposal does not meet that requirement, with no affordable housing provision.

Requirement (b) states "the identified local need arises within an area remote from any major urban area and cannot be met by any other means". The Parish Council feel that "met by any means" is the key in rebutting any claim that this requirement is met. The Parish Council consider the previous draft Local Plan of Tonbridge and Malling Borough Council and note that this site was not identified as a suitable site for

development, there were however other sites within the village and locality that were identified as suitable. This suggests that other means are available in meeting the local housing need.

Requirement (c) states “the proposal is of a size and type suitable to meet the identified local need and will be available at an appropriate affordable cost commensurate with the results of the appraisal;”. As previously mentioned, the Parish Council does not feel that the size and type of this proposal meets this requirement. The density and volume of proposed development and the negative impact this would have on the locality far outweigh the benefits this proposal would bring with regards to housing needs.

Requirement (d) states “the proposed site is considered suitable for such purposes by virtue of its relationship in scale and siting to an existing village and its services, its proximity to public transport, and the absence of overriding countryside, conservation, environmental, or highway impact;”. As we have previously mentioned the Parish Council don’t believe that the site is sat in a suitable location in respect to its proximity to similar density development and its extensive scale.

Requirement (e) states “the initial and subsequent occupancy is controlled through planning conditions and agreements as appropriate to ensure that the accommodation remains available in perpetuity to meet the purposes for which it was permitted”. Of course this is yet to be seen as we await the decision of the planning officer.

The Parish Council therefore believe that the proposal does not meet all the requirements in Policy CP19 and therefore does not meet the restrictions listed in CP14 and is thus inappropriate development.

The Parish Council also refer to the Planning Practice Guidance paragraph 001 reference ID: 64-001-20190722 which calls into account both the spatial impact as well as the degree of activity generation of a proposed development when deciding on an application. The Parish Council feel that the volume and density of the proposed development will have a huge impact on the spatial and visual impact within the locality.

The Parish Council also refer to the National Planning Policy Framework Paragraph 146 sections a-f. The proposed development would not fall within any of these descriptions listed.

It’s important to note that the planning policy guidance describes ways in which development on the Metropolitan Green Belt can be offset by compensatory improvements (PPG Paragraph 002 ID64-002-20190722, 22/07/2019). In this case we can see little improvements that would contribute any offset to the community as a whole.

The proposed development will have a direct impact on the openness of the Metropolitan Green Belt. It does not meet any of the exceptions of restrictions listed in the National Planning Policy Framework or the Tonbridge and Malling Borough Council’s Core Policy and therefore should be considered as harmful to the Metropolitan Green Belt and be defined as inappropriate development and thus should be refused by the planning officer.

Again it is very clear that Policy SQ3 of Tonbridge and Malling’s Managing Development and The Environment clearly states “Development will not be permitted where it would harm the overall character, integrity or setting of the Historic Parks and Gardens identified on the Proposals Map and listed in Annex SQ3, or which might prejudice their future restoration.”. It is clearly evident that development of this density would harm the character of Riding lane and its existing agricultural land.

Volume and Density of Development

For a site of this size, in the very rural location. It is clear that the addition of 8 two storey residential properties would be far too densely packed. Not only the mass of the properties but the additional impact of the associated vehicles would be far too dense for the small site, in fact it would provide an urban type development to this rural setting.

Despite the move away from 2 terraces of 4 dwellings to a more spaced out configuration in order to reduce visual impact, it is clear to the Parish Council that although a reduction in height has been proposed, a reduction in property density has not. This would still have a detrimental impact on the openness of the Metropolitan Green Belt and should therefore be considered inappropriate development.

Access and Highways

The existing access to the site would not be suitable for the proposed residential properties in addition to existing and expanding equestrian school and stables. We note that the access will be upgraded but this still would be unsuitable for a horse box and a car to pass, this could in fact lead to reversing directly onto the highway on Riding Lane and increase the risk for accident.

Access for emergency services is also very limited. Although the Design and access documents indicate there is sufficient space for the turning of a fire engine, there is very minimal latitude for this manoeuvre, as such the Parish Council would be very concerned about emergency service access. Likewise, any future access for TMBC waste removal would be impossible.

Access by public transport is very limited and access via footway or cycleway non-existent.

Environmental Impact

Flooding and Water Management

The Parish Council note that the site is located within Flood Zone 1 of the Environment Agency Flood Risk Mapping. The site sits upon the Weald Clay Formation which is notorious for surface water flooding due to its impermeability. We also note that the client is unaware of any recent or historic flood events. In fact, there has been flooding at neighbouring properties due to surface water. Namely at Alexander House where 24 hour pumping is carried out to avoid flooding. Additional hardstanding would of course worsen this problem and increase the risk of surface water flooding both on the site and to neighbouring properties.

Ecology, Biodiversity and Wildlife

The Parish Council is particularly concerned by the lack a dedicated bat surveys. The Parish Council would expect this kind of site to be brimming with bats, roosting in the old barn. The rural area is noted for bat and owl populations (due to prime hunting in nearby fields).

There is also a lack of indication of tree removal or any direct arboriculture impact. The Parish Council would expect a tree survey to be undertaken and would suggest this be considered before any decision is made.

There is no mention of a survey which includes Greater Crested Newts which undoubtedly exist in the vicinity, if not the actual site. A survey would be preferable to rule in or out the existence of such protected species.

Utilities and Waste Removal

There seems to be an entire absence of plan or provision for utilities for the residential area. Additionally, no clear provision has been made for the removal of foul water. No indication has been made whether foul water and sewage will be removed via the existing public infrastructure or via a cesspit. It's particularly concerning at this stage not to have these provisions as part of the proposal.

We also note the peculiar household waste removal suggestion, that a private company would be responsible to remove waste. We note that this provision is provided by the existing Equestrian School. However, looking to the future, if this provision were withdrawn by the school, the residents of the dwellings would have no means of waste removal. As previously stated, it's impossible to manoeuvre a waste removal vehicle into the proposed development and there is no suitable place for bin storage where this would be accessible to the waste removal operatives. We note the Waste Services Comments (see consultee comments) who also seem perplexed by this strange and unsustainable provision.

Conditions and S106 Monies

If the planning officer is minded to approve the application, although we feel this would be an implausible outcome considering the clear and overwhelming evidence previously mentioned in this document, we feel there should be a number of conditions placed upon the development. These we list below;

- No above ground works shall take place in respect of any of the dwellings until details of the finished floor, eaves and ridge levels for that particular dwelling in relation to the existing and proposed ground levels adjacent to it have first been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details.
- None of the dwellings shall be first occupied until a scheme to incorporate electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority, in accordance with the approved phasing plan. The works shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within that phase and the points and retained at all times thereafter.
- No development other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until the following have been submitted to and approved by the Local Planning Authority: (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site; (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken. If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

- No development other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced 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).
- No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and maintained and retained at all times thereafter
- No development other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until details of the proposed means of foul sewerage have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
- No development other than ground investigations or site survey works, shall be commenced until arrangements for the management of any and all demolition and/or construction works shall be 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:
 1. 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;
 2. 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;
 3. Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
 4. 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.
 5. The controls on noise and dust arising from the site with reference to current guidance.
 6. Measures and facilities to be put in place for wheel washing throughout the construction phase
- Prior to the first occupation of any of the houses within the development, a water safety assessment should be undertaken in regard to the water features on the site and submitted to the

Local Planning Authority for approval. The details with the report shall then be implemented in accordance with the approved scheme and shall thereafter be retained at all times.

- Full detailed information of all flues, air conditioning units and mechanical ventilation that may be required, including dimensions, colour and material, detailed elevations at a scale of 1:50 showing the location of all flues or mechanical installations and method statement of installation shall be submitted to and approved in writing by Local Planning Authority prior to their installation. The works shall then be implemented in accordance with these details with regard to the listed building proposals.
- None of the buildings shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, overhead lines and satellite antennae and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that order), no distribution pole, overhead line or satellite antenna shall be erected within the area except with the express written consent of 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.
- No above ground works shall take place until details of all 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.
- The development shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces has been provided, surfaced and drained. Thereafter it 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 (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.
- The use shall not be commenced, nor the premises occupied until full details of a scheme for the storage of cycles has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter
- Prior to the first occupation of the development, a scheme for any ventilation system to serve the kitchen and any air conditioning units, ducts, fans or similar apparatus to serve the development as a whole, including their location on the building, appearance and technical specifications shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully installed before first occupation of the building and shall thereafter be maintained in strict accordance with the approved details.

- Prior to any demolition, renovation or material building changes an A13 Bat Mitigation License should be sought by the developer and proof of the license should be provided to the Local Planning Authority
- Prior to any development taking place a Arboricultural Mitigation Report should be submitted to the Local Planning Authority, this report should include all of the mitigation suggestions listed in the applicants Arboricultural Report, pages 30 through to 39. Regular Inspections should take place with a final inspection at the completion of the development.
- Prior to any development taking place the product selection and materials used including enhanced doubling glazing, glazing with a sound reduction of no less than 34 dB R_w with ventilation products sufficient to provide adequate ventilation, as suggested in the applicant Acoustic Assessment Section 6.0, should be submitted to the Local Planning Authority for approval

The Parish Council also note how disappointing the Managing Development and the Environment Development Plan Document is with regard to the provision of S106 monies for Hildenborough. The Parish feel is totally inappropriate that a development that would have such a negative impact on Hildenborough would provide S106 provision for area outside of the Parish. There is a great need for open spaces improvements to be undertaken in Hildenborough (as per the Parish Councils Infrastructure Improvement plan) and such a meagre provision would be provided to the green spaces of Hildenborough. We would urge both the planning officer and the S106 officer to take another look if the planning officer would be minded to approve this application.

Conclusion

In conclusion, this is an over development in a rural lane and out of keeping with the setting, sitting very close to local residents' properties and an ever growing riding school facility and sitting in Metropolitan Green Belt. It is not appropriate development within the NPPF and does not justify any exemptions and will have a negative impact on the local residents and road users.

Thus, considering all these detrimental impacts that the proposal, particularly the existing residents of Riding Lane, the Parish Council **OBJECTS** to the proposal and urges the planning officer to act in the same manner.