

**Borough Green**  
Borough Green And  
Long Mill

**560249 156612 7 June 2011**

**TM/11/01191/FL**

Proposal:                      Erection of 171 dwellings, creation of 6.82 ha of public open space including local area of equipped play (leap), new vehicular access onto Haul Road. Provision of access roads, footpaths, landscaping and all associated infrastructure, removal of bridge deck to Isles Quarry East

Location:                     Isles Quarry Quarry Hill Road Borough Green Sevenoaks Kent

Applicant:                    Crest Nicholson Eastern

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## **1. Description:**

- 1.1 Members will recall that this application was reported to the meeting of Area 2 Planning Committee on 23 May 2012 for the purpose of seeking approval to hold a Site Inspection to allow Members to view the site prior to the application being reported back, to the Area 2 Committee for consideration of a detailed assessment. The Members Site Inspection took place on 26 June 2012.
- 1.2 The proposal seeks planning permission for the erection of 171 dwellings on the former quarry site, the creation of 6.82ha of public open space, including a LEAP (Local Equipped Area for Play), new vehicular access onto the Haul Road, the provision of access roads, footpaths, landscaping and all associated infrastructure. The Haul Road links the Quarry Hill roundabout and the Dark Hill roundabout and is currently not an adopted highway. The application proposes to make changes to introduce a footpath to the south of the Haul Road, to allow the Haul Road to be accessed by residents of the proposed development, and to bring it up to an adoptable standard.
- 1.3 Since the time of the Members' Site Inspection the application has been amended to reduce the number of dwellings from 177 to 171, to change the access arrangements so that all of the proposed dwellings are served directly from the Haul Road within one phase, together with a number of detailed design changes. There is no longer reliance upon satisfactory completion of the work to Stangate Quarry to implement the scheme. The higher level platform area to the east of Hornet Business Estate has been amended, involving the lowering of ground levels in this area and the setting back of dwellings from the Hornet Business Estate eastern boundary. The proposal includes an emergency vehicle and pedestrian and cyclist link only to Quarry Hill Road and the creation of a bund. The proposed dwellings will be a mix of 2-3 storeys in height. The proposed Haul Road access will be a "left out only" arrangement to ensure that departing drivers do not use Quarry Hill Road and its junction with the A25/High Street. Access to the A25 at the Dark Hill roundabout via the Haul Road will be the route to be followed.

- 1.4 It is proposed to provide 102 market units and 69 affordable units (40%). Of the 69 affordable units, 15 units would be shared ownership, 36 units would be affordable rent and 18 units would be shared equity.
- 1.5 A total of 40 of the proposed affordable units would be 2 bedroom dwellings/flats, 24 of the units would be 3 bedroom dwellings and 5 of the units would be 4 bedroom dwellings.
- 1.6 KCC and the Environment Agency are likely to require further remediation work to the capping of the former Stangate West Quarry to the south of the application site, as a result of differential waste settlement following infill of the site with domestic waste in the past (there is a right of access to Stangate Quarry through the east of Isles Quarry). This situation has been investigated by the applicant and is factored-in to the overall proposal for this site.
- 1.7 Separately, an application is required to be made to KCC for the re-modelling work on Stangate Quarry, in addition to a permit from the EA. The time-scale for obtaining planning permission and undertaking this work is not known. (It will be dependent upon the applicant being able to obtain sufficient inert material and carrying out the work). FCC Environment, the owners of Stangate Quarry, has estimated that 20,316m<sup>3</sup> of spoil will be required to fill the site, equivalent to 36,568 tonnes.
- 1.8 Given that Stangate Quarry is accessed through the application site, the housing proposals in this application have been remodelled so that there can be a wholly separate access to Stangate Quarry. The latest revisions to the proposal would allow the housing scheme to be implemented in one phase, with no reliance upon works to be completed at Stangate Quarry.
- 1.9 The proposal includes the removal of the existing bridge, which currently connects the site over Thong Lane with Isles Quarry East.
- 1.10 A request for a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) has also been submitted for consideration (TM/11/03202/EASC) and is pending consideration.

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

- 2.1 In light of the scale of the proposal and the complex nature of a number of issues relating to the proposal.

## **3. The Site:**

- 3.1 The site covers an area of approximately 12.35 hectares within the village settlement confines of Borough Green.

- 3.2 The site lies to the north of Stangate Quarry, which has a right of access through the application site. To the north of the site lies Hornet Business Park, with an office and 7 industrial/warehouse units. Hornet Industrial Estate is located on a higher level platform than much of the application site. There is planning permission at Hornet Business Park for the change of use of land for industrial/warehouse use and the erection of a terrace of four industrial warehouse units for use within use classes B1, B2 or B8, with associated access and parking provision (TM/09/01898/FL), dated 29 June 2010.
- 3.3 The land on the western part of the site is designated as a Site of Nature Conservation Interest. This land is included within the application as amenity space for the proposed dwellings to the east.
- 3.4 The site is a former quarry. Previously on the site was a range of commercial activities and development including a skip manufacturing business in the southern part of the site. This company appears to have now ceased operating from this site. Most of the site is now open scrubland. There are some remains of derelict buildings within the site, close to Hornet Industrial Estate.
- 3.5 The site has a lawful use for a General Industrial Use (Class B2), repair and maintenance of HGV's, plant and equipment, parking and storage and other purposes ancillary to general industrial use (TM/94/00207/LDCE).
- 3.6 The site is identified under policy CP18 of the Tonbridge and Malling Borough Core Strategy 2007 as a strategic housing location to meet housing needs in the more remote part of the Borough and is released from the Green Belt. Policy H2 of the Development Land Allocations Development Plan Document (adopted April 2008) (DLA DPD) defines the site and how it is to be developed.
- 3.7 The site of the housing does not cover the whole of the former quarry area. Immediately to the west of the proposed housing area, a landscaped amenity area would be provided in conjunction with the development. To the west and south of this, an SNCI is located (still within the confines of the former quarry site).
- 3.8 Policy CP12 of the TMBCS identifies Borough Green as a Rural Service Centre. The north of the site is located 800m from Borough Green village centre.
- 3.9 The site is accessed by the Haul Road, currently a private road, running from the A25 Dark Hill roundabout to the doctor's surgery in Quarry Hill Road. Originally the road carried vehicles from Isles Quarry whilst the quarry was open to enable vehicles to travel between the quarries and the A25 to the north without needing to access Quarry Hill Road. The Haul Road can be accessed by the existing road network of Quarry Hill Road to the north and Thong Lane to the south.

**4. Planning History:**

TM/80/10516/OLD Application Withdrawn 21 May 1980

Tipping of builders rubble to infill former quarry workings.

TM/82/11095/FUL grant with conditions 16 April 1982

Erection of single storey portakabin amenity block (associated with workshop) including toilet and mess room facilities to replace two-storey building on same site.

TM/91/11377/OUT Refuse 2 December 1991

Outline application for use of land for Class B1(C) Business (Industrial), B2 General Industrial and B8 Storage or Distribution purposes with access and landscaping and removal of condition (xxi) of consent TM/80/0901 to allow for retention

TM/91/11378/OUT Application Withdrawn 11 November 1991

Outline Application for use of land for Class B1(C) Business (Industrial) B2 General Industrial and B8 Storage or Distribution purposes with access and landscaping and removal of condition (xxi) of consent TM/80/0901 to allow for retention

TM/94/00207/LDC lawful development certifies 22 March 1996

Certificate of Existing Lawful Development: General industrial use (class B2), repair and maintenance of HGVs, plant and equipment, parking and storage and other purposes ancillary to general industrial use.

TM/07/03307/FL Approved 19 October 2007

Alterations to existing access to Hornet Employment site.

TM/08/01860/FL Approved 18 August 2008

Alterations to existing access to Hornet employment site (Revisions to planning permission TM07/03307/FL)

TM/09/01126/EASC screening opinion EIA not required 19 June 2009

Request for Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to determine whether EIA is required for a proposed planning application for a residential development at Isles Quarry, Borough Green, including creation of open space and access

TM/11/03202/EASC      Pending

Request for screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) for residential development of 177 dwellings

**5.      Consultees (from reconsultation dated 15 January 2013 only, other than Private Reps):**

5.1 Borough Green PC (raised in a combination of several submissions):

- BGPC now accepts the principle of housing, and is heartened by the direction of the applicant's amendments.
- The sole housing access onto the Haul Rd will lessen the traffic impact on the southern part of the village, including the Quarry Hill Road area of Historical Character.
- Relocating the northern housing to keep the Stangate Landfill access outside the development, and keeping the Hornet and Stangate commercial access onto the Quarry Hill roundabout will eliminate the traffic clash on the site.
- Report by URS Scott Wilson highlights chemical and hydrocarbon contamination, suspended pockets of contaminated water, areas of low compaction, and escapes of methane and other gases indicating ongoing decomposition in the landfill.
- The 2010 Geotech highlights the risks to construction workers and future residents caused by these contaminants, and recommends that spoil from utilities is removed from site and replaced with inert fill. It follows that the large amount of planned alterations to the landform may also need similar remediation. The report also recommends all open ground is covered with a 600mm blanket of inert fill and topsoil. These volumes of material will generate 100s of HGV movements. It is entirely reasonable to suspect that most of the land within the site suffers from contamination, and will need replacing, new landforms will not just be a simple matter of moving earth about.
- Collapse of the banks of the River Bourne could cause serious silting, and contamination of this Medway tributary.
- The applicant has not submitted any plan for this remediation, nor any note of the impact on local traffic and Air Quality of this volume of HGV movements.

- The applicant dismisses Air Quality concerns on the basis that advancing technology will allow the growth without any increase in traffic pollution, and that the percentage of new traffic into the AQMA will have a “barely perceptible” impact.
- A recent statement from DCLG reminds LPAs that Air Quality is a Material Planning Consideration, and that new development should have a “beneficial impact (on AQ)”. The applicants “imperceptible increase” is completely opposite to a beneficial impact.
- T&MBC’s Policy SQ4 in the MDE-DPD specifically forbids development that will impact on an existing or proposed AQMA, and note that cumulative impact on Air Quality must be included. There is proposed and recent development in Borough Green and surrounding area that will impact on the AQMA, but have been left out of the surveys.
- This development is clearly contrary to the NPPF para 124, which states that “Planning Decisions should **ensure** new development is consistent with the local air quality action plan.”
- Isles Quarry Housing was enabled by policy H2 in the LDF on the sole grounds of Affordable Housing need, and the wish to stop commercial use of the site. This seems to be completely at odds with the Governments 2012 Growth and Infrastructure Bill which gives employment equal weight with housing.
- **Thong Lane Bridge** is part of our heritage as a quarrying village, and Borough Green Parish Council would like to see it preserved. It will also provide a safe pedestrian route from the development to the IQ East amenity land.
- Support the bus route along the Haul Road, where there is room for a safe bus-stop, and note that Quarry Hill is too narrow and dangerous for a bus route or stop, particularly because of the clash with increased pedestrian traffic when the development opens.

## 5.2 Platt PC:

- Platt Parish Council appreciates the revisions to housing numbers and the Haul Road.
- As a village reliant on Borough Green for our services, Platt Parish Council would express disappointment that nothing has been forthcoming to alleviate its concerns over the existing hard pressed infrastructure issues.

- Their original concerns over school places, medical and dental services, parking etc in Borough Green still exist and there is no provision to alleviate or help this situation in the draft Section 106 agreement.
- The £399,686 may be fine for "outdoor sports provision" but it will not help people from Wrotham, Platt, Ightham, Borough Green going to the Station, shopping, accessing the schools or medical or dental treatment with an additional 171 occupied dwellings on their doorstep using the same existing facilities.

5.3 Ightham PC: Support the application.

5.4 Wrotham PC:

- The proposed access via Dark Hill Roundabout and the Haul Road is a significant improvement and the 6.7m width of the road with additional pedestrian pavement is adequate for both the residential development and Stangate Quarry Access.
- The revised application now benefits from a Quarry Access Road that is separated from the residential development by a landscaped bund, but the road should be wide enough for two HGV vehicles to pass safely.
- The Geotech Report submitted with the application established that the ground is contaminated and the Environmental Agency (EA) in their previous comments have suggested several conditions which need to be applied to any consent, in order to control land remediation.
- The EA have included an Informative in their previous comments that the River Bourne to the east of the site but within its ownership requires de-silting and repairs/renewal of the culvert. The LPA should condition these works in order to fully control the repairs.
- Who would then be responsible for de-silting the river once the development is sold?
- An Air Quality Management Area (AQMA) is about to be declared in central Borough Green. The Air Quality Impact Assessment predicts that in 2014, if the application is consented, the NO<sub>2</sub> level at receptor R1 will be 46.9 micro grams and that a total of 5 receptors will be above the EU target maximum of 40.
- Clearly the extra traffic in central Borough Green that arises from this proposal exacerbates the levels of NO<sub>2</sub> that are already at levels the EU directive considers harmful to health.

- Is concerned about the previous EA's and KCC's comments regarding the co-existence between the permitted and future remediation requirements associated with Stangate Quarry and a substantial residential development proposed by the applicant. It may be possible to mitigate the conflicts but there is no available evidence to this effect from EA or KC.
- There should be a reduction in the density (number) of dwellings to reduce harm to the AQMA

#### 5.5 EA:

- The EA raises No Objection but have submitted detailed and helpful comments. These views are subject to safeguarding conditions.
- The site lies in a sensitive setting with regard to groundwater, being underlain by a principal aquifer and within Source Protection Zone 3 for the Borough Green public groundwater abstraction.
- discharging into the made ground at the site would be unacceptable due to the risk of mobilising contamination via preferential pathways. Soakaways may also be unsuitable from an engineering perspective due to the risks of creating ground instability.
- In section 3.3.1.10 of the revised Flood Risk Assessment (FRA) (Scott Wilson November 2011) our concerns regarding potential contamination of the aquifer have been taken on board.
- This site is an old quarry that has had some fill materials (believed to be inert), deposited in the past, the nature of these materials and any structures, drainage systems or fuel storage on site should be fully determined to assess suitability of the land for the planned development and assess any requirements for remediation of historic contamination in areas like the workshops.
- note the conclusions of the Geo-environmental and Geotechnical Ground Conditions Report 2010 (Scott Wilson, April 2011).
- further delineation works are needed, especially in Area 1, to establish hydrocarbon impacts on soil (and thus potential for impacts on groundwater).
- Note the comments regarding the limitations of leachate testing that have been carried out so far during the investigation. Further comment on potential risks to groundwater across the whole site should be made once further investigations have been completed (can be controlled by condition). A detailed risk assessment/remediation strategy (including target concentrations protective of human health and groundwater for materials retained on site following development) would be expected.



- With respect to any proposals for piling through made ground, a piling methodology should be approved in conjunction with discussions with the EA.
- Section 3.3.18 of the FRA states that detention basins, storage tanks and oversized pipes will be provided under private roads and the public open space to store attenuated flows - the FRA then goes on to say that during the detailed design, the method of storage will be reviewed to determine the most suitable method - "*which will either be attenuation tanks or lined permeable paving*".
- Would like to remind the applicant that providing the bulk of the attenuation by tanks is not best practice and recommend the applicant consider the use of rainwater harvesting to contribute towards the storage requirement for the site, reducing the reliance on modular storage and reducing the consumption of domestic potable water. This option would contribute towards increased biodiversity and the amenity potential on site as well as providing a more sustainable means of managing surface water runoff and would contribute towards a reduction across the catchment. As a minimum, a mix of attenuation in the form of permeable paving, storage tanks and the provision of water butts for each dwelling should be provided.
- The Micro Drainage (MD) outputs within the submitted FRA include pipe runs for the proposed system under various storm conditions and appear to be based on the 360 minute winter storm. It is assumed that this storm has been found to be the critical event which has informed the storage requirement of 1330m<sup>3</sup> but no information has been submitted to substantiate that. This information should be provided in order to discharge the drainage condition.
- The design of a surface water management scheme can significantly affect the design and layout of the site, which is why it is of benefit to the developer to consider it early.
- Section 3.3.1.4 states that the drainage under the adoptable roads will be designed to ensure that there is no surcharging under the 1 in 1 year storm. This is likely a typing error but to clarify, there should be no surcharging under a 1 in 2 year storm.

#### 5.6 Natural England:

- This application falls within the Kent Downs AONB.
- No objection to this application as the proposal is not likely to adversely affect the purposes for which the AONB was designated.

- Satisfied that the bat surveys did not identify any roosts that would be impacted by the proposals and support the measures proposed in Section 5.2 of the Phase 2 Survey Results (Bats and Reptiles).

5.7 KDAONB (comments on a previous iteration of scheme):

- It is disappointing that there would seem to be little green infrastructure throughout the site along the distribution roads, and due to the layout there are few access points to the amenity grassland area.
- An opportunity here to create a pleasant development that provides green infrastructure both for biodiversity, future shading to respond to climate change, and well designed 'green' public areas within – as well as that provided around the site.
- Although the Visual Impact Assessment suggests these will be minimal, the roofs will be visible. Restoration, opportunities to improve the biodiversity and long term maintenance of public GI within the site should be provided for.
- The Kent Downs AONB management plan sets out concerns about the loss of tranquillity, which includes concerns over light pollution. This is also covered in the NPPF (para. 125). It appears that there is unnecessary lighting on the main access roads around the Hornet Business Estate. It is also disappointing that street lighting is used throughout the development. This is a rural development within the AONB and expectations for street lighting should be low. Villages in the AONB do not have, require, or ask for street lighting. It is not needed for health and safety, and increases the energy requirement for the development.
- Note that in the applicant's strategy the use of wood fuel is not proposed. The use of wood fuels would be beneficial to the woodland management of the Kent Downs AONB.
- Sensitive treatments of roads and boundaries can do much to help new developments sit better in the Kent Downs landscape. Conditioning to ensure boundaries, verges and gates are maintained in accordance with the guidance can do much to ensure the area remains as rural as possible in the long term.

5.8 NHS:

- A healthcare contribution (section 106) is requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government. In keeping with the recommendations of West Kent Estates Strategy and Strategic Services Development Plan, approved by the Trust Board in November, 2010, the Trust will be seeking to use these funds to

support the development of new Primary Care services and/or facilities around the Sovereign House Project and/or Warders Medical Centre and/or upgrade West Kingsdown practices.

5.9 KWT:

- Concerns raised in previous comments may be able to be dealt with adequately under a planning condition (Open Space Management Plan). However, to deal with the impact of residents (and their domestic animals) on the Local Wildlife Site, the Management Plan will need to relate to all land under the applicant's control and not just to land within the application boundary.

**KWT Comments dated 22/6/12:**

- The main development lies in very close proximity to the Bourne Valley Woods Local Wildlife Site (LWS, TM27). The LWS comprises a mosaic of habitats following the Bourne Valley to the west and south of the development area and, across Quarry Hill Road, in the former Isles Quarry East.
- Not only will the redevelopment of Isles Quarry West give rise to a direct loss of semi-natural habitat, it will bring added pressure on the adjacent LWS from residents and their domestic animals.
- The submitted proposals indicate how the open space on the plateau to the immediate west of the housing area will be laid out and maintained to meet the amenity and casual play needs of residents as well as providing habitats of value to a range of wildlife, including protected species. The KWT welcome the proposals for this area of land.
- The KWT also welcome the dismantling of the bridge over Quarry Hill Road linking Isles Quarry West and East. It will mitigate some additional pressure on the fragile wildflower areas in this part of the LWS.
- However, the development is likely to give rise to more pedestrian activity and disturbance (and predation) from domestic animals in this and other parts of the LWS. Residents will still have pedestrian access to Isles Quarry East from the north via the Quarry Hill Road roundabout and an opportunity for direct access to the Bourne Valley woods from the POS immediately west of the housing area.
- Regrettably, neither the application nor the draft heads of terms offers any firm commitment to providing measures to mitigate these impacts; measures such as access controls, interpretation panels and habitat management intervention to enhance carrying capacity for key species.

- Meetings have been held between the applicant's ecological consultants and the KWT. However, no details (or costings) of any management plan have been agreed and it is not clear who will fund intervention prescriptions or routine management activities within the Local Wildlife Site. KWT is willing to explore the prospect of the Trust accepting management responsibilities for the Woods and Isles Quarry East. However, they do not have the expertise, the equipment or the interest to undertake the management of the casual and formal open space.
- KWT are not convinced that the application satisfies the tests of Policy NE3 and, given that such matters are raised as a precondition of any release of the site for housing under the terms of Policy H2(f), they cannot be dealt with under matters reserved for subsequent approval.

#### 5.9.2 UMIDB:

- Despite being located outside of the Board's district, the site drains to it via the River Bourne and therefore has the potential to affect the Board's interests.
- Fully support the comments made by the Environment Agency in respect of drainage, flood risk and pollution prevention/control. The proposed discharge rate of 21l/s is considered appropriate for this site.
- Whilst wouldn't object to the intention to allow a free discharge from areas of public open space, the potential effects of landscaping on local drainage must be properly considered.
- The Board's strongly supports the use of 'open' SuDS (balancing ponds, swales etc) in preference to closed, underground systems due to the benefits they provide in terms of local biodiversity and amenity.
- Open systems are also more easily managed and maintained. Whilst it is accepted that land-take by open systems makes it difficult to implement them on all sites, the size of this site, and the amount of public open space included, is considered sufficient and appropriate for the inclusion of open SuDS.
- The applicant's intention to provide on-site storage by installing underground tanks and oversized pipes should only be used as a last resort, as should the intention to allow some areas of road flooding.
- Whilst the use of water butts at all properties is supported, these must not be relied upon to provide the required storage (as they may be full prior to a storm). The future operation and maintenance of the whole SuDS system must be ensured for the lifetime of the development.

- The applicant should be informed that any works proposed within or affecting any ordinary watercourse (non-Main River) will require the formal written consent of the Lead Local Flood Authority (KCC).

5.10 Southern Water:

- The comprehensive Flood Risk Assessment includes details of off-site foul sewerage improvements, which would be requisitioned by the applicant.
- no objections in principle to the proposed development, subject to agreement of details, prior to construction.

5.11 Fire Prevention Officer: The means of access is satisfactory.

5.12 Crime Reduction/ Architectural Liaison Officer: Awaiting response.

5.13 KCC (Highways):

- The principal vehicular access to the site would be via Dark Hill Roundabout and Haul Road, which would become an adopted highway as part of the proposals. KCC Highways and Transportation has agreed a satisfactory scheme of improvements to Haul Road, including the provision of a footway on the southern side and a left out only arrangement to dissuade departing drivers from using Quarry Hill Road, Rock Road and their junctions with the High Street, which are unsuitable for large volumes of traffic.
- The amended plans propose that the whole development would be served from this access, which is welcomed. The left out only arrangement at the Haul Road access would be supported by a Traffic Regulation Order to be agreed with Kent Police and KCC. The site's emergency access would link through to the Stangate Quarry arm of the Quarry Hill Road Roundabout and would be stopped up by bollards to prevent public access. Additionally, it has been agreed with KCC that a weight limit would be imposed on Quarry Hill Road to reduce the impact of HGV movements on this link, to be secured by means of a Section 106 Agreement.
- KCC is aware of local residents' concerns regarding the traffic impact of the proposed development. The County Council has worked closely with the applicant to ensure that the trip generation and assignment methodology used to inform the Transport Assessment is robust and accepts its finding that the development would not have a material impact on the capacity of the local highway network. The analysis indicates that the site would generate less than two vehicular movements per minute during peak periods, less than 50% of which would route via the A25 and/or High Street through Borough Green. Junction capacity modelling has been undertaken at the A25/High Street/Quarry Hill Road junction and at the Quarry Hill Road and Dark Hill Roundabouts. It has been demonstrated that each of these junctions would

continue to operate well within its design capacity with the addition of forecast development traffic, with the exception of the A25/High Street/Quarry Hill Road junction during the AM peak. This junction already operates over capacity during this period and the impact of the forecast development traffic is considered immaterial. There are no identified highway safety issues requiring remedial action at these junctions.

- It is proposed that on-site vehicle parking would be provided in accordance with the Kent Design Guide Interim Guidance Note 3 and that cycle parking would be provided in accordance with the Kent Vehicle Parking Standards (2006).
- KCC Highways and Transportation initially raised concerns about the accessibility of the site by non-car modes. The Quarry Hill Road site access is currently located 430 metres from the closest bus stops on the High Street and the furthest dwellings from this access would be located some 1 kilometre from these bus stops. This is well in excess of the recommended walking distance of 400 metres and Quarry Hill Road is likely to be prohibitive for pedestrians with impaired mobility. Moreover, only limited footway widening can be achieved on Quarry Hill Road due to its constrained width. Following negotiations with the applicant and discussions with KCC Transport Integration, it has been established that the diversion of Bus Route 222 (Tunbridge Wells/Tonbridge to Wrotham) to serve the proposed development would be possible. Details of the proposed routing options and stopping facilities have been provided. It is recommended that these improvements be secured by means of a Section 106 Agreement.
- An Interim Residential Travel Plan for the proposed development has been prepared and submitted. This would be managed and monitored by an appointed Travel Plan Coordinator in liaison with KCC Highways and Transportation.
- No objection provided a number of requirements are secured by condition or planning obligation

#### 5.14 Borough Green Traffic Action Group (rec'd 2/2/13):

- BGTAG now accepts the principle of housing, and is heartened by the direction of the applicant's amendments.
- The sole housing access onto the Haul Rd will lessen the traffic impact on the southern part of the village, including the Quarry Hill Road area of Historical Character.
- Relocating the northern housing to keep the Stangate Landfill access outside the development, and keeping the Hornet and Stangate commercial access onto the Quarry Hill roundabout will eliminate the traffic clash on the site.

- The 2010 Geotech report by URS Scott Wilson highlights chemical and hydrocarbon contamination, suspended pockets of contaminated water, areas of low compaction, and escapes of methane and other gases indicating ongoing decomposition in the landfill.
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- Collapse of the banks of the River Bourne could cause serious silting, and contamination of this Medway tributary.
- The applicant has not submitted any plan for this remediation, nor any note of the impact on local traffic and Air Quality of this volume of HGV movements.
- The applicant dismisses Air Quality concerns on the basis that advancing technology will allow the growth without any increase in traffic pollution, and that the percentage of new traffic into the AQMA will have a “barely perceptible” impact.
- A recent statement from DCLG reminds LPAs that Air Quality is a Material Planning Consideration, and that new development should have a “beneficial impact (on AQ)”. The applicants “imperceptible increase” is completely opposite to a beneficial impact.
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- **Thong Lane Bridge** is part of our heritage as a quarrying village, and Borough Green Parish Council would like to see it preserved. It will also provide a safe pedestrian route from the development to the IQ East amenity land.
- Support the bus route along the Haul Road, where there is room for a safe bus-stop, and note that Quarry Hill is too narrow and dangerous for a bus route or stop, particularly because of the clash with increased pedestrian traffic when the development opens.

5.15 Private Reps: 355/0X/59R. 59 representations received, raising the following concerns (and include some comments made on earlier versions of the scheme but which have never been retracted by the writer – DPTL notes below relate) (Members will be aware that some comments raised to the original layout no longer apply to the current layout and have not been set out in this report):

- Noise from industrial - screening on boundary of housing.
- Proposal does not comply with policy H2(b) in DLA DPD (DPTL – now resolved in latest proposal).
- Some excavations too close to former quarry face and are likely to destabilise Hornet's Southern Boundary and put some of those buildings at risk.
- No proposals for disposing of water waste.
- Proposed reduction in width of Haul Road will lead to increasing number of HGVs using Quarry Hill Road.
- Lack of parking in village - site some distance from centre.
- Too high density.
- Borough Green has limited infrastructure.
- Borough Green will lose its village identity.
- Social housing proportion too high – will lead to antisocial behaviour and will also draw heavily on resources that are unlikely to be expanded in this climate.
- Will place further pressure on A25.
- Railway already overcrowded.
- Build quality poor.



- Parking underestimated.
- Insufficient recreation facilities on site.
- Low cost housing will not result in local people being able to buy or rent.
- Additional development causes problems with wildlife, floods and environmental issues.
- Additional crime & vandalism.
- Borough Green has highest population density per hectare in Kent.
- Poor air quality due to traffic volume.
- Additional traffic through village - residents from Conyerd Road, Wyatt Close getting onto Quarry Hill Road currently difficult (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Limited visibility coming towards Maidstone Road (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Height of 4/5 storey buildings detrimental (*DPTL - the scheme is now only comprised of 2/3 story units*).
- Priority should be given to local people for affordable housing.
- How will the village cope with extra school places? There are waiting lists to get into 3 local schools.
- Quarry Hill Road cannot take any more traffic (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Quarry Hill Road is not a two lane road as stated by applicant.
- Even if Haul Road adopted, traffic will still use the most direct route (Quarry Hill Road) (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Parking survey undertaken on Saturday, the quietest day of week.
- On weekdays cannot park in village car park and cars parked on double yellow lines.

- The junction of Quarry Hill Road with the A25 is unsafe. There are accidents every day due to bad layout (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Density of traffic makes cycling unsafe.
- With previous affordable housing schemes, housing sold to Moat to house people outside of the area (*DPTL – the applicant is not the same as that in Plaxtol and is well aware of the level of control needed to be exercised to ensure that affordable housing provision is safeguarded for that purpose*).
- How will use of Haul Road be enforced (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25; site access design will control out bound traffic*).
- Sewerage system is overstretched now (*DPTL - SWS raises no objection in principle – there is an established process outside the planning system for the funding and provision of adequate sewage treatment.*)
- Electricity supply in the village is also poor.
- Scott Wilson traffic survey carried out over 12 months ago and now out of date.
- Scott Wilson traffic survey carried out over one day - not representative.
- If Haul Road reduced in width HGV's will be unable to pass and will try to take a shortcut up Quarry Hill Road.
- Lack of parking to serve each proposed dwelling.
- Why is the affordable housing requirement of borough not provided elsewhere in Borough e.g. Kings Hill.
- Detrimental to environment as in AONB.
- All traffic to proposed new homes must use the Haul Road.
- Installation of traffic lights on Maidstone Road/Sevenoaks Road junction with Quarry Hill Road (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Traffic network of Borough Green already under considerable pressure.
- The use of straight lines in the layout is alien to Borough Green.
- Height of buildings does not characterise Borough Green.

- Doctors surgery cannot cope with additional demand.
- No NHS dentist within the area.
- Proportion of Affordable Housing too high.
- Car ports rather than garages detrimental to amenity.
- Effectiveness of barrier at emergency link.
- There is the lack of provision of a footway along Quarry Hill Road, from Conyerd Road to Maidstone Road (A25). With the increased flow of traffic resulting from the proposed development and the protrusion of the bank at 38 Quarry Hill Road, it will make it unsafe for residents of Conyerd Road to walk into the village centre (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- The removal of the bridge between Isles Quarry East and Isles Quarry West will result in the loss of part of the cultural heritage of the area.
- Surely information from the 2001 census cannot be used to substantiate the Travel Plan.
- The design of mitigation measures adjacent to B2 and B8 uses, like Hornet Business Estate, should be based on noise levels that can reasonably be expected over the life of the buildings from activities that fall within those use classes. The mitigation measures proposed do not meet these requirements.
- The developer is proposing no mitigation measures between HGVs using the Waste Recycling Group access road and the adjoining proposed dwellings. The only protection is the provision of non-opening double glazed bedroom windows with alternative ventilation.
- The developer has provided calculations that show that World Health Organisation recommendations for internal bedroom peak noise levels are met. These calculations are based on erroneous and misleading assumptions.
- The noise nuisance that can be caused by reversing alarms from Hornet Business Estate because the average noise from them throughout the night is low. It is the peak noise levels during the few minutes that the alarms operate that can cause the nuisance.
- It is surprising that the environmental assessment indicates that bats would not be affected. Bats are often seen in the vicinity.

- Restoration carried out under TM/94/155 has resulted in heavily contaminated material being deposited at the Bypass site and Celcon 2. This same material was used at IQW.
- The Geo-environmental Report confirms the made up nature of the ground and admits that testing was sparse because of Hanson's rubble stockpiles in strategic places. So it is not known what lies below the ground.
- The Geo-environmental Report confirms that there are frequent bands of clinker and tarmac on the site - old tarmac. The Environment Agency now class tarmac and bitmac as hazardous waste, and it is banned from landfill sites.
- The Geo-environmental Report sets out the type of contamination so far discovered. There are a significant number of areas that require remediation.
- The Geo-environmental Report lists future hazards caused by the identified contaminants – the hazard to residents is set out as being “moderate to high”.
- The Geo-environmental Report highlights the concerns about stability, particularly on the very steep slopes of the Bourne. The use of piling to ensure stable housing is probably at odds with the general instability of the site, possible pockets of water and contamination, and the fact that both the IQ landfill site adjacent to the south of the platform, and the filled artesian lake below the High Level Platform have no liner layer of clay and were not engineered backfill, suggests two dangers: 1) the risk of increasing instability near the Bourne Valley that could dislodge unstable banks, causing an environmental catastrophe in the Site of Special Scientific Interest. The demolition of the Skip Factory buildings, concrete hardstanding and roadways will destabilise the fragile Bourne banks. No remedy has been provided; 2) the drilling of hundreds of piling bores will release contained water and contaminants through the ground matrix into the Bourne, which consists of Hassock, low grade friable Hythe Bed limestone, and has already released some 10,000cu.m of limestone fines into the Bourne, turning the 30ft deep Basted Mill Pond into a one foot deep swamp.
- A rigorous odour impact assessment, comprising sensory sniff surveys during a range of weather and factory operating conditions needs to be carried out to assess the impact of the pie factory on the proposed dwellings.
- A 4-month diffusion tube survey in 2009 is mentioned. What about the full year of NO<sub>2</sub> diffusion tube monitoring we now have, which is far more indicative of the long term NO<sub>2</sub> levels in Borough Green. Surely the authors are now aware that an AQMA will be declared?
- How can Western Road be omitted from the Air Quality survey?

- Paragraph 3.2.2 of the Air Quality Survey states that, further away, the vehicle trips generated by the development will distribute further into the local road network, hence impose smaller impacts. Is this an excuse for forgetting about the traffic once it has moved a few metres away from Borough Green.
- Are the 2011 12 months of NO<sub>2</sub> diffusion tube data not available yet?
- Has the applicant selected the worst properties for air quality impacts i.e. those closest to various sections of the A25? The applicant should have stated the distance from the modelling receptor to the kerb or centre-line of the A25 (results are extremely sensitive to the distance from the kerb).
- It is not clear whether the model was set up with traffic speeds lower at junctions and crossings. The lower the speed, the higher pollutant emission. If this was overlooked the results are under-estimates.
- Why are measurements from Chatham Luton taken to represent Borough Green for air quality.
- It appears that the applicant used the model to predict the NO<sub>2</sub> concentration. The applicant found that their results were about a factor of 4 too low. Instead of admitting that the predictive model is not working/results are unrealistic and unreliable, the applicant chooses to continue using this model for future scenarios, and simply scale up all model predictions by a factor of 3.91.
- The applicant should take account of the extra emission associated with vehicles running idly, accelerating after a stop or slow down or climbing up sloped roads in its predictive modelling.
- In terms of the Air Quality Survey, how can the applicant be sure that the factor of 3.91 can be applied to all current and future scenarios? What scientific basis is there for factoring model predictions?
- The cumulative impact of the proposal with the redevelopment of Basted House has not been assessed. The redevelopment of Basted House would increase vehicle flows along the same roads as IQW. Therefore, air quality impacts of traffic through roads in Borough Green have not been robustly assessed.
- The principal access road for Stangate Landfill is taken off Quarry Hill Roundabout. The latest changes proposed do not include alterations to the site access of Quarry Hill Roundabout and this will continue to be shared with FCC Environment and Infinis (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25 – this proposal only now serves to lessen the use of the roundabout and access*).

- There is still therefore the potential for conflict due to the continued use of the Quarry Hill roundabout (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- The published fact is that the area under discussion has air pollution levels well above that which is deemed acceptable (to whom one may ask). On what premise therefore does the planning authority believe that the erection of 171 dwellings with associated motor car pollution will improve the situation?
- Would it be an idea to move the pedestrian lights in Maidstone Road to the crossroads and make them pedestrian/traffic lights? This would help alleviate hold ups and slow traffic down on the A25 (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Although a road is proposed to exit on to the Haul Road human laziness will mean that people use Quarry Hill Road as a route to the village; (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- The increase in vehicles using Quarry Hill Road could result in subsidence or structural damage to houses (*DPTL – now resolved in latest proposal in that all access is via the “haul road” to Dark Hill roundabout on A25*).
- Many houses along Quarry Hill Road have no footway, and therefore a bus route along this road would be unsafe (*DPTL: this is not the proposed bus route but was one tested when alternative were considered. The proposed route is along the haul road to the Quarry Hill roundabout and back to Dark Hill thence on to A25*).
- The location of the new bus stop along Quarry Hill Road involves the loss of 4 or 5 controlled parking places, with no way to replace them (*DPTL: this is not the proposed bus route but was one tested when alternative were considered. The proposed route is along the haul road to the Quarry Hill roundabout and back to Dark Hill thence on to A25*).
- It is proposed to widen the footway of Quarry Hill Road at the junction with Rock Road. At this point there is a blind bend in Quarry Hill Road and the limited width of the road combined with parking requires uphill traffic to pull into the mouth of Rock Road to allow committed downhill traffic to pass.
- Directing buses up Quarry Hill Road will require them to cross or turn onto the A25, option 3 would be more preferable (*DPTL: this is not the proposed bus route but was one tested when alternative were considered. The proposed route is along the haul road to the Quarry Hill roundabout and back to Dark Hill thence on to A25*).

- Isles Quarry is currently an eyesore. Development would seem to be the only way to achieve restoration.
- The additional population would help secure the future of the fragile retail centre in the village.
- The Hornet Access Road is used on a 24/7 basis by HGV's with up to 6 axles and a 40t gross vehicle weight, and a Sound Power Level up to 114DbA.
- The applicant should be required to provide a noise barrier along the Southern side of the Hornet Access Road to prevent disturbance to the proposed dwellings from HGV's driving to Hornets.
- Dwellings close to the Hornet Business Estate will need noise mitigation measures in addition to noise barriers. This should be controlled by an appropriate condition.

## 6. Determining Issues:

- 6.1 This application, as with all applications must, legally, "be determined in accordance with the Development Plan unless material considerations indicate otherwise". It bears saying in this case that in applying this principle the LPA is required to balance *all* issues, both *pro* and *con* in respect of policy considerations and other material considerations. The key is that the LPA will have to *balance* all such policy and material factors and it is unlikely that one single factor will, in its own right, prove decisive.
- 6.2 Since the application was submitted, the NPPF has come into force as the Government's national policy framework. This makes it clear that proposed development that accords with an up-to-date Local Plan (previously known as the Local Development Framework) should be approved. The Local Planning Authority should apply its policies for the 12 months from March 2012 and then after 2013 revisit their appropriateness as they become less up-to-date. Policy should not be applied if it is inconsistent with the NPPF. In this case the relevant Development Plan includes the Core Strategy adopted in September 2007 and the Development Land Allocations DPD adopted April 2008. These documents are not in conflict with the NPPF.
- 6.3 The Council's policy framework has been endorsed following the public examination by an Independent Inspector on two occasions. In the Examination of the Core Strategy the Inspector concluded in respect of Isles Quarry that:  
*"However, I am satisfied that there is a pressing need for affordable housing and that development in Borough Green is likely to lead to a more sustainable pattern of development than could be achieved elsewhere. I have seen no evidence to convince me that if necessary, local services and infrastructure cannot be upgraded to meet the needs of new development on the scale proposed"*.

- 6.4 The Inspector also stated that *“The provision of affordable housing is an important factor, but I consider that it is the range of benefits that would be achieved, arising from the particular circumstances of this site, which together constitute the exceptional circumstances necessary to justify the alteration of the Green Belt boundary”*.
- 6.5 This site is, therefore, identified in Policy CP18 of the Tonbridge and Malling Borough Core Strategy 2007 *“as a strategic housing location to meet housing needs in the more remote part of the Malling rural area.”*
- 6.6 This position of policy support is amplified by Policy H2 of the Development Land Allocations DPD (DLA DPD) 2008 which allocates land at Isles Quarry for residential development. The policy shows the site as having a capacity of 200 dwellings. It requires the site to be developed in accordance with an approved Master Plan, which has been provided alongside the application. This includes land to the west and south of the housing allocation up to and including the SNCI, subject to the other provisions of Policy H2.
- 6.7 Following the subsequent examination into the DLA DPD, the Inspector wrote *“Policy H2 refers to Isles Quarry West, which I considered in some detail in my report on the Core Strategy. The DLA DPD defines the boundaries of the site, and provides a clear indication of matters that should be progressed through the preparation of a Master Plan. No substantial new issues have been raised through the DLA DPD examination, but to ensure consistency with the TCAAP (DPTL note: this reference is to the Area Action Plan for Tonbridge which was being examined by the same Inspector), I consider that reference should be made to the need for contributions to off-site sewerage capacity.”*
- 6.8 Policy H2 requires the following:
- (a) *proposals to be pursuant to Core Policy CP17(2) for a phased provision of affordable housing in line with projected needs;*
  - (b) *reduction of the ground levels and integration with the housing development at the lower level of any part of the higher-level platform that is to be developed for housing;*
  - (c) *regard to the potential environmental impact of any continuing employment use of the upper platform if all or part of it is not to be incorporated in the housing area, including the achievement of a satisfactory noise climate in accordance with the Development Plan;*
  - (d) *provision of satisfactory access to any continuing employment of the upper platform if all or part of it is not incorporated in the housing area;*



- (e) *provision of a landscaped public amenity area to the west of the housing site, including appropriate provision for the open playing space needs of the development;*
- (f) *provision for the long-term management of the Site of Nature Conservation Interest;*
- (g) *investigation and remediation of any land contamination;*
- (h) *upgrading to an adoptable standard of the private access road connecting with the Dark Hill roundabout;*
- (i) *retention of the landscaped bank to the north;*
- (j) *general respect of the setting of the site within the AONB, including landscape enhancement;*
- (k) *provision of footpaths and cycle routes to link with the existing public rights-of-way network and the retail centre of Borough Green;*
- (l) *a traffic impact assessment and provision for any necessary mitigation measures, including contributions to public transport; and*
- (m) *Contributions towards the improvement of off-site sewerage capacity.*

6.9 The amended proposal involves lowering the units at the north of the site and the applicant suggests that the proposal now fully complies with the Policy requirement H2(b) of the DLA DPD.

6.10 Overall, the proposal is in accordance with extant Development Plan policy and as the Core Strategy Inspector noted, represents development in a more sustainable form than might be possible in other forms or locations.

6.11 NPPF also makes clear its overall aims:

*There “ are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with*

*accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

6.12 In terms of the first aspect it is also important to note that NPPF identifies that in “*Building a strong, competitive economy...*”

*22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities...”*

6.13 This latter approach reinforces the earlier promotion of this allocation for the conversion of previous industrial land to residential use. It is, of course, crucial that the other two strands of sustainable development are considered carefully and the relevant issues are considered below.

### **Green Belt**

6.14 The areas of land within policy H2 that actually accommodate housing are *not* within the Green Belt. They were excluded therefrom following the LDF process as described above and now lie within the confines of Borough Green. Government policy, being focussed on the plan-led approach, allows land to be excluded from the Green Belt only through plan-making. Where development is proposed in an application which is contrary to Green Belt policy then that development can be allowed only if there are “very special circumstances” – this application does *not* propose development of housing that needs to be justified by “very special circumstances” except in respect of the access route from the main development area to the “Haul Road”. (This will be discussed below in relation to highways matters).

6.15 The remainder of the H2 area – those parts related to H2(e) and (f) - remain in the Green Belt and the proposals for those areas are entirely consistent with this policy status.

### **AONB**

6.16 Paragraph 115 of the NPPF requires weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental

to the natural beauty and quiet enjoyment of the Area of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of major development that is demonstrably in the national interest or 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 must use sympathetic details and appropriate design. The extent of the AONB is established by a national process and is not defined by this Council, so this policy consideration was, of course, one of the matters that the Inspector had to take into account in the two Examinations mentioned above in deciding whether to allocate the site in principle or to assess the detailed site policy.

- 6.17 A Landscape and Visual Assessment has been submitted with the application. The assessment concludes that the proposed development would have a neutral impact on viewpoints to the south, west and long distance views to the north of the site. There are a number of steep wooded banks towards the perimeter of the site providing screening and the topography of the site also assists in obscuring the development from long distance views.
- 6.18 The proposed development would be visible from the north, along the Haul Road and Quarry Hill Road roundabout. However, due to the existing vegetation these views would be of a small part of the development.
- 6.19 The LDF Inspector concluded that *“the topography of the surrounding area means that the site is well screened in views from the surrounding countryside and that given the poor landscape quality of the site the proposed development would have a broadly neutral impact on the natural beauty of the AONB.”*
- 6.20 I have considered the points raised by KDAONB with regard to the site itself and its wider setting and in the light of the Inspector’s assessment cited above. I am satisfied that *this particular set of circumstances*, with a damaged site with existing industrial buildings (or the propensity for newer industrial building consistent with the lawful uses of the site), a linear form of area for housing, all of which has been damaged by development in the past, and encircled to the west and south by unusually substantial areas of informal open space and a Local Wildlife Site, creates an acceptable and appropriate balance of built development and open space.
- 6.21 Street lighting is not proposed along the Haul Road, but only within the development itself. Detailed design of this lighting to the most modern specification with minimal light spillage is essential.

### **Affordable Housing**

- 6.22 This aspect of the proposal is intended to reflect the Council’s aspirations for the site to meet the needs of the rural population in the west of the Borough, as exemplified in the Council’s evidence before the LDF Inspector and her

assessment of the situation as cited in 6.3 above. The applicant has been working jointly with one of the Council's Registered Provider Partners (Russet Homes) (and with the assistance of DPTL/DHH staff in light of the nature of the allocation) to deliver an appropriate affordable housing scheme to help meet "Malling Rural" housing need. This process has involved continuous detailed engagement and dialogue with this Council to ensure that a suitable and diverse range of tenures and dwelling types will be built. At all times the focus has been on ensuring that the affordable homes are prioritised first and foremost for the benefit of the local population of Borough Green and surrounding parishes, and that the tenures available assist those seeking to become first time buyers as well as those needing to enter affordable rented accommodation.

- 6.23 Within the adopted Core Strategy, policy CP17 requires an affordable housing contribution of 40% of the total dwellings, which the applicant has achieved through proposing 69 units as affordable housing. The affordable units of all tenures have been satisfactorily distributed throughout the site. The "pepper potting" approach carefully balances sustainability and the need for a mixed community with the management requirements of the housing association. The detailed discussions that have taken place have, of necessity, occurred in the context of changing Government policy towards the provision of affordable housing and what is now proposed is intended to meet the requirements of CP17 insofar as it has now to be applied and in light of general guidance from the Homes and Communities Agency (HCA), the designated body charged with the delivery of both market and social housing in accordance with current Government policy (which the Council in its role as Local Planning Authority is bound to apply).
- 6.24 The affordable units offered are across a range of dwellings in terms of size and unit type, and in three distinct tenures. Two tenures are to be provided through Russet, the Registered Provider (for affordable rent and shared ownership) and one tenure to be directly provided by the applicant (shared equity).
- 6.25 In terms of housing brought forward by Russet the scheme comprises 36 homes for affordable rent and 15 homes for shared ownership.
- 6.26 The shared ownership dwellings are a form of ownership under which the purchaser buys an initial share in a home from a housing provider, who retains the remainder, upon which a rent is charged. The household is free to purchase an increased share at a later date up to full ownership (known as staircasing). There will be a dedicated approach which favours local residents being able to access these units, their availability to a wider group only occurring once a clear cascade process has been exhausted. The key is to ensure that a "local first" approach is adopted to meet locally derived need.
- 6.27 Affordable renting is a concept that has arisen since the General Election of 2010 and is the current Government approach to rental units for affordable housing through a housing association. Normally the Government expectation is that

Affordable Rent units will have a rent level of 80% of the local market rent. In this case Russet's assessment of the local rent situation is that approximately 70% of market rent is more appropriate. The affordable rented homes are for homeseekers from the Council's Housing Register, and will be subject to a dedicated Lettings Plan agreement between Russet Homes and the Council for the letting of the new properties and to which TMBC has nomination rights. This is designed to focus on local housing needs and aspirations and prevent future sustainability problems occurring on this site by establishing and maintaining (through initial and future lets) a mixed community that is mindful of factors such as overall child density and levels of economic activity. For the affordable homes proposed to be provided by the developer (see below for more detail) and Russet Homes, priority will be given to applicants with a local connection to Tonbridge and Malling, and (on a cascade basis) those with a local connection to the immediate area will be given the highest priority. This applies to both transfer households from existing housing association properties and homeseekers from the Council's Housing Register, and to all sizes of properties. Applicants without any local connection to the borough will not normally be considered for an allocation on this development. Transferees from existing Russet stock will not be required to meet the 70% of market rent level of rent but will bring with them their existing rental status.

- 6.28 Local connection will be prioritised in accordance with the following hierarchy. Firstly, priority will be given to those applicants with a local connection to Borough Green and the neighbouring parishes of Wrotham, Ightham, Plaxtol and Platt. Secondly, if there are no further suitable applicants that meet these criteria, priority will be given to those applicants with a local connection to the remaining "Malling Rural" parishes (Addington, Birling, Mereworth, Offham, Ryarsh, Shipbourne, Stansted, Trottiscliffe, Wateringbury and West Peckham). Finally, if there are no suitable applicants that meet any of the above local connection criteria, priority will be given to those applicants with a local connection to any other parish within Tonbridge and Malling (Aylesford, Burham, Ditton, East Malling & Larkfield, East Peckham, Hadlow, Hildenborough, Kings Hill, Leybourne, Snodland, West Malling and Wouldham) or Tonbridge.
- 6.29 In light of the evidence that the Council put forward to the Examination Inspector, it is important that the affordable housing to be provided at the site does truly make a contribution to meeting outstanding housing needs in this part of the Borough. The Local Lettings Plan will ensure that local connection is a key determinant of occupation of the affordable housing, with priority being given to applicants with a local connection to Tonbridge and Malling Borough in accordance with the hierarchy described above. It will work on a cascade basis, with those with a local connection to the immediate area being given highest priority.
- 6.30 Eighteen of these homes (a quarter of all the affordable units) are proposed to be delivered by Crest Nicholson as a shared equity tenure available to eligible households that are seeking to become first time home owners. The Council

welcomes this approach and recognises this as truly affordable housing that is policy compliant as such. This product is where more than one party has an interest in the value of the home (the other party being the developer), and has the primary purpose of removing the current obstacle of a requirement for a very large deposit to obtain a mortgage. The eligibility criteria is that applicants cannot be existing homeowners, and crucially priority goes to those with a local connection to the area, with a household salary cap of £60,000 annual income (single or joint), with a maximum of four times salary multiple and no more than 45% household debt to net income ratio.

- 6.31 I am satisfied that this approach meets the planning policy intentions underlying the site allocation and that the drafting of the Local Lettings Plan is consistent with current practice in housing. A draft Local Lettings Plan for Shared Ownership and Affordable Rent properties has been submitted as part of the Affordable Housing Statement, between Russet Homes and the Council. A draft Local Lettings Plan for Shared Equity, between Crest and Tonbridge and Malling Borough Council is still being finalised. The mechanisms described above are to be used to meet the Government's aspirations as identified in bullet point 2 in para. 6.10.
- 6.32 In light of the above it is reasonable *in this particular set of circumstances* to secure the provision of lettings plans through an appropriate S106 planning obligation (unlike, for instance, in a conventional urban scheme where this might not be justified in planning terms).

#### **Traffic and transport - access to Isles Quarry**

- 6.33 The applicant has submitted a detailed Traffic Assessment (TA), which has been revised and updated following detailed input from KCC Highways officers. As is normal with such matters the key impacts occur at the morning peak (when school and journey to work traffic will also be on the network) and to a lesser extent in the evening peak when there is likely to be much less school related traffic to be added to journey from work movements. KCC technical officers are satisfied that the TA appropriately assesses impacts both in terms of the base assumption for trip rates derived from this type of development and also the assumptions over the allocation of those trips derived from journey to work and other assumptions. It is noted that one private representation queries the journey to work assumptions – I can confirm that KCC staff sought further clarification on this very point before endorsing the outputs of the TA.
- 6.34 It is anticipated that the bulk of the vehicles (83 departing/16 arriving movements in the am peak and 41 arriving/43 departing movements in the evening) will enter and leave via the Haul Road from the Dark Hill roundabout and this is where all traffic leaving the site will be directed by engineering design. This road will be adopted by KCC Highways and it has been agreed with Kent Highway Services that the width of the road would be 6.7m carriageway, with a 1.6m wide footway included on the southern alignment between the site access and the Quarry Hill

Road roundabout. Additionally, a footway of 1.3m width would be provided between the site entrance on the Haul Road, and the Dark Hill Roundabout. It is proposed that the Haul Road will, both before and after adoption, remain unlit.

- 6.35 Given the willingness of KCC to adopt the Haul Road and that KCC Highways is satisfied with the proposal (subject to properly applied planning conditions) I am of the opinion that the width of the proposed Haul Road and the width of the proposed footway are acceptable. A key factor in the discussion of the Haul Road has been the need to ensure that it allows HGVs to be able to pass, thus ensuring that the needs of the Hornet Business Park, from which large highways maintenance vehicles currently operate, can be met at the same time as secure appropriate pedestrian safety. Given that the site lies outside the settlement confines, and that there will alternative pedestrian routes through the site for residents to walk onto Quarry Hill Road, towards the village centre, I am of the opinion that the proposal for the Haul Road to remain unlit is acceptable, therefore according with paragraph 125 of the NPPF and KDAONB aspirations, at least in part.
- 6.36 The arrangements provide for left out only movements for outbound traffic onto the Haul Road and the applicant has submitted traffic data to suggest that the Dark Hill (A25/A227) Roundabout is currently operating well within capacity at both the AM (07:30 to 08:30) and PM (16:45 to 17:45) peak periods.
- 6.37 A journey time comparison has been undertaken by the applicant using assumed link speeds/speed limits and journey delays taken from the modelling in the TA. It has shown journey times of 76 seconds (turning left onto the Haul Road and travelling to the High Street/Sevenoaks Road junction), as opposed to 119 seconds (turning right onto the Haul Road and travelling to the High Street/Sevenoaks Road junction). In any event the detailed design of the new junction on the Haul Road will provide physical means of controlling turning movements.
- 6.38 On the basis of the identified trip rates, the Transport Assessment forecasts that the development will generate a total of 109 vehicular trips in the AM peak and a total of 108 vehicular trips in the PM peak.
- 6.39 The Journey to Work data taken from the 2001 Census has been examined by the applicant's consultant to determine the anticipated distribution of trips onto the local highway network. The destinations reported in the data have been categorised into five broad areas and the most logical route to each of these has been identified. It is concluded by the applicant's consultant that the majority of development traffic would travel to the east (i.e. via the A25 through Borough Green), whilst a relatively large proportion would also travel to the south and west (i.e. via the A227 and A25 respectively).

- 6.40 The operation of the local highway network has been assessed for 2013 (the opening year) and 2018 (five years post opening). On the basis of the submitted TA, it is considered that the development would have no material impact on the capacity of the junctions modelled.
- 6.41 It is proposed to make a number of changes to the Haul Road on the approach to Quarry Hill Road roundabout to create pedestrian footpaths, crossings and these changes will also, in my opinion, slow down the speed of vehicles approaching the roundabout.
- 6.42 Areas of localised footpath widening are proposed, which would link to the existing pelican crossing on the A25, thereby providing pedestrian access to the High Street and railway station.
- 6.43 I note the comments raised relating to the approved application for Basted House (TM/11/03518/FL) for change of use of buildings from offices to health and fitness spa. However, in considering that application it was determined that the volume of traffic associated with each of the approved uses would be similar. Furthermore, condition 7 of that permission does not allow the building to be used for any other purpose within Class D2. The vehicular trips used within the application for Basted House have been taken into account within this application.
- 6.44 It must be recognised that in assessing the traffic impacts from this proposed development the LPA is not comparing the new traffic with an undeveloped site but rather with a site with substantial historic use rights and, until recently a fully functioning skip transport business in operation. So the key aspects of the transport assessment must, in the final analysis, be a comparison between what is proposed and what could otherwise happen (and of course in this case the historic rights will have tended to be more skewed towards HGV usage rather than motor cars). In the event it appears that the development itself is acceptable irrespective of any historic trade-off. KCC Highways and Transportation endorses this analysis, and it must be borne in mind that the NPPF indicates that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe* (my emphasis)”. There are limited other development opportunities in the locality and those that there are limited in scale – this, together with the historic use scenario for the site, leads me to the conclusion that this proposal meets the test set by NPPF in this regard.
- 6.45 Indeed, in assessing the site for suitability within the DLA DPD, the Inspector concluded that the *“development of the site for housing would significantly reduce the number of heavy goods vehicles visiting the site and that it would offer the opportunity for a comprehensive approach to the management of the highway network in the vicinity to minimise the impact of traffic generated by the housing development.”*



### **Access to Stangate Quarry**

- 6.46 The scheme has been amended so that vehicles accessing the proposed dwellings will not use the existing vehicular access to Stangate Quarry. Therefore the proposal will have no highway implications on vehicles accessing Stangate Quarry. An emergency access road is proposed at the northern end of the site onto the north of the existing WRG access road but this is inconsequential in traffic terms given that it would only be used in an emergency.

### **Highways implications on Quarry Hill Road**

- 6.47 The left out only arrangement at the access to the site would direct traffic leaving the site left along the Haul Road to the Dark Hill Roundabout. The Transport Assessment shows that the impact of the forecast development traffic from proposed dwellings would be on the A25/High Street/Quarry Hill Road junction. Junction capacity modelling has been undertaken at the A25/High Street/Quarry Hill Road junction, and it has been demonstrated that the junction would operate well within its design capacity at PM peak, but over capacity during AM peak. The junction already operates over capacity during AM peak, and the impact of the forecast generated traffic from the development is considered immaterial, particularly in view of the test that the NPPF now applies.

### **Parking in Borough Green**

- 6.48 Borough Green and Wrotham Railway Station is located 730 metres from the north of the development site (equating to an average walk time of nine minutes), and 1.4km from the south of the site. As a result of the distance from the site to the village centre, the topography, narrow footpaths and crossing of the A25 Maidstone Road, the station suffers from the same accessibility issues as the bus network and a proportion of residents may choose to travel to the station by car (either as a driver wishing to park at/near the station or passenger being dropped-off in some type of “kiss and ride” journey). The station is served by two trains an hour to each of London Victoria, Maidstone East and Ashford International during weekday daytimes.
- 6.49 The nearest current bus links are on the A25 Maidstone Road, and I am of the opinion that these would provide little assistance to residents of the proposed development accessing the railway station. A parking survey has been submitted by the applicant, which was carried out on a Saturday and on a Thursday. These surveys show that each car park within the village has had some available parking throughout the day, and that there have been spaces on the road, within Borough Green. My officers have also carried out a survey of Western Road car park which verifies these findings in locations where the Council controls the off-street parking.

6.50 Even if the proposed development were to result in the village hall car park becoming full, it is unlikely that the Western Road car park would reach capacity, and is close enough to the village to be an alternative. For instance when surveyed in mid-November 2012 the position was as set out in the table below.

6.51 There have been reports of excessive demand for spaces in Western Road car park on some days in the week commencing 18 February 2013. There was one particular event on that week at the times of the reported problems, and this is confirmed by interrogation of CCTV recordings. The car park was surveyed again on 25 February and the table records the situation 3 times on that day and confirmed in photo records.

<b>Time</b>		<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Mon 25.02.2013</b>
<b>10 00</b>	<b>vehicles</b>	36	50	49	49	43	42
	<b>spaces free</b>	40	26	27	27	33	34
<b>12 30</b>	<b>vehicles</b>						41
	<b>Spaces free</b>						35
<b>15 00</b>	<b>vehicles</b>	52	46	37	39	38	38
	<b>spaces free</b>	24	30	39	37	38	38

6.52 Given the recorded position in this main public car park except on one obvious occasion last week, I do not consider that the Council has evidence to demonstrate that the proposal will so adversely affect the parking position in Borough Green as to make this issue a determining factor in this case.

#### **Interim Residential Travel Plan**

6.53 Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

6.54 A travel plan has been submitted by the applicant setting out a series of measures and initiatives aimed at promoting sustainable development.

6.55 Measures proposed involve:

- Improving pedestrian access/footways along Quarry Hill Road (and pedestrian movement options within the scheme layout).
- Enforcing a weight limit on Quarry Hill Road (post development).
- Secure cycle parking to encourage use of cycles.
- Securing public transport between the site and Borough Green – the bus service enhancement.

6.56 Once the Haul Road is adopted, thereby providing an alternative route for HGVs from any location including those further south along Thong Lane, or from Stangate Quarry for instance, the applicant can liaise with the Highway Authority about providing a weight restriction along Quarry Hill Road. This is a separate matter outside the planning process, (as would be the possible relocation of traffic lights on the A25), but one which should be actively pursued.

6.57 In terms of the proposed bus link, the applicant has considered options for rerouting service 222:

- To divert the route southbound along the Quarry Hill Road via the High Street (option 1) or A25 Sevenoaks Road (option 2).
- To divert the existing route eastbound along the unadopted Haul Road from the Dark Hill roundabout (option 3), to u-turn at the Quarry Hill Road roundabout and return back along the Haul Road.

6.58 I am of the opinion that the latter option would be preferable, given that it does not involve directing buses up Quarry Hill Road. This route could be secured by Section 106 obligation.

6.59 The applicant's proposal is to divert bus route 222, to allow a bus to run from the Quarry Hill Road roundabout along the Haul Road, return to the A25 and thence to Borough Green Station. This will hopefully assist in encouraging residents of the proposed scheme to use public transport/walk into the village or to the train station.

### **Contamination**

6.60 Paragraph 120 of the NPPF states that "*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*".

6.61 In considering the allocation of the site within the DLA DPD the Inspector concluded that there was nothing before her to suggest that the site could not be remediated in accordance with current good practice.

- 6.62 There are two aspects of contamination that need to be considered – firstly the protection of incoming residents from potential contamination and secondly the need to assist EA in ensuring that any land contamination does not pollute any water bodies whether above or below ground. The submitted Contamination Report has been considered and verified by both the Council’s previous Contamination Officer and current Consultant Contamination Officer. The submitted report is a preliminary report at this stage, being based on an overview of the proposal land supplemented with select sampling by intrusive investigation, as is the usual procedure for such proposals. Once development commences, further exploratory work will have to be carried out by the applicant in accordance with a methodology to be approved by the Council and, in the light of the further exploration, satisfactory remediation work will need to be undertaken based upon these actual findings.
- 6.63 The submitted Contamination Report identifies areas and types of contamination that exist on-site. This is to be expected on sites which have had previous industrial uses. Site conditions, if the site were to remain in its present condition and not remediated, could potentially pose a risk to the wider environment and the development of the site will assist in remediation which otherwise is quite unlikely to occur. The report acknowledges its limitations (most notably with respect to the number of sample locations tested and the areas that were accessible) and recommends that further testing and assessment is required. I agree that this is necessary and would be normal practice in any event. Levels of contamination as now identified would not preclude development of the site. Further assessment should be required by condition and a detailed remedial action strategy should follow that. This is usual and correct practice for planning applications.
- 6.64 In view of the fact that further investigation needs to be carried out at the next stages of development, and that it is not known at this stage whether any fill would be required at all or from where it would be sourced if needed, it is not practical to predict traffic movements as wished-for by the PC.
- 6.65 The Geotechnical Ground Conditions Report concludes that there is a need to undertake mitigation measures relating to direct contact exposure risks from impacted made ground across the site. Mitigation works specific to Area 1 of the report may be required.
- 6.66 Low leachable concentrations of contaminants were found across the site with low risks to groundwater as a result. Therefore, no remediation of groundwater is proposed – but this position must be safeguarded by condition to ensure that if unanticipated material or pathways are found during further on-site surveying, appropriate action is instigated.
- 6.67 Additional “clean fill” material is proposed over made ground in private garden areas. It is proposed that fill to increase the ground levels will consist of clean fill. This is the conventional procedure and it is likely that clean topsoil will need to be

imported to site. This practice happens not infrequently on more conventional redevelopment sites.

- 6.68 I am satisfied that conditions requiring a further risk assessment relating to the site and the submission and approval of satisfactory remediation measures to deal with contamination both above and below ground, can adequately address these issues.
- 6.69 I note the comments of the Parish Council with respect to discharge into the River Bourne. However, this is outside of the LPA's control. The Environment Agency has powers to deal with issues of water contamination.

### **Ground Stability in River Bourne**

- 6.70 The matter of potential land stability in and around the Bourne valley has been raised especially in terms of a fear of material becoming loosened and washing into the stream, for instance after the demolition of the skip building. This is both a material consideration and one that must be adequately protected by the use of an appropriate planning condition that will secure the approval of detailed designs for land stability and the ultimate maintenance of those works. The proposed development area of Isles Quarry West lies some distance from the stream but the intervening land will be in the control of the applicant so that it will be perfectly practical to utilise conditional controls to ensure that this matter is adequately controlled. It should be remembered that, should there be even temporary contamination of the waters in the stream, the EA would have powers to take action quite separately from the planning process. The NPPF states "*Where a site is affected by ... land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*"

### **Noise & Mitigation**

- 6.71 Policy H2(c) of the DLA DPD states that the proposal should have regard to the potential environmental impact of any continuing employment use of the upper platform if all or part of it is not to be incorporated in the housing area, including the achievement of a satisfactory noise climate in accordance with saved Policy P3/17 (or its successor policy). (The successor policy is Policy SQ6 of the MDE DPD).
- 6.72 Policy SQ6 of the MDE DPD states that proposals for noise-sensitive development will be required to demonstrate that noise levels are appropriate for the proposed use. Proposals for built development should incorporate design measures such that internal noise levels are demonstrated to meet criteria levels in relevant guidance.
- 6.73 NPPF replaces the fully detailed PPS 24: Noise with much more general statements intended to ensure that noise is taken into account in decision making. The NPPF now also references the Noise Policy Statement for England, published

by DEFRA, and indicates that decision making should “avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”.

6.74 The preferred method of protecting the proposed dwellings from noise from the projected noise levels from Hornet Business Estate is by installing a noise barrier. The letter submitted by the applicant contains details of two alternative barrier heights (3 and 4 metres). It is the applicant's preference to install a 3m height for engineering and maintenance reasons.

6.75 The results of the modelling comparing the two barrier heights show that an increase in barrier height from 3 to 4 metres will not reduce the number of dwellings that will require acoustically treated ventilation in order to meet TMBC internal noise levels as contained in SQ6. This is endorsed by the Council's noise consultants

6.76 Desirable noise levels within the gardens and other areas where relaxation is to be provided as part of the development are provided in SQ6:

*“In this context gardens and amenity areas are those areas where residents might reasonably expect to spend significant periods of time relaxing. This would generally exclude front gardens and other similar “privacy” landscaping. In order to safeguard the aural amenity of residents using garden and amenity areas it is desirable that the daytime (07:00-23:00 hrs) level of noise in gardens should not exceed 55 LAeq dB free field.”*

6.77 The applicant's Noise Assessment shows that, in scenario D1, this desirable level is likely to be met in the vast majority of rear gardens, with the exception of units 11-16 (table 6.10). However, they are only predicted to exceed the level by 2dB, which is imperceptible. Scenario D2 would include two additional plots, up to 6dB over the SQ6 criteria of 55dB(A), We are firmly of the view that scenario D2 is very much a worst case.

6.78 With regard to the internal noise climate, the applicant has predicted internal noise levels in bedrooms at night from reversing alarms in conjunction with Hornet Business Estate. These show that World Health Organisation  $L_{Amax, fast}$  guideline level of 45dB within a bedroom can be met in all units with windows closed, but will not necessarily be met within all units with open windows. It will be a condition of development that details of appropriate acoustic glazing and mechanical ventilation are provided prior to the commencement of works and that post installation testing is undertaken.

6.79 The applicant has looked at potential noise resulting from reversing alarms in association with Hornet Industrial Estate and concludes that the proposed noise barrier, glazing and mechanical ventilation generally provide greater attenuation of

noise at higher frequencies (such as reversing alarms) such that suitable internal noise levels with windows closed can be achieved.

- 6.80 Based upon discussions between the owners of Stangate Quarry (FCC Environment) and the applicant, the applicant has assessed the impact of lorry movements travelling to Stangate Quarry to carry out the required work, on the basis of 80 lorries per day (amounting in a total of 160 movements per day), which will result in a worst case of 20 lorry movements per hour. Updated noise modelling for the revised scheme shows that the noise levels in the gardens will be below the World Health Organisation (WHO) guidelines and therefore a noise barrier is not required between the FCC access road and the proposed residential properties. An alternative methodology, used by our consultant, has predicted that the level for gardens contained in SQ6 will be exceeded by between 1 and 3dB (imperceptible) although it is noted that the use of the haul road is temporary and does not extend into the late afternoon or evening period. This in effect supports the argument that a noise barrier is not required at this location.
- 6.81 A suitable internal noise climate can be achieved through double glazed windows and alternative ventilation systems.
- 6.82 A Gas Utilisation Plant (GUP) is located approximately 205m to the south east of the nearest proposed residential receptor, within Stangate Quarry. This plant processes waste gases from the past landfilling operations. Since the current Isles Quarry application was submitted, planning permission has been granted by KCC to install an additional gas flare to the GUP and an exhaust stack. The planning permission granted by KCC on the GUP includes conditions intended to protect both existing and proposed dwellings from noise from the Plant in terms of relevant British Standards.
- 6.83 The matters set out above indicate that our retained specialist noise consultant is satisfied that the methodology utilised by both the applicants' advisors and those advising the operator of the Hornet site deal appropriately with the range of noise factors that need to be considered in this case. In respect of noise from Hornet it is clear that the internal noise climate of the proposed dwellings can be adequately protected to the necessary standards to meet policy SQ6 in ways that have been accepted by Inspectors in deciding appeals on other sites – for instance by use of acoustic glazing/mechanical ventilation/rapid cooling (as appropriate) and use of acoustic fencing. It is noteworthy that, in the context of the emerging agreement between the developer and the Hornet owner, there is acknowledgement of the benefits of the design of the dwelling units themselves and the acoustic fence in achieving acceptable conditions. While any bipartite agreement is a helpful illustration of co-operative working the Council must, by use of conditions/legal obligations secure the initial installation of the facilities before occupation (and in the case of the fence a long term maintenance arrangement).

- 6.84 Whilst some of the dwellings may experience a daytime garden noise level in excess of the SQ6 standard (in the policy annex), where there is exceedence it is so minimal as to be “imperceptible” (i.e. less than 3 dBA) when compared to the standard. The applicants have also modelled the relationship of noise from Hornet units and the dwellings in terms of BS4142 which gives a guide as to the possibility of complaints. As the Council’s consultant points out this is, quite properly, a worst case prediction but this will tend to overestimate the potential for problems. This is because the “background level” as measured for prediction purposes is low because of very limited activity at IQW at present. When developed the background level is almost certain to be higher due to noise from the dwellings. Moreover the noise levels assumed as occurring within the Hornet units are high and it is highly unlikely that all units will operate at these levels simultaneously and with fully open doors. Indeed, were this to occur then almost certainly there would be a rush of complaints from the dwellings north of the Haul Road which would not have the benefit of acoustic fencing for protection.
- 6.85 I note the Parish Council’s comments relating to the retention of the skip hire business. The LPA has a duty to consider the proposal that has been submitted. However, I am of the opinion that, should the proposal involve retaining the skip hire business, this would have a detrimental impact on the amenity of some of the proposed residential dwellings, in terms of noise, and would therefore arise in an unnecessary conflict.
- 6.86 Consideration was given to the need or otherwise to seek an odour study in relation to use at Hornet business park. Given that the Council has not received any complaints of that nature from nearby residential localities, which would be likely to be more affected than the proposed properties in light of prevailing wind patterns, this was not considered to be justified and that to request such a study would not be proportionate. It must also be noted that there are, under other legislation, remedial powers to deal with odours.

### **Air Quality**

- 6.87 The application has been assessed on AQ matters in line with
- NPPF policy;
  - policy SQ4 of the MDE DPD, which has a number of elements which apply in this case;
  - the guidance given in algorithms in EPUK publication Development Control: Planning for Air Quality (2010 update),
  - the Kent and Medway Air Quality Partnership: Air Quality and Planning Guidance Consultation Draft 2010

NPPF policy now states that: “



*“Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”*

- 6.88 Policy SQ4, which automatically becomes of less weight on the anniversary of NPPF in March 2013, requires proposals to not result in a “*significant*” deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity, and that proposals should not result in the circumstances that would lead to the creation of a new Air Quality Management Area. The proposal is not in breach of this requirement as previous studies carried out by the Council under the Local Air Quality Management regime have already identified the need to declare an AQMA in Borough Green.
- 6.89 There are two principle air quality pollutants that are relevant in this application; fine particulate matter PM<sub>10</sub> and nitrogen dioxide NO<sub>2</sub>. The annual mean National Air Quality Objective for both pollutants is 40µg/m<sup>3</sup>.
- 6.90 PM<sub>10</sub> concentrations are well within the national air quality objective for PM<sub>10</sub> for both with and without development scenarios. The changes to the PM<sub>10</sub> concentration, between the two scenarios are predicted to be imperceptible.
- 6.91 Changes to NO<sub>2</sub> that would result from the proposed development are all predicted to be smaller than 0.4µg/m<sup>3</sup>, i.e. negligible *for all receptors*. Following the method for assessment of significance, the overall impacts on NO<sub>2</sub> concentrations are determined to be imperceptible – EPUK definition.
- 6.92 The NO<sub>2</sub> impacts arising from the development predicted in the applicants’ original model are very slight; in 2014 the predicted differences in NO<sub>2</sub> concentrations between the without development and the with development scenario ranges from 0.1 and 0.3 µg.m<sup>-3</sup> increase. This results in the impacts being classed as “*imperceptible*” in the EPUK impact descriptors (see above re: EPUK). Bearing in mind the specialist technical scrutiny applied to this report on the Council’s behalf, I consider that such increases are not significant and accept the conclusions of the revised assessment and the conclusions have been endorsed by the Council’s AQ consultant.
- 6.93 The cumulative impacts of the Basted House development have also been considered by the Council on the basis of the traffic assessment submitted with that application. It is predicted that the health club will create an additional 84 car movements per day (42 in and 42 out), spread out over a 16 hour period of opening. These will not add significantly to the predicted vehicle movements from IQW, particularly during peak flows between 08:00 and 09:00 and 17:00 and 18:00, and of course the Haul Road will be available either on adoption or possibly by private agreement between the Heath Club and the road owners. Moreover the Basted House site, operating under its current use rights as a substantial office facility, is in fact, contributing to base line traffic and AQ impacts at present.

- 6.94 The detailed process and research details are set out above and TMBC's specialist Air Quality consultant confirms that the methodology adopted by the applicant's consultants is an appropriate one, which is not to say that other methodologies could not be used but rather that the methodology adopted is not, in itself, either wrong or should be discounted. In essence this means that the Council's specialist consultant endorses the findings of the studies such that AQ conditions arising following development are acceptable bearing in mind the considerations now set out in current DCLG policy as set out in NPPF (see paragraph 6.87 above).
- 6.95 In addition to these factors a number of matters have been raised by BGPC which deserve a response. It is suggested that it is now DCLG policy that in terms of "air quality" a development can be acceptable only if it has a "beneficial impact" on the environment. In asserting this position the PC relies on an appeal decision in relation to a supermarket in Sheffield and some correspondence with an official of DCLG. That appeal *predates the revised policy framework now provided by NPPF* which rescinded Planning Policy Statement 23 (PPS 23) that dealt with air quality at the time of the appeal decision. The DCLG official's first letter cites "beneficial impact" but later email correspondence refers to the more up-to-date NPPF (see paragraph 6.87 above). A review of the previous PPS 23 indicates that the term "beneficial impact" appeared in Appendix 1G and needed to be read in context *when it was Government Policy*:

*"It is not the case that all planning applications for developments inside or adjacent to AQMAs should be refused if the developments would result in a deterioration of local air quality. Such an approach could sterilise development, particularly where authorities have designated their entire areas as AQMAs. LPAs, transport authorities and pollution control authorities should work together to ensure development has a beneficial impact on the environment, for example by exploring the possibility of securing mitigation measures that would allow the proposal to proceed. Road transport is recognised as a significant contributor to poor local air quality, particularly in urban areas. LPAs can play a key role by ensuring that developments reduce the need to travel and encouraging more sustainable travel choices."*

- 6.96 So it can be seen that the concept of assessing AQ impact on the basis of the EPUK standard of "imperceptible impact" (which remains the most up to date guidance in respect of measured/modelled emissions) is not at variance with DCLG policy either now in NPPF nor, I would argue, with the approach as set out by a reading of the *whole* of the defunct Appendix 1G of PPS 23. Moreover I do not see that the detailed background of the supermarket appeal is directly comparable with the Isles Quarry/Borough Green situation.
- 6.97 I am also aware that in the background to the issue of AQ on this application a number of questions have been raised about the methodology used in the AQMA designation process. By implication, if the designation process procedures were in

doubt then the assessment of this application would be brought into question. I have therefore sought clarification from DHH (and the Council's AQ consultant) with regard to designation methodology. I am able to confirm that the designation analysis work provides a detailed assessment that meets with the requirements of the LAQM process, specifically policy and technical guidance- PG(09) and TG(09), as required by the Environment Act 1995. The AQMA designation analysis has gone through three rounds of quality assurance to ensure acceptability: the specialist consultant's internal process; the TMBC process; and finally, and crucially, DEFRA's appraisal procedure. The report complies with DEFRA's requirements so the methods are considered to be appropriate for considering AQMA designation.

- 6.98 I am also aware that in some quarters it is felt that AQ assessment would be better done by analysing traffic queues rather than traffic speeds. Notwithstanding that the traffic speed model has been endorsed by DEFRA the various modelling options are, as I understand it, all essentially focussed on various methods of interpreting traffic speed data, rather than standing traffic.
- 6.99 The Council's specialist consultant indicates that a methodology has been applied that uses average speeds on the modelled road links to derive emissions of NO<sub>x</sub> and PM<sub>10</sub> from the latest version of the Emissions Factors Toolkit (EFT), which uses emissions functions from COPERT IV, which is DEFRA's "accepted" dataset for traffic emission studies. This is accepted methodology for assessing congestion using TG(09) guidance.
- 6.100 The impact of development on air quality is a significant matter and one that in the cited appeal case in Sheffield proved to be fatal. However as in every planning judgement the current case "must be judged on its merits" and in light of all the above analysis I consider that the development is acceptable in AQ terms in itself (without the need for comparison with the potential impacts that might occur from the resurrection of the historic commercial and business uses and associated HGV traffic). I will return to the wider balance of all material planning factors later in this report.

### **Utility Services**

- 6.101 The applicant has submitted a Utility Services Report with the application.
- 6.102 EDF has confirmed that there is no need for any local electricity infrastructure upgrades.
- 6.103 There appear to be no service upgrades required for gas.
- 6.104 The water main serving the site is privately owned. Disconnections and any diversion required would be assessed once the route of the private main has been established.

- 6.105 In terms of telecommunications, the existing site apparatus can be isolated from the external network once site clearance commences.
- 6.106 These matters will be dealt with in separate service agreements between the developer and the service providers.
- 6.107 It has been suggested that the wastewater/sewage disposal arrangements in the locality are unacceptable. The applicant will need to ensure that facilities are provided which are adequate. To this end they have commenced procedures under the Water Industry Act 1991 to requisition a sewer and possibly pumping enhancements to meet the requirements of the development. Southern Water has confirmed that they are carrying out the preliminary work for the requisition. This process superseded the use of the planning system to require such facilities and now the applicant pays a non-planning infrastructure charge for this purpose. It is, of course, imperative that conditional control is used to ensure that no property is occupied before the appropriate parts of the foul water system is in place.

### **Masterplan**

- 6.108 A Masterplan has been submitted with the application setting out the applicant's interpretation of the constraints of the site and how they have reached their final design. I am satisfied that this is acceptable and meets the requirements of Policy H2 of the MDE DPD and has set out the broad principles which have been applied to the final form of the layout.

### **Design**

- 6.109 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.110 Policy SQ1 of the MDE DPD states that proposals for development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity.
- 6.111 In terms of the design of the proposal in relation to Policy H2(b) of the DLA DPD, whilst the proposed scheme does involve a reduction of the existing ground level on the high level platform, this is still at a slightly higher ground level than the remainder of the site. There are a number of constraints that the applicant has considered when designing the scheme, in terms of the topography of the site and its surroundings: the position of the Hornet Access Road, existing ground levels and the site's relationship with the adjacent industrial estate and the height of retaining walls and embankment structures if the level of this platform is lowered further. I am of the opinion that the development proposed on the higher

level platform is satisfactorily integrated with the lower level platform and the adjacent Hornet Business Estate and meets the “literal” wording of policy H2 (b).

- 6.112 I am of the opinion that the scheme has been designed so as to minimise crime. Gates have been shown on rear accesses to dwellings. Alleyways have been minimised, and there is adequate lighting within the scheme.
- 6.113 I note the concerns that have been raised relating to the proposal for car ports within the scheme rather than garages. The provision of car ports is acceptable for the proposal especially as car ports will tend to encourage the parking of vehicles more than garages would (which could facilitate storage over parking).
- 6.114 The height of the proposed buildings has been reduced during the life of the scheme. I am satisfied that the height of the buildings is acceptable and will not have a significantly detrimental impact upon the rural character of the surrounding area or upon the AONB.
- 6.115 I am of the opinion that the design of the proposed dwellings is acceptable. The dwellings are not directly adjacent to existing dwellings where there might be the question of compatibility of styles.
- 6.116 I am satisfied that, subject to detailed design, the use of a barrier would provide an effective emergency link without vehicles being able to use the link as a through road or allowing rat running. Similar designs have been used successfully in other developments within the Borough.
- 6.117 It is proposed that on-site vehicle parking will be provided in accordance with the Kent Design Guide IG3, as adopted by TMBC, and that cycle parking will be provided in accordance with the Kent Vehicle Parking Standards (2006).

### **Outdoor Recreation**

- 6.118 Policy OS3 of the MDE DPD requires residential developments of over 5 units to provide open space provision, as set out within Policy Annex OS3. The form and level of provision has been calculated in accordance with the sequential approach and methodology set out in Annex D.
- 6.119 The proposal shows a Local Area for Play (LAP) within the site (to the east) and a LEAP adjacent to the proposed housing (to the west). The proposed LAP would be located adjacent to the housing. It would measure approximately 230 sq.m. and would contain:
- Timber stepping logs;
  - Timber mushrooms;
  - Grass mounds;

- Bench;
- Bin;
- Fencing and gate.

6.120 In terms of the proposed LAP, details of surfacing have not been provided. Further refinement of design would be valuable and this and the details of surfacing can be agreed pursuant to a condition.

6.121 In terms of the proposed LEAP, it is proposed to lay the area with "matte" safety surfacing. In terms of equipment, whilst there is more diversity in play equipment proposed, I am of the opinion that there could still be further discussions relating to this material. This can also be dealt with by a condition.

6.122 In addition to this, in accordance with Policy H2(f) of the DLA DPD, it is proposed that the area of the Bourne Valley Woods SNCI adjacent to the proposed housing, which lies within the application site, be maintained as woodland.

### **Environmental Sustainability**

6.123 Policy CC1 of the MDE DPD encourages the achievement of Code Level 4 of the Code for Sustainable Homes in applications for new residential development. The use of photovoltaics is proposed to provide for 10% CO2 emission savings from renewable technologies. Internal water use standards would meet Level 4. Many windows of habitable rooms are orientated within 30 degrees of south with solar gain benefits. Rainwater butts are proposed to store water for external use. I am satisfied that the requirements of Policy CC1 of the MDE DPD have been met.

6.124 In terms of making the site more accessible within the surrounding locality, it is proposed to re-route bus number 222 along the Haul Road, around the Quarry Hill roundabout and back along the Haul Road. This will improve accessibility into Borough Green and Borough Green railway station, and will in turn also improve accessibility to the doctor's surgery from north Borough Green and the surrounding villages. The timing of this can be controlled through the S106 agreement.

6.125 A footpath is proposed to be provided along the Haul Road, linking in the development with the existing PROW network.

### **Ecological impacts**

6.126 Paragraph 118 of the NPPF and Policy NE3 of the MDE DPD state that if there is significant harm resulting from a development that cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be

refused. It states that opportunities to incorporate biodiversity in and around developments should be encouraged.

- 6.127 The site is used by bats, dormice, badgers, nesting birds, reptiles and invertebrates. The presence of and potential for negative impacts on protected species is a material consideration.
- 6.128 Further bat activity surveys have been undertaken since the application was submitted. These show that there were low-moderate levels of activity, with species of Common Pipistrelle, Soprano Pipistrelle, Myotis sp. and possibly long-eared bats. Mitigation is proposed given that foraging and commuting bats may be affected by disturbance associated with residential areas. This includes placing of bat boxes on trees and buildings, enhancing foraging habitat through the long term management of habitats within the surrounds of the site. No roosting habitat is to be affected by the proposal.
- 6.129 In terms of reptiles, there is a high population of Common Lizard and low populations of slow worm and grass snake recorded. A translocation exercise is proposed to be carried out to exclude reptiles from areas affected by development. Recommendations for ecological enhancement have been proposed, including long-term management of grassland and the refugia and hibernacula.
- 6.130 The applicant's ecological consultant has stated that the developing woodland and scrub areas may be used by dormice on occasion. However, the use of a survey to confirm their presence has been discounted as "not possible". I consider it necessary to condition a further detailed mitigation strategy to be submitted and approved.
- 6.131 In terms of bird nesting habitat, the Ecological Report proposes that any vegetation clearance carried out within the site should be undertaken outside the bird nesting season and, if this is not practicable, any vegetation to be removed should first be checked by a professional ecologist in order to determine the location of any nests prior to removal. It is then proposed that any nests identified should be cordoned off and protected until the end of the nesting season or until the birds have fledged. I am satisfied with these recommendations.
- 6.132 The Ecological Survey provides recommendations for long term management and enhancement of the semi-natural habitats, which will include measures to benefit invertebrates.
- 6.133 Some minor bat activity was identified within the supports of the bridge across Thong Lane. Further survey work was carried out and it was concluded that the bats were likely to be roosting elsewhere.

6.134 I am satisfied that the proposal meets the test for compliance with NPPF and MDE DPD. However, in order to ensure that this remains the case, a S106 planning obligation should secure long-term ownership and maintenance arrangements.

## **7. The Thong Lane Bridge**

7.1 It has been suggested that this bridge should be retained as a form of archaeological monument to the industrial history of the area. While this is an attractive notion, the bridge is currently closed off to pedestrians for safety reasons because of its poor condition whilst spanning a public highway. Whilst the loss of the bridge would have an impact on the character of Thong Lane, I am of the opinion that, on balance, the removal of the bridge would be acceptable. The brick supports of the bridge are proposed to be retained, to ensure that there are no implications to land stability. It will be the part that crosses Thong Lane that is to be removed.

7.2 The removal of the bridge will also result in much less pedestrian activity and less impact on protected species and habitats in Isles Quarry East. I am of the opinion that the removal of the bridge across Thong Lane will have a beneficial ecological impact by virtue of limiting points of access to Isles Quarry East.

### **Surface and foul water**

7.3 Policy SQ5 of the MDE DPD requires all development to have adequate water and sewerage infrastructure to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for developments which increase the demand for off-site water and sewerage infrastructure where sufficient capacity already exists or extra capacity can be provided in time to serve the development.

7.4 I note the comments with respect to sewage capacity. The applicant has proposed details of off-site foul sewerage improvements in their Flood Risk Assessment. The applicant has confirmed that they have undertaken to carry out improvements to sewage capacity within the local area. I am satisfied with the detailed proposals and the proposal would be subject to the Water and Sewerage Infrastructure Charges, separate to planning legislation. Furthermore, Southern Water has made no objections to the application.

7.5 It has been suggested that the wastewater/sewage disposal arrangements in the locality are unacceptable. The applicant will need to ensure that facilities are provided which are adequate. To this end they have commenced procedures under the Water Industry Act 1991 to requisition a sewer and possibly pumping enhancements to meet the requirements of the development and Southern Water



has confirmed that they are carrying out the preliminary work for the requisition. This process superseded the use of the planning system to require such facilities and now the applicant pays a non-planning infrastructure charge for this purpose. It is, of course, imperative that conditional control is used to ensure that no property is occupied before the appropriate parts of the foul water system are in place.

### **Archaeology**

- 7.6 Paragraph 128 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. The site lies within an area which has revealed prehistoric and Roman occupation remains. Just within the eastern boundary is the possible location of Iron Age occupation remains, perhaps indicating the presence of an Iron Age settlement (HER No: TQ 65 NW 1). In the far north western corner is the recorded discovery of Romano-British burials, possibly associated with a barrow (HER No: TQ 65 NW 13). Although the quarry itself is quite late, only appearing on the 4<sup>th</sup> Edition OS map, the industrial structures and any remaining buildings may be of local heritage interest.
- 7.7 Clearly the quarrying activity would have had an impact on the survival of archaeological remains of prehistoric and Roman date and it is unlikely that archaeology survives in the majority of the site. However, there may be some areas within the site, especially towards the periphery, which are at, or close to, original ground levels and in these areas there is potential for archaeology to survive.
- 7.8 In light of this, I consider it appropriate that a condition be imposed to any planning permission granted for a programme of archaeological work in accordance with a written specification and timetable being submitted and approved.

### **Loss of employment opportunities**

- 7.9 I note the comments relating to loss of employment opportunities on the site. However, this was not judged to be an impediment to the allocation of the site for housing, by the LDF Inspector, at the policy designation stage.
- 7.10 The skip hire business has vacated the buildings on the south-east of the site due to serious problems in the building with plumbing and electrics. This building is unlikely to be in a condition to be occupied by another company without major reconstruction works.
- 7.11 The Hornet Business Estate lies within the area allocated under Policy H2 of the Development Land Allocations DPD 2008 for residential development. However,

Hornet Business Estate has not been submitted as part of the proposal and therefore retains employment use.

### **Impact on Existing Local Services**

- 7.12 I note the comments that the existing doctor's surgery in Borough Green is already under considerable pressure and that the proposed development would exacerbate this. However, the NHS has submitted comments with respect to the application and does not indicate that this is the case and, whilst it suggests that contribution should be sought, the NHS has suggested that this would be spent on facilities around the Sovereign House Project in Tonbridge, and/or Warders Medical Centre and/or upgrade West Kingsdown practices. On this basis, I consider there insufficient local justification to seek a contribution in this case on the basis of statutory requirements on seeking S106 obligations.
- 7.13 In considering the allocation of the site within the DLA DPD the Inspector recognised that the "*Employment Land Review concluded that the site performs poorly in qualitative terms and that the loss of employment potential of the site would not have an unacceptable impact on the strategy for employment land.*"

### **Library and Local Services Delivery Contribution**

- 7.14 A Library and local services delivery contribution is being discussed, following representations from Mouchel/KCC and will need to be covered by a S106 obligation.

### **Stability of bank south of Hornet Business Estate**

- 7.15 Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. This has been tested on this site within the policy allocation stage.
- 7.16 I note the concerns relating to stability of the bank south of the Hornet Business Estate. However, paragraph 120 of the NPPF states that "*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*".
- 7.17 There has been a realignment of the rear boundary of plots, away from the northern bank with the Hornet Business Estate, during the course of the application to address concerns raised in relation to land stability issues.

### **Relationship of Proposed Housing with Employment at Hornets Business Estate**

- 7.18 There has been extended dialogue with the owner of Hornets Business Estate which has assisted the detailed approach to dealing with the juxtaposition of housing and the continued employment use at Hornets Business Estate. It

appears that an agreement has been reached between Crest and the owner of Hornets Business Estate (see section above re: noise).

### **Borough Green Parish Plan**

- 7.19 Whilst the Borough Green Parish Plan (June 2011) is a material consideration, it has not been formally adopted by the Borough Council. It states that there is a perceived need for affordable housing within Borough Green.
- 7.20 It suggests that new developments should be designed to ensure that they not only 'fit into' their surrounding area, but to enhance the built environment to create areas of character and distinction.

### **BGPC's alternative scenario**

- 7.21 The suggestion is that the site of the skip hire site be retained for employment which, it is suggested, would make the proposal more compliant with NPPF. It is suggested that the proposal is contrary to the Growth and Infrastructure Bill. This Bill is aimed squarely at reducing the procedural burden perceived by the Government to be stifling employment and economic growth and does not impinge on matters such as the allocation of land. Indeed the NPPF reinforces the plan led process and this part of the site was agreed by the LDF Inspector to be suitable for re-use for housing. Retaining it in employment use, bearing in mind that it has an unfettered planning history, would fundamentally impact on the new housing in a quite undesirable way. Moreover the building itself is now vacant and currently incapable of re-use because of services failures not related to the interests of the applicant. It is as well to remember that the Isles Quarry housing allocation allows the whole of the Hornet site to be converted to housing but in the event not only did this not come to pass but there are as yet unimplemented permissions for additional industrial units on that site. So, in essence, the housing take-up of the allocation is less than it could have been, and the employment opportunities that remain are greater than might have been the case. Indeed, the employment facilities are capable of modern expansion. Notwithstanding these scenarios, the proposals overall remain policy compliant. At one point BGPC may have suggested the replacement of the skip site area with an equal amount of land for housing to the west of the current application site. This would involve unplanned erosion of the Green Belt, itself a major policy issue given the Government expects the Green Belt to be protected unless at the time of plan making there is a justification for taking land out of the Green Belt as was the case with the housing allocation itself.

### **Conclusion**

- 7.22 In light of the above considerations, I am of the opinion that the proposal complies with the relevant policies, including Policy H2 of the DLA DPD, and recommend that the proposal be approved. If additions or changes to proposed conditions emerge in advance of the Committee meeting, these will be set out in a

Supplementary Report.

**8. Recommendation:**

**8.1 Grant Planning Permission** subject to:

8.2 the applicant entering into the appropriate Legal Agreement, covering the following matters in which case the Director of Central Services be authorised to conclude such an agreement:

- Affordable housing
- Implementation of the Interim Residential Travel Plan and diversion of bus route 222 via the Haul Road for a minimum period of five years prior to the first occupation of the site.
- Provision of the agreed package of off-site highway mitigation works, including localised footway widening on Quarry Hill Road and the installation of pedestrian splitter islands at the Quarry Hill Road roundabout;
- Funding to KCC to provide weight restriction of vehicles using Quarry Hill Road;
- Provisions for maintenance of acoustic barriers
- Provisions for the maintenance of the open space to the west of the site (including the LWS);
- Provisions for the maintenance of the LEAP and LAP;
- Implementation of agreed, funded long term habitat management by appropriate organisation and;
- Library provision to support the new population

8.3 subject to the following conditions (as may be further amplified in any Supplementary Report and subject to agreement of final wordings with the Director of Central Services bearing in mind the S106 obligations)

**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 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

- 3 No development shall commence until details of the junction of the site access onto the Haul Road, to deter traffic from turning right from the development site, have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until these details have been implemented.

Reasons: To ensure no adverse impact upon levels of highway safety in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 4 No building shall be occupied until the area shown on the submitted layout as vehicle parking space(s) 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 1995 (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.

Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking, contrary to Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and Kent Design Guide: Interim Guidance Note 3 2008.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 5 The development hereby approved shall be constructed at the levels indicated on the drawing nos. D129371-CL-600-101 rev C – D129371-CL-600-106 rev C

Reason: In the interests of amenity and privacy in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy, Saved Policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998 and Policy DQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 6 The development hereby approved shall be developed in accordance with the hereby approved scheme of acoustic protection. The approved scheme of acoustic protection shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To protect amenities in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ6 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61, 125 of the National Planning Policy Framework 2012.

- 7 No development of any phase shall take place until there has been submitted to and approved by the Local Planning Authority a relevant scheme of landscaping and boundary treatment. 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, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 58, 61 of the National Planning Policy Framework 2012

- 8 No development of any phase shall commence until details of a relevant scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 9 No building shall be occupied until the area shown on the submitted layout as relevant vehicle parking space(s) 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 1995 (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.

Reason: To ensure no adverse impact upon levels of highway safety in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 10 The access to the Haul Road shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure no adverse impact upon levels of highway safety in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 11 No individual building shall be occupied until vision splays have been implemented in accordance with details submitted to and approved by the Local Planning Authority. The approved vision splays shall be retained at all times thereafter.

Reason: To ensure no adverse impact upon levels of highway safety in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 12 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 58, 61 of the National Planning Policy Framework 2012.

- 13 No development shall take place until relevant details of existing and proposed levels and proposed slab and finished floor levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual and residential amenities in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 14 Prior to development of any phase commencing, relevant details of finished ground levels for all hard landscaped areas, footways and similar areas, including details of all surfacing materials, street furniture, signs, lighting, refuse storage units and other minor structures shall be submitted to and approved by the Local Planning Authority and implemented in their entirety.

Reason: To ensure that the development does not harm the character of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

- 15 Prior to development commencing, details and a timetable of lighting to roads, cycleways, footways and footpaths and other lighting serving public areas shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented in accordance with the approved timetable and retained thereafter.



Reason: To ensure that the development does not harm the character of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

- 16 Prior to development commencing, details of the emergency access as hereby approved shall be submitted to and approved by the Local Planning Authority and shall be implemented prior to the occupation of the first dwelling.

Reason: To ensure no adverse impact upon levels of highway safety in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 17 Prior to development commencing, details and a timetable of a scheme for children's play space to accord with the requirements of Policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented in accordance with the approved timetable and retained thereafter.

Reason: To ensure the availability of play area for the recreational needs of the residents in accordance Policy OS3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 73 of the National Planning Policy Framework 2012.

- 18 None of the buildings within any phase shall be occupied until relevant underground ducts have been installed by the developer to enable telephone, electricity, CCTV and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order amending, revoking and reenacting that Order), no distribution pole or overhead line shall be erected within the area except with the prior approval of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012

- 19 Prior to development details and a timetable shall be submitted to and approved by the Local Planning Authority of relevant surface water drainage works, which shall embrace the principles of sustainable drainage whilst having due regard to the measures proposed to avoid contamination of groundwater. The scheme shall

be implemented in accordance with the approved timetable and retained thereafter.

Reason: In the interests of water pollution prevention in accordance with Policy CC3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and Paragraph 120 of the National Planning Policy Framework 2012.

- 20 Prior to development commencing, details shall be submitted to and approved by the Local Planning Authority of relevant foul drainage works. The approved scheme shall be implemented in its entirety and retained thereafter.

Reason: In the interests of water pollution prevention in accordance with Policy CC3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and Paragraph 120 of the National Planning Policy Framework 2012.

- 21 All shared surface water drainage infrastructure shall be publicly accessible from the point of connection to each individual dwelling through to the final discharge point.

Reason: To ensure access for maintenance purposes by the appropriate body responsible for drainage maintenance and to minimise the risk of flooding.

- 22 Prior to development commencing, the developer shall submit to the Local Planning Authority a long term surface water drainage management plan.

Reason: To ensure appropriate long term maintenance of the surface drainage infrastructure and to minimise the risk of flooding.

- 23 There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying principle aquifer and nearby surface waters and in accordance with paragraph 109 of the National Planning Policy Framework.

- 24 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure good improvement works are carried out with due regard to the risks to groundwater presented by contamination present in the made ground beneath the site, as highlighted from site specific investigations

- 25 Prior to development commencing, details of method and phasing of demolition shall be submitted to and approved by the Local Planning Authority, and the work shall be carried out in accordance with the approved details.

Reason: To protect amenities in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ6 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61, 125 of the National Planning Policy Framework 2012.

- 26 No development shall commence until:

a) further investigations into the existence of soil and groundwater contamination on and beneath the site have been carried out, in accordance with a scheme first submitted to and approved in writing by the local planning authority, to supplement the information contained in Scott Wilson Report Geo-environmental and Geotechnical Ground Conditions Report 2010 dated April 2011; and

b) a scheme of proposed remedial and engineering measures to render the site suitable to its permitted end use and to prevent contamination of groundwater and air and water pollution of adjoining land has been drawn up by and approved by an appropriately qualified environmental specialist and submitted and approved in writing by the local planning authority. The scheme shall include a detailed risk assessment for identified components and sensitive receptors, plus suggested remedial targets. It shall also include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development (including arrangements for notifying the local planning authority of the presence of any such unforeseen contamination).

Thereafter

c) the scheme of remedial and engineering measures shall be implemented and completed fully in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. On completion of the works, a completion report and certificate (in a form first agreed with the authority in writing) shall be provided to the local planning authority, certifying that the land is suitable for its permitted end use. The certificate shall be issued by the person responsible for the development and shall be signed by the environmental specialist who designed and specified the environmental specialist who designed and specified the scheme of remedial works (or such other person with qualifications and/ or experience in environmental chemistry and risk assessment as may be approved in writing by the local planning authority). No dwelling shall be occupied unless and until the completion report has been submitted to and approved in writing by

the local planning authority and the certificate has been provided insofar as it relates to that part of the development which will be occupied.

d) no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety in accordance with paragraphs 120 and 121 of the National Planning Policy Framework 2012.

- 27 No development shall commence until the mitigation measures set out in the ecological appraisal and report have been fully implemented.

Reason: In accordance with Policies NE2 and NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

- 28 Prior to development commencing a detailed dormice mitigation strategy and timetable shall be submitted and approved by the Local Planning Authority and implemented in accordance with the approved timetable.

Reason: In accordance with Policies NE2 and NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

- 29 Prior to development commencing a lighting scheme shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To minimise impact and disturbance to wildlife and in accordance with Policies NE2 and NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

- 30 Prior to development commencing an Ecological Enhancement Plan incorporating landscaping and built environment enhancements shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To minimise impact and disturbance to wildlife and in accordance with Policies NE2 and NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

- 31 Prior to development commencing a Habitat Management Plan, including wider site enhancements, for approval, shall be submitted and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To minimise impact and disturbance to wildlife and in accordance with Policies NE2 and NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

- 32 The car ports shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles and the walls shall not be infilled to provide garaging.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking, contrary to Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and Kent Design Guide: Interim Guidance Note 3 2008.

- 33 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 development shall be carried out within Classes A, B or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: The site lies within the Green Belt and therefore any further development, beyond that hereby permitted, would be contrary to Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs, 87, 88 and 89 the National Planning Policy Framework 2012

- 34 The approved scheme of sustainable construction, as set out in the Sustainability Statement dated 24 November 2011, shall be implemented prior to the first occupation of any of the units hereby approved.

Reason: In accordance with Policy CP1 of the Tonbridge and Malling Borough Core Strategy, Policy CC1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 17 of the National Planning Policy Framework 2012.

- 35 Prior to development commencing, details of construction traffic routes and associated signage shall be submitted to and approved by the Local Planning Authority, and the work shall be carried out in accordance with the approved details.

Reason: To ensure no adverse impact upon levels of highway safety in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraph 35 of the National Planning Policy Framework 2012.

- 36 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in

accordance with a specific written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with paragraph 129 of the National Planning Policy Framework 2012.

- 37 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall have appropriate regard to the principles and physical security requirements of Secured by Design. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: To ensure that the design and layout deters crime and reduces the fear of crime in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ8 of the Managing Development and the Environment DPD 2010.

- 38 Prior to development commencing details of measures to prevent the discharge of surface water onto the highway shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of public amenity and highway safety, pursuant to policy CP24 of TMBCS and policy SQ8 of MDE DPD.

- 39 No building shall be occupied until the area shown on the submitted plan as a turning area 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 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 40 Any other conditions required to control factors set out in this report

Informatives:

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [nameandnumbering@tmbc.gov.uk](mailto:nameandnumbering@tmbc.gov.uk). To avoid difficulties, for first occupiers, you

are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 2 Surface water run-off from the site shall not be discharged onto the public highway.

Contact: Glenda Egerton