

Borough Green TM/11/01191/FL
Borough Green And
Long Mill

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 at Isles Quarry Quarry Hill Road Borough Green Sevenoaks Kent for Crest Nicholson Eastern

Private Reps: One additional representation has been received, objecting to the application on the following grounds:

- *The Noise report is based on noise generated by existing activities but what control would there be over future and potentially noisier activities;*
- *What control would there be over the approved additional business units in terms of potential noise emissions;*
- *Even with a 4m high acoustic barrier the potential noise levels in some adjacent bedrooms are showing to be unacceptable without closed windows, mechanical ventilation and triple glazing;*
- *The Hornet Estate will spread over a large area and all residents of the proposed homes will be affected by noise to some degree;*
- *Whilst the site has been substantially unused for many years there is a lack of established healthy vegetation. Full investigations should be carried out into contamination and satisfactory remediation work undertaken under an independent inspector;*
- *The section plans show that the height of the planting on the embankment up to the Hornet Estate will be the equivalent of a four storey building and only approximately 17.5m from the rear of the properties. The rear of the affected homes face north, and therefore the gardens of these dwellings would be very dark;*

- *It is unclear as to whether the embankment will form part of the rear gardens or will be retained by others. Maintenance of this area is important in visually screening the noise barrier;*

A number of other matters have been raised with the Council as a result of the publication of the Committee Report. These are set out below together with a commentary on each point. In addition, and as presaged in the Committee Report there is more detail on conditions.

Hornet Engineering site

Additional correspondence has been received from the owner of Hornet Engineering Ltd, the adjacent Business Estate. This sets out the following points:

- *Hornet is supportive of the conclusions and recommendations of the officer's report to the planning committee;*
- *The report does not refer to potential noise nuisance from HGVs using the Hornet Access Road on a 24/7 basis. The magnitude of this source is likely to be greater than that from reversing alarms;*
- *The applicant and Hornet have come to an agreement on noise mitigation measures that should achieve the requirements of Tonbridge and Malling and the WHO recommendations for night time internal sound pressure;*
- *The agreement between the applicant and Hornet for the implementation of the noise mitigating measures from the Hornet Access Road is not legally binding;*
- *Condition 6 should be amended to include noise emanating from the Hornet Access Road;*
- *At present foul water from Hornet Business Estate discharges into a cess pool between Thong Lane and the access road is likely to be used by pedestrians walking to the village;*
- *The cess pool is emptied regularly by tanker, which is not an odour free process*
- *The present owner, and subsequently the applicant, has a commitment to make the necessary connection to the public sewer and dispense with cess pool, when capacity becomes available. Hornet is of the opinion that this would be more secure, in the event*

of future changes of ownership, if it were incorporated into a condition

The matter relating to the acoustic barrier along the Hornet access road will be covered by draft condition 16 (see below). The drainage matter described is a private legal one.

Planning History

It has been suggested that two relevant planning proposals are omitted from the planning history. One is:

93/00190/MIN

Alternative reference: TM/94/0155MIN

Isles Quarry and Stangate Quarry, Quarry Hill Road Borough Green Sevenoaks Kent

Determination of a scheme of conditions on Interim Development Order (IDO) permission reference TP2052

Grant With Conditions

16 July 1997

The planning history is a synopsis of matters that may have some relevance in terms of the case before the Committee and is not intended as a complete site history. Two Hornet related access road permissions are listed but have effectively become part of the background to this proposal and the Allocation of the site. The first, 2007, permission closely post dated the Adoption of the Core Strategy and the second, 2008, permission was approved a few months after the adoption of the Development Land Allocations DPD.

The 1993/4 IDO scheme is effectively superseded by the Allocation of the site and the current application. The current application requires the works with regard to mitigation of contamination at the site to much more up-to-date standards than those in force in 1993/4.

Parking in Western Road car park Borough Green

The results of the car park survey of the Western Road car park, shown in paragraph 6.51 did not include all of the relevant date information. TMBC has carried out a further count of spaces (backed by photographic evidence) in addition to that shown in paragraph 6.51 of the Report. The table below is a consolidated version...

	TIME	Mon. 14/11/2011	Tues 15/11/11	Wed. 16/11/2011	Thurs. 17/11/2011	Fri. 18/11/2011	Mon 25/02/3013	Tue 26/02/2013
vehicles	1000hrs	36	50	49	49	43	42	34
spaces		40	26	27	27	33	34	42
vehicles	1230hrs						41	38
spaces							35	38
vehicles	1500hrs	52	46	37	39	38	38	34
spaces		24	30	39	37	38	38	42

The Borough Green Primary School accepts pupils at 08 40 – 08 50 hrs. and releases them at 15 25 and 15 30hrs. (The nursery works from 08 00 to 18 00). To further evaluate the operation of the public car park at Western Road the CCTV footage, for Monday and Tuesday of this week, has been interrogated to see if the pattern of empty spaces at the school drop-off and pick-up times is consistent with the table above. The footage on those two days shows substantial numbers of empty spaces at the drop-off and pick-up times. Given these facts it would not be plausible to seek to resist the proposal on the basis of the inadequacy of public parking in Borough Green.

The Borough Green Parish Plan and employment opportunities

The Parish Council has raised concerns with regard to the mention of the fact that the Parish Plan is not adopted by TMBC, making the point that it is a document generated and approved by the Parish Council. It also indicates that, in the Parish Council's view, insufficient reference has been made to the terms of the Parish Plan in the report.

I am happy to clarify both points. *As a matter of fact* the Parish Plan has not been adopted by TMBC as a material consideration in determining planning applications. In the past, under an earlier planning system, similar documents such as Village Design Statements which are accorded greater weight by this adoption process as they complied with TMBC's adopted policy.

In the case of the Borough Green Parish Plan the sections referring to Isles Quarry West read:

"The only large site proposed by developers is Isles Quarry West where a few affordable homes could be built. This site will only become a realistic possibility after the completion of the bypass and the KCC adoption of the Haul Road."

In noting that *"TMBC have deemed the land suitable for housing in its LDF, despite serious contamination and infrastructure failings..."* The Plan goes on

to say that “*The site would provide an ideal replacement for all the commercial activity lost in the village to housing in recent years.*”

The Parish Plan records that as a result of a Parish Questionnaire 52% of residents “*called for a halt to any more development...*”

The Parish Plan, as can be seen, would prefer employment development which is not consistent with the LDF allocation. The background to the LDF Allocation is set out in detail in paragraphs 6.3 – 6.7, 7.9 – 7.11 and 7.21 of the Area 2 Planning Committee Report.

In addition to the retention of the Hornet site as an employment site, which could have been redeveloped for housing in compliance with policy, with its as yet unimplemented additional business units, Platt Industrial Estate remains a source of employment land as identified in the LDF. While earlier applications at Platt Industrial Estate have been found wanting in a number of technical respects, TMBC is currently dealing with two live applications where it appears that technical highways issues might be capable of being overcome – opportunities for additional employment uses at Platt Industrial Estate would be policy compliant. Of course, the combination of the Core Strategy and the Development Land Allocation DPD was critically assessed by the Inspector, when being examined, and found sound on the matter of employment land supply. As can be seen, therefore, the approach suggested in the Parish Plan is not, as a matter of fact, consistent with the Borough Council’s plans as adopted following Statutory Examination.

Air Quality and speaking notes of Dr Yasmin Vawda

An additional statement has been submitted by a resident of Ightham, who has already commented on the application. It was requested that it be made available for all Area 2 Committee Members.

The Committee received a copy of Dr Vawda’s speaking notes by email yesterday. For convenience a further copy is attached to this Supplementary Report. It is attached in Annex 1.

Many points raised by Dr Vawda are dealt with in the report. It must be remembered that the matter before the Committee is not the matter of the designation of the AQMA but rather the specific issue arising from the proposed development of a site for housing, with predominantly car borne traffic but one which enjoys historic use rights from commercial use, which are likely to generate predominantly HGV traffic as well as other commercial and private vehicles, should housing development not take place.

Some factors surrounding the AQMA designation process have background relevance and it is relevant to comment on some of the points raised by Dr Vawda as follows:

2.4 The Council is guided in the placement of its diffusion tube network by consultants that undertake the annual assessment reports of air quality, on its behalf. Until recently this has been carried out by Bureau Veritas (BV). Following results for a 10 year period (1994-2004) when the tube in Borough Green was reading significantly below the National Air Quality Objective, it was removed. It was not until the Updating and Screening Assessment of 2009 that BV recommended monitoring at A25/High Street junction in Borough Green. A suite of tubes was installed at various locations and this has been subsequently enhanced in stages since that time. Our current consultants AEA-Ricardo have recommended the installation of further tubes and these works have been implemented. The approach adopted has been verified by Defra in authorising the methodology for the designation of the AQMA

At no time did BV, or latterly AEA-Ricardo, nor indeed Defra, suggest that monitoring for particulate matter is carried out in this section of Borough Green. AEA-Ricardo have advised that in light of the NO₂ concentrations it is highly unlikely that particulate concentrations would approach levels of concern. This appears to be a view shared by Defra.

2.5 – 2.9 It is accepted that the only sure way to improve pollution levels is to reduce the traffic along the A25. However, to achieve this conclusively would be to significantly alter the road network around the village. Following declaration of the AQMA, the Borough Council will be responsible for preparing a AQ Action Plan which will involve other organisations and partners, such as KCC as the Local Highway Authority who themselves will need to consider what action might be appropriate. There is no evidence available to dispute the findings of Crest's Consultants and AEA-Ricardo have reviewed this AQ Impact assessment and concur that the predictive modelling demonstrates that this development will have an imperceptible impact on air pollution.

3.2 TMBC agrees that there are alternative modelling methodologies that might be employed, but the methodology used in the Detailed Assessment met with Defra's TG09 guidance and AEA have confirmed that the Crest consultant's methodology followed the same approach. The comment by Dr Vawda that changes to the modelling methods would not alter our conclusions "that the impact of IQW proposed development on local air quality would be "imperceptible" would persist", appears to accept that the modelling approach is consistent with Defra expectations.

3.3 Consideration of the air quality issue in connection with this development has been made fully taking into account the soon to be designated AQMA – see paragraph 6.88 and 6.95 of the main report.

3.4 The Council is bound to follow and apply national and regional policies in assessing such impacts. This scheme has been considered by officers alongside the Basted House development and its change of use to a Health Club and taking into consideration the changes in traffic flows generated by this development (compared to the lawful office use as a headquarters building) and continue to maintain that both sites will have an imperceptible impact on local AQ – see 6.93 of the main report.

3.6 In arriving at a decision with regard to a specific redevelopment proposal the Council acting in its role as Local Planning Authority in this case has to consider all factors associated with this application as set out in the main report.

4.1 – 4.5 With or without the development the only sure way of reducing traffic in Borough Green and therefore improving air quality is to change the road network. The refusal of this development will not bring about an improvement in local AQ more rapidly than without it, bearing in mind the alternative uses to which the application site could lawfully be put. In any event, “refusing any development that generates traffic” is not a sustainable position for the Planning Authority to adopt. It is bound to consider all the material considerations and come to a sound balance on the evidence relating to those considerations.

Noise

The Noise Survey has been based upon the existing consents (including the unimplemented planning permission for four additional industrial warehouse units for use within classes B1, B2 or B8, with associated access and parking provision (TM/09/01898/FL), dated 29 June 2010. Our retained specialist noise consultant has advised on the basis of the existing consents and 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. I note the comments relating to the impact of the proposal upon the amenity of future residents.

The bank to the north of the site, adjacent to the Hornet Business Estate lies within the application site. Therefore, planting can be controlled and maintained by the developer/ Management Company. I am, however, satisfied that the proposal complies with Policy CP24 of the TMBCS. All other issues raised by the additional private representation have been considered within the main report.

In terms of the issues raised by the owner of Hornet Business Estate, the Council will look at these requests positively commensurate with Department for Communities and Local Government advice on acceptability as conditions.

AMENDED RECOMMENDATION:

Grant Planning Permission subject to:

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 the use of best endeavours to divert the 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;
- Provisions for maintenance of acoustic barriers;
- Provisions for the maintenance of the open space to the west of the site (including 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
- Long term maintenance provisions for the Sustainable Urban Drainage systems to deal with surface water disposal and
- the further investigation of the justification for contributions towards secondary schooling and ensuring adequate accessibility of the local community to hospital services.

Subject to the revised set of conditions as attached (Annex 2) (Final detailed wording, and integration where possible, to be delegated to Director Planning, Transport and Leisure in liaison with the Director of Central Services and bearing in mind the S106 obligations).

Additional Informatives:

- The applicant should contact KCC Highways to discuss the most effective method from controlling traffic speeds of traffic entering the Quarry Hill roundabout once the Haul Road has been opened-up and adopted as a public highway.
- Notwithstanding the aim to remove the bridge deck across Thong Lane the applicant is strongly advised to consider the future finishes to be utilised on the bridge structures to be retained *in-situ*, to improve its appearance.

Annex 1 – Statement of Dr Yasmin Vawda

**Isles Quarry, Quarry Hill Road, Borough Green
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.**

(TM/11/0119/FL)

Statement of

DR YASMIN VAWDA

To be presented at

Area 2 Planning Committee, TMBC, 6th March 2013

1. Introduction

- 1.1 My name is Yasmin Vawda. I am a resident of Ightham. I am an expert in air quality. I am a supporter of the M25 Junction 5 East Facing Slips Road campaign. I am very concerned about any development proposal which increases traffic (and therefore increases air pollution) in West Kent.
- 1.2 I hold a PhD in Atmospheric Chemistry. I have 24 years' experience in air pollution research. I currently hold the position of Senior Consultant with a global consultancy, where I have responsibility for air quality impact assessment studies.
- 1.3 I am a member of the Royal Society of Chemistry, a Chartered Chemist and a Chartered Scientist. I am a Fellow of the Royal Meteorological Society, a member of the Institute of Air Quality Management and a member of the Institute of Environmental Management.
- 1.4 I have served on Defra and Environment Agency expert panels. I have drafted Secretary of State's Technical Guidance Notes for local air quality management (LAQM) on behalf of Defra, and I have also drafted Environmental Protection UK guidance on air quality issues. Therefore, I am fully conversant with the methodologies used as the basis of the applicant's air quality assessments, and also the methodology/modelling being used to declare the Borough Green Air Quality Management Area (AQMA).
- 1.5 I have prepared proofs of evidence and acted as an expert witness at a number of planning inquiries.

2. Air Quality in Borough Green

- 2.1 Local planning decisions have the potential to affect local air quality, through the generation of additional traffic, and the proximity of residential properties to busy roads. Local authorities have a duty to take account of air quality considerations in local planning decisions.
- 2.2 The proposed development of Isles Quarry West (IQW) will increase traffic flows along the A25 through Borough Green. The applicant argues that the increase in traffic will be very small, such that the increase in pollution levels (notably nitrogen

dioxide) at residential properties close to the A25 in Borough Green will be 'imperceptible'.

- 2.3 Tonbridge and Malling Borough Council (TMBC) will shortly be declaring part of the A25 through Borough Green an Air Quality Management Area (AQMA) for nitrogen dioxide. This recognizes that nitrogen dioxide levels at residential properties close to the A25 are so high as to be harmful to human health, i.e. the annual mean concentrations are currently greater than $40 \mu\text{g}/\text{m}^3$.
- 2.4 For how long the high nitrogen dioxide levels have been harming these residents, we simply do not know, because TMBC failed to measure/monitor the nitrogen dioxide levels adequately until very recently. It is noteworthy that TMBC have never measured the airborne concentration of particulate matter in Borough Green (despite the presence of mineral extraction dust sources, resuspension of dust tracked onto the A25 on the wheels of HGVs, as well as vehicle exhaust emissions); this also has statutory air quality standards for the protection of human health.
- 2.5 Once the AQMA is declared, TMBC will have a statutory duty to develop and implement an Air Quality Action Plan (AQAP), in order to improve air quality within the AQMA. The objective of the AQAP should be to reduce nitrogen dioxide concentrations to a safe level, i.e. to below $40 \mu\text{g}/\text{m}^3$.
- 2.6 Realistically, the only way to reduce nitrogen dioxide levels is to reduce traffic flows along the A25 in Borough Green. A reduction in traffic flows is the only way that pollution levels can fall. This is not rocket science.
- 2.7 The AQAP will need to identify the **degree** of traffic reduction required in order to meet the legal standard of $40 \mu\text{g}/\text{m}^3$ for nitrogen dioxide concentrations in air at all residential properties. This modelling work will need to be commissioned by TMBC.
- 2.8 There is no other tool available to TMBC to reduce nitrogen dioxide levels along the A25, other than to reduce traffic flows.
- 2.9 There is no immediate prospect of east-facing slips at junction 5 of the M25, which could reduce traffic through Borough Green.

3. The Proposed Development

- 3.1 I have critically reviewed the following documents, and provided comments previously to TMBC:
- Applicant's 'Air Quality Impact Assessment, Isles Quarry, Borough Green' (latest version dated October 2012) – prepared by URS for Crest Nicholson Ltd
 - 'Detailed Assessment of Air Quality 2012, Borough Green, Tonbridge and Malling, Kent' (August 2012) – prepared by AEA Technology plc for TMBC
- 3.2 I shall not repeat the findings of my detailed technical reviews here (most of which are summarised in Section 5.15 of report of the Director of Planning, Transport and Leisure). There are flaws in both the 'Detailed Assessment of Air Quality 2012, Borough Green' dispersion modelling commissioned by TMBC, and also the Applicant's 'Air Quality Impact Assessment, Isles Quarry'. However, the conclusion of the applicant and TMBC, that the impact of IQW proposed development on local air quality would be 'imperceptible', would persist even if the modelling of both reports was corrected.
- 3.3 The fundamental issue is that the proposed development of IQW will **increase** traffic flows along the A25 through Borough Green. The proposed development will impact adversely on the forthcoming AQMA. Therefore, the proposed development of IQW is in **conflict** with the forthcoming TMBC AQAP.
- 3.4 Following national and regional policies, and standard approaches for assessing the significance of air quality impacts of proposed development, it is easy to dismiss the impact of an individual scheme (in isolation) as 'imperceptible'.
- 3.5 If TMBC continues to allow developments which increases traffic along the A25 (no matter how small individually), pollution levels in Borough Green will never reduce to safe levels.
- 3.6 The nitrogen dioxide levels in Borough green are already acknowledged by Defra and TMBC to be harmful to health. How bad does it have to get before TMBC will refuse planning permission for a scheme that generates traffic?
- 3.7 The Applicant relies heavily in their submission on future improvements in air quality (due to 'advancing technology' on exhaust emissions reductions and national industrial emission reductions), as an excuse for allowing a small increment in traffic flow. Defra, by their own admission after accepting the findings of various experts,

accept that these optimistic forecasts have in the past been wrong, and the expected improvements in exhaust emission standards and air quality have never materialized.

4. Conclusion

4.1 TMBC, as the Local Planning Authority, has to balance all policy and material considerations. Air quality will usually achieve a low scoring, for **individual** applications based on the EPUK significance criteria. The sequential, cumulative impact of numerous developments will cause degradation of air quality in any nearby AQMA.

4.2 This approach to individual planning applications will render the Borough Green AQMA declaration useless, as it will not enable TMBC to improve air quality by refusing any development which generates additional traffic.

4.3 This is TMBC's first (and flagship) opportunity to show that it is taking air quality seriously. It is TMBC's first opportunity to make a planning decision which signals a will to improve air quality in an area where air quality has recently been proven to be poor.

4.4 By refusing this application, TMBC would be taking the first step in preventing air pollution getting any worse in Borough Green.

4.5 By allowing this development, TMBC is effectively saying that:

- it does not care for air quality in Borough Green, the housing need is far more important;
- it has declared an AQMA for nitrogen dioxide, but that is only a token gesture;
- There is no chance of the air quality in Borough Green improving to safe levels, because air quality will never rise up the TMBC agenda sufficiently to become a material consideration in any application which comes before this planning authority.

Yasmin Vawda

March 2013

Annex 2 – Amended Conditions (to supersede those in the main report)

Standard

- 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 written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 3 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 and Policy DQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 4 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

- 5 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.

- 6 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.

- 7 No development shall be commenced until:
- a) a site investigation is undertaken to assess the risks of implementation of this permission with regard to land stability and impact on the margins of the River Bourne;
 - b) the results of that investigation together with a scheme to retain any problem and a methodology to resolve any issues with regard to part a) has been submitted to and approved by the Local Planning Authority and the approved methodology has been adhered to.

Reason: In accordance with Policy CP1 of the Tonbridge and Malling Borough Core Strategy and paragraph 120 of the National Planning Policy Framework 2012.

Highways

- 8 No dwelling as approved by this permission shall be occupied until the works to the Haul Road set out in the Transport Assessment have been completed and the road has been brought up to a standard capable of being adopted under Section 38 of the Highway Act 1990.

Reason: To ensure no adverse impact upon residential amenity and 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.

- 9 No occupation shall take place until details of the junction of the site access onto the Haul Road, to deter traffic from turning right, have been submitted 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.

- 10 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.

- 11 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.

- 12 Prior to development commencing, details of the design 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.

- 13 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.

- 14 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: 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.

- 15 Prior to development commencing, details and a timetable for the provision 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, Policies SQ1, NE2 and NE3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61, 109 and 118 of the National Planning Policy Framework 2012.

Acoustic

- 16 a) No development shall take place until details of a scheme of acoustic protection of habitable rooms having windows facing Hornets Business Park, its access road and the Stangate Quarry Access Road, have been submitted to and approved in writing by the Local Planning Authority. The submission of the acoustic protection scheme shall provide details as to the exact plots to which they relate, and also measures outlined in URS Noise Assessment 47058765_NOIS_03_03 and all its revisions including but not exclusively a 3m high acoustic barrier and mechanical ventilation.
- b) The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30dB LAeq (+/- 3dB) in bedrooms and 40dB LAeq (+/- 3dB) in living rooms with windows closed. Additionally, where the internal noise levels with windows closed. Additionally, where the internal noise levels will exceed 40dB LAeq (+/-3dB) in bedrooms and/or 48dB LAeq (+/-3dB) in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation.
- c) 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.
- d) On completion of the works a completion report shall be provided to the Local Planning Authority confirming that the land is suitable for its permitted end use.

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 DPD 2010 and paragraphs 17, 57, 58, 61 and 125 of the National Planning Policy Framework 2012.

Landscaping

- 17 No development 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

- 18 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.

- 19 Prior to development 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, and other minor structures shall be submitted and approved by the Local Planning Authority and implemented in their entirety prior to occupation.

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.

- 20 Prior to development commencing, details and a timetable for the provision 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.

Refuse

- 21 No development shall take place 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.

Services

- 22 None of the buildings within any phase shall be occupied until relevant underground ducts have been installed by the developer to enable telephone, electricity, broadband, 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

Drainage

- 23 No development shall be commenced until details of off-site water drainage works, including works to upgrade the Pumping Station, have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the first dwelling.

Reason: 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.

- 24 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

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.

- 25 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.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, such permission will only be given if those parts of the site where it has been demonstrated

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

- 27 There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority. Such permission will only be given if 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 principal aquifer and nearby surface waters and in accordance with paragraph 109 of the National Planning Policy Framework.

- 28 Piling or any other foundation designs using penetrative methods shall not be carried out other than with the express written consent of the Local Planning Authority, such permission will only be given if 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

Contamination

- 29 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 2010; and
 - b) a scheme of proposed remedial and engineering measures to render the site suitable for 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 to 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) and also validating unreported soils as being fit for purpose.

Thereafter

- c) the approved 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 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 endorsed by the environmental specialist who designed and specified the scheme of remedial works or another appropriately qualified environmental specialist. 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.

Ecological

- 30 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.

- 31 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.

- 32 Prior to development commencing an Ecological Enhancement Plan incorporating landscaping and built environment enhancements 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.

- 33 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.

- 34 Prior to development commencing details of the timetable and methodology for the removal of the bridge deck to Isles Quarry East to prevent ecological damage shall be submitted to and approved in writing 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.

Archaeology

- 35 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.

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. 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.