

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 18 March 2021

Ditton
Ditton

TM/20/01820/OAEA

Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks at Aylesford Newsprint Bellingham Way Larkfield Aylesford

Kent Community Rail Partnership: Further representation received expressing concerns regarding the loss of the rail sidings to the eastern boundary of the site and stating that the development of the ANP site should not prejudice their future operation and that contributions should be sought for lift access at both Aylesford and New Hythe Railway stations.

Maidstone Cycle Campaign Forum: The proposed cycle provision connecting the site is indicated to be a shared walking and cycling facility. It is very important that segregated facilities are provided for the safety and convenience of both pedestrians and cyclists. This is a really important requirement particularly due to the use of these routes for commuting which will mean cyclists will wish to achieve their journeys as efficiently as possible without risking conflict with pedestrians.

KCC(H+T): Confirmation now received that no objections are raised subject to the imposition of conditions and obligations to be secured by legal agreement (s106 and s278 agreements) in order to secure the detailed design and delivery of proposed highway improvements and necessary mitigation measures.

Highways England: Confirmation now received that no objections are raised subject to the imposition of conditions relating to the operation of Junction 5 M2 and the Junction 6 M20/Running Horse Roundabout and obligations to seek a travel plan.

DPHEH:

Highways:

It is confirmed that all conditions requested in respect of highway matters can be taken forward. Officers have reviewed the requirements to ensure they meet the relevant tests and to avoid any unnecessary duplication with the conditions already recommended.

The latest communications received from HE indicates that discussions with the applicant regarding their initial concerns raised in connection with the potential impacts on capacity at M2, Junction 5 and the Running Horse Roundabout (A229) have led them now to a position where they have no objections to the development as proposed as all remaining matters can be suitably addressed by planning conditions and obligations.

Impact on railway operations:

Whilst the representations made by the Kent Community Rail Partnership are noted, Network Rail have not raised any objections to the proposals on this basis. Furthermore, the loss of the sidings must be balanced against the wider context, particularly given that there is no commercial demand for moving goods by rail unless they are heavy, bulky items such as aggregates, or goods in shipping containers. This is not the proposed use of the site and, given the size of the site, unlikely to be an end use. As such there is no imperative for the sidings to be retained particularly in the absence of any objections to this effect by Network Rail or even any requirements for associated contributions. Whilst the actual sidings are to be removed it should be noted that the existing connection to the main line is to be retained along with land to the side of the existing track within land retained by Network Rail should a siding facility be required at a future date.

Moreover, this should be further considered within the wider context of the applicant providing substantial contributions towards numerous station upgrades as set out in the main report and contributions towards enhanced bus services and footpath upgrades which are wholly appropriate for the development proposed.

Planning conditions and obligations:

The PPG encourages LPAs to work constructively with developers on the imposition of conditions to ensure that they do not unduly delay delivery. We have now received constructive feedback from the developer team on the conditions set out in the main report with a particular emphasis on ensuring timely delivery of this important strategic development. These are taken forward, along with those recommended by KCC and HE – again received since publication of the main report – as an amended recommendation.

Other material considerations:

For the avoidance of any doubt, the applicants have confirmed that whilst part of the overall ANP site is now controlled by Southern Water they are working in partnership with them to ensure that the use of the site for water abstraction will not lead to any conflicts with the development proposed on the wider site. Similarly, the applicant has advised

that the Southern Water site will form part of the overall management strategy for the development.

Further information has been submitted by the applicant to address some of the archaeological matters required by condition set out in the main report which allows for some amendments to the condition as originally drafted.

In direct response to the comments of the Maidstone Cycle Campaign Forum, where possible segregated routes have been proposed. The areas that are not segregated have been assessed by the KCC PROW team as appropriate as they enable the opening up of the area.

With all the above factors in mind, the amended recommendation and updated conditions in all respects are set out in full below:

AMENDED RECOMMENDATION (reproduced in full for completeness and the avoidance of any doubt)

Grant Planning Permission subject to:

- **The applicant entering into a planning obligation with the Borough Council to secure local employment opportunities and apprenticeship schemes across the development and identified biodiversity enhancements**
- **The applicant entering into a planning obligation with Kent County Council to make financial contributions towards identified footpath improvements, public transport provision, and the implementation and monitoring of a travel plan**
- **The applicant entering into S278/S38 agreements with Kent County Council to provide the detailed highway and footpath improvements**
- **The following conditions and informatives:**

- 1 **The development hereby permitted in respect of Full element of the development hereby permitted comprising the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be begun before the expiration of three years from the date of this permission. The development hereby permitted in respect of the Outline element of the development hereby permitted within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

Reason: In pursuance of Sections 91 and 92(2) of the Town and Country Planning Act 1990

- 2 Application for approval of the reserved matters in respect of areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 With regard to the Outline element of the development to be carried out in areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021, approval of details of the access, layout, scale and appearance of the development and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.**

Reason: No such approval has been given.

- 4 The reserved matters pursuant to the outline element of the development shall be carried out in accordance with the following approved drawings and documents:**

1. Site Location Plan – 18-103-SGP-ZZ-00-DR-A-110001 Rev E received 09.02.2021

2. Site Parameters Plan – 18-103-SGP-ZZ-00-DR-A-11002 Rev R received 09.02.2021

All reserved matters applications will need to confirm compliance with the above plans, or compliance with any minor modification which may be first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

- 5 The Full element of the development shall be carried out in accordance with the following approved drawing(s):**

- 18-103-SGP-06-ZZ-DR-A-121131 Rev A (Unit 6 Proposed Elevations Plan)**
- 18-103-SGP-06-ZZ-DR-A-121102 (Unit 6 Office Plan)**
- 18-103-SGP-06-ZZ-DR-A-121101 (Unit 6 Warehouse Plan)**
- 18-103-SGP-06-ZZ-DR-A-201102 (Unit 6 Roof Plan)**
- 18-103-SGP-07- 00-DR-A-121131 Rev P2 (Unit 7 Proposed Elevations Plan)**
- 18-103-SGP-07-ZZ-DR-A-121102 Rev P1 (Unit 7 Office Plan)**
- 18-103-SGP-07- 00-DR-A-121101 Rev P1 (Unit 7 Warehouse Plan)**
- 18-103-SGP-07-ZZ-DR-A-121103 (Unit 7 Roof Plan)**
- 18-103-SGP-ZZ-00-DR-A-110005 Rev D (Unit 6 Detailed Site Plan)**
- 18-103-SGP-07-00-DR-A-110006 Rev E (Unit 7 Detailed Site Plan)**

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- **18-103-SGP-ZZ-00-DR-A-110010 (Unit 6 Hard Landscaping Details and Boundary Treatments)**
 - **18-103-SGP-ZZ-00-DR-A-110011 (Unit 7 Hard Landscaping Details and Boundary Treatments)**
 - **AYL-BWB-GEN-IF-DR-C-0108 S1 Rev P2 (Bellingham Way S38 Swept Paths Sheet 1)**
 - **AYL-BWB-GEN-IF-DR-C-0109 S1 Rev P2 (Bellingham Way S38 Swept Paths Sheet 2)**
 - **AYL-BWB-GEN-IF-DR-C-0145 S1 Rev P2 (Adoptable Highway Works Bellingham Way S278 Swept Paths)**
 - **AYL-BWB-GEN-IF-DR-C-0181 S1 Rev P4 (Private Highway Works Estate Road Swept Paths)**
 - **AYL-BWB-HML-IF-DR-C-0101 S1 Rev P2 (Adoptable Highway Works Bellingham Way S38 General Arrangement Sheet 1 of 3)**
 - **AYL-BWB-HML-IF-DR-C-0102 S1 Rev P2 (Adoptable Highway Works Bellingham Way S38 General Arrangement Sheet 2 of 3)**
 - **AYL-BWB-HML-IF-DR-C-0103 S1 Rev P2 (Adoptable Highway Works Bellingham Way S38 General Arrangement Sheet 3 of 3)**
 - **AYL-BWB-HML-IF-DR-C-0131 S1 Rev P2 (Bellingham Way S278 General Arrangements)**
 - **AYL-BWB-HPV-IF-DR-C-0161 S1 Rev P2 (Estate Road General Arrangements Sheet 1)**
 - **AYL-BWB-HPV-IF-DR-C-0162 S1 Rev P3 (Estate Road General Arrangements Sheet 2)**
 - **AYL-BWB-GEN-XX-DR-C-0124 S1 Rev P1 (Unit 6 & 7 HGV Tracking)**
 - **AYL-BWB-GEN-XX-DR-C-0125 S1 Rev P1 (Unit 6 & 7 Refuse Tracking)**
 - **AYL-BWB-GEN-XX-DR-C-0126_PSS S1 Rev P1 (Maintenance Access Tracking)**
 - **AYL-BWB-GEN-XX-DR-C-0116 S8 Rev P2 (Vehicle Tracking Unit 7 and Van Access)**
 - **AYL-BWB-GEN-FA-DR-C-0500-S8 Rev P01 (Unit 6, Unit 7 and Infrastructure Proposed Drainage Layout Sheet 1)**
 - **AYL-BWB-GEN-FA-DR-C-0501-S8 Rev P01 (Unit 6, Unit 7 and Infrastructure Proposed Drainage Layout Sheet 2)**
 - **AYL-BWB-GEN-FA-DR-C-0502-S8 Rev P01 (Unit 6, Unit 7 and Infrastructure Proposed Drainage Layout Sheet 3)**
 - **AYL-BWB-GEN-XX-DR-C-0560-S8 Rev P01 (Proposed Drainage Details Sheet 1)**
 - **AYL-BWB-GEN-XX-DR-C-0561-S8 Rev P01 (Proposed Drainage Details Sheet 2)**
 - **31285-RG-L-04-01 Rev P5 (Landscape Proposals Plan Sheet 01)**
 - **31285-RG-L-04-02 Rev P5 (Landscape Proposals Plan Sheet 02)**
 - **31285-RG-L-04-03 Rev P5 (Landscape Proposals Plan Sheet 03)**
 - **31285-RG-L-04-04 Rev P5 (Landscape Proposals Plan Sheet 04)**
 - **31285-RG-L-04-05 Rev P5 (Landscape Proposals Plan Sheet 05)**
 - **31285-RG-L-04-06 Rev P5 (Landscape Proposals Plan Sheet 06)**
 - **31285-RG-L-04-07 Rev P5 (Landscape Proposals Plan Sheet 07)**
 - **31285-RG-L-04-08 Rev P5 (Landscape Proposals Plan Sheet 08)**

- CPW-200136-E-EXT-SITE-00-01 Rev P4 (Bellingham Way Link Road and Internal Spine Road External Lighting Layout)
- CPW-200136-E-EXT-UNIT6-00-01 Rev P3 (Unit 6 Proposed External Lighting Layout)
- CPW-200136-E-EXT-UNIT7-00-01 Rev P3 (Unit 7 Proposed External Lighting Layout)

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

- 6** No development of any buildings in any phase (excluding demolition of the gatehouse building) shall take place above ground level until details and samples of all materials to be used externally for the buildings in that phase 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 visual amenity of the locality.

- 7** The landscaping for the Full element of the development indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be undertaken in conformity with the approved Landscape and Biodiversity Management Strategy and details indicated on drawing nos., , 31285-RG-L-04-01REV P5, 31285-RG-L-04-02REV P5, 31285-RG-L-04-03REV P5, 31285-RG-L-04-04REV P5, 31285-RG-L-04-05REV P5, 31285-RG-L-04-06REV P5, 31285-RG-L-04-07REV P5 and 31285-RG-L-04-08REV P5 received 09.02.2021. 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 comprised in the relevant phase 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.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 8** Prior to the installation of hard landscaping and boundary treatments (including acoustic fences) at any phase approved under the Full element of the development, details shall be submitted to and agreed in writing by the local planning authority. The approved details shall be installed prior to the occupation of each phase.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 9** Prior to the installation of any pump house and water sprinkler tank associated with any phase of the development approved under the Full element of the development, details shall be submitted to and agreed in writing by the local planning authority.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 10** The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: RA103739-V010/E, Pell Frischmann, Date: August 2020) and the following mitigation measures it details:

- An 8m easement must be maintained either side of Main River, as stated in section 5.1.2 and 5.2 of the FRA. See also Masterplan drawing (ref: 18-103-SGP-ZZ-ZZDR-A-001001 Rev J, Date: 04/2020) in Appendix 2 of the FRA.
- An Environmental permit must be obtained for the proposed improvements to the river corridor stated in section 5.1.2 of the FRA. (See below for further information).
- The Future ownership and maintenance of the stream post development must be made known to the Environment Agency. (See section 5.5 of the FRA).
- Flood resilience measures should be considered at detailed design stage, as stated in section 5.2 of the FRA and implement appropriate to the residual risk at the site.
- Future users must sign up to the Environment Agency flood warning service. A flood action plan must be in place as detailed in section 5.4 and Appendix F of the FRA.

These mitigation measures shall be fully implemented within each phase of the development prior to occupation of that phase and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 11** No phase of development approved by this planning permission (except for demolition of the gatehouse building, ground slabs and existing foundations) shall commence upon each phase until a strategy to deal with the potential risks associated with any contamination of the site for that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework

- 12 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works for that part of the development set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has

been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework

- 14 No infiltration of surface water drainage into the ground is permitted other than with the written consent 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 contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 15 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 16 No development permitted with regard to the Outline element of the development within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall take place until the details required by Condition 3 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.**

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

- 17 No above ground development (excluding demolition of the gatehouse building, ground slabs and existing foundations) shall begin in any phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment report by Pell Frischmann (August 2020 RA103739-V010/E) and contained within the Sustainable Drainage Statement**

by BWB (August 2020). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk off-site.

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

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 19 External lighting for the Full element of the development hereby permitted comprising the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be installed in accordance with the details indicated on drawing nos. CPW-200136-E-EXT-UNIT6-00-01 REV P3, CPW-200136-E-EXT-UNIT7-00-01 REV P3 received 20.08.2020 and CPW-

200136-E-EXT-SITE-00-01 - P4 received 09.02.2021. Prior to the installation of any external lighting within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details. The lighting shall be designed in accordance with the External Lighting Report dated 20 August 2020.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 20 Prior to the first occupation of any part of the development hereby approved a Ditton Stream Biodiversity Enhancement Strategy shall be prepared for the watercourse within the red line boundary (shown on site location plan ref 18-103-sgp-zz-00-dr-a-110001 rev e and dated 20 August 2020) and including the retained area of mill pond north of the M20. The plan should,**
- a) fully assess the ecological value of the stream, and the potential to restore more natural stream habitats;**

b) detail the removal of unnecessary structures to enable to the extent reasonably practicable fish passage and natural processes, and provide more space for water, for improved flood risk management.

The plan should be submitted to the Local Planning Authority for agreement in writing and shall be implemented as agreed prior to the first occupation of any part of the development.

Reason: To ensure that the development provides Biodiversity Net Gain to the stream and stream corridor, and is in line with the River Basin Management Plan. This is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF).

- 21 No development (excluding demolition of the gatehouse building) shall take place until the applicant, or their agents or successors in title, has undertaken the archaeological and geo-archaeological field evaluation work in accordance with the approved specification and written timetable within the 'Written Scheme of Investigation for Archaeological and Geoarchaeological Evaluation report prepared by PRS (dated 2nd December 2020). Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording shall then be undertaken in accordance with a 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 and that due regard is had to the preservation in situ of important archaeological remains.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 22 Prior to the occupation of the development, the applicant, or their agents or successors in title, shall secure the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.**

Reason: To ensure that historic building features are properly examined and recorded.

- 23 The development within any phase shall not be occupied until the area shown on the submitted layout as vehicle parking space for that phase 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 parking space.**

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

- 24 No building shall be occupied until the area shown on the submitted plan as a turning area for that building 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.

- 25 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.**

Reason: To ensure the safe and free flow of traffic.

- 26 No development permitted with regard to the Outline element of the development within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall take place until details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected have been submitted to and**

approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of visual amenity.

- 27 The use of any unit shall not commence until the noise insulation/attenuation works set out in the Noise Technical Report received 20.08.20 have been carried out to the satisfaction of the Local Planning Authority and shall be retained thereafter. At any time when the nature of the work/business within any of the units changes, the in-coming tenant/occupier shall carry out a noise impact assessment of their proposed use and provide adequate noise insulation/attenuation work in agreement with the Local Planning Authority prior to the proposed occupation.**

Reason: In the interests of the aural amenity of the local environment.

- 28 Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.**

Reason: To ensure the development is served by satisfactory arrangements for the disposal of waste water.

- 29 Construction of each phase of the development shall not commence (excluding demolition of the gatehouse building, ground slabs and existing foundations) until details of the proposed means of foul and surface water sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.**

Reason: To ensure the development is served by satisfactory arrangements for the disposal of waste water.

- 30 The enhancements and improvements to the path alignment, surfacing, and widths to PROW MR492 shall be carried out in substantial accordance with the details as shown on plan reference 31285 RG-L-05-02 Rev A and 31285 RG-L-05 Rev A (received on 09.02.2021) unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure appropriate delivery of PROW network.

- 31 Prior to the commencement of any phase of the development hereby approved, arrangements for the management of any and all demolition of the gatehouse building and/or construction works of that phase shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:**

- The days of the week and hours of the day when the construction works will be limited to and measures to ensure these are adhered to;
 - Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
 - Procedures for notifying the relevant Parish Councils and surrounding residential and commercial properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
 - The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
 - The controls on noise and dust arising from the site with reference to current guidance.
- As appropriate, the provisions required within the approved Framework Ecological Mitigation Strategy so far as they relate to the mitigation of construction effects.

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

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

32. Prior to first occupation of the development where such first occupation occurs in advance of the M2 J5 RIS improvement being open to traffic, traffic surveys [covering the period of 07:00 – 10:00 and 16:00 – 19:00 for 5 3 working days] in neutral months [which means periods outside of school holidays] of the M2 J5 and its environs in locations to be agreed with Highways England shall be carried out within not less than 4 months prior to the anticipated first occupation date, and the results forwarded to Highways England within 1 month of the end of the survey. Within not less than 4 months after the first occupation of the development, further traffic surveys [in neutral months as defined above] of the M2 J5 [and its environs as defined above] shall then be carried out and the results forwarded to Highways England within 1 month of the end of the survey. If Highways England conclude that the surveys show that the M2J5 signals should be repatterned, they shall inform the site promoter who shall submit a scheme of works within 1 month of being so notified by Highways England. The agreed scheme of works shall be completed within 3 months of the date of Highways England's agreement.

Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 33. No above ground works other than demolition of the existing buildings shall commence on the site hereby permitted until the details of the hard and soft landscaping within 10 metres of the M20 boundary have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).**

Reason: To ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 34. No occupation of any of the development hereby permitted shall occur until full details of the traffic flows at the Running Horse roundabout have been validated and modelling undertaken using the forecast flows resulting from the development to demonstrate the impact (or otherwise) on the Strategic Road Network and any suitable mitigation that may be required have been submitted to and approved in writing by the local planning authority in consultation with Highways England. Any necessary mitigation works shall be completed within a timetable to be agreed with Highways England.**

Reason: To ensure that the A229 Trunk Road and M20 Junction 6 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 35. No part of the development shall be occupied prior to the following highway works being completed by the applicant via S278/S38 Agreements.**

1. The Bellingham Way Link Road, with the associated pedestrian and cycle path completed within three months of completion of the Bellingham Way Link Road.

2. the signalisation of the Bellingham Way/Station Road junction as shown in principle on Drawing Number 05236/A/010 Rev B dated 16.7.20, AYL-BWB-HML-IF-DR-C-0103 Rev P3 and AYL-BWB-GEN-IF-SK-C-0121 Rev P1 and including signalised pedestrian crossings on both Bellingham Way and Station Road.

3. Improved, widened footways along the eastern side of Papyrus Way and extending along the southern side of New Hythe Lane towards New Hythe

Station as shown in principle on Drawings 205236D-C-01 Rev A2 and 205236D-C-02 Rev B and subject to a safety audit.

- 4. A footway link along the east side of Leybourne Way from New Hythe Lane to tie in with the existing footway as shown in principle on drawing number 205236D-C-03 Rev A and subject to safety audit.**
 - 5. A walking and cycling route to Aylesford rail station as shown in principle on drawing number 205236D-C-06 Rev A subject to safety audit.**
 - 6. A walking and cycle route along the Bellingham Way link road as shown on drawing number AYL-BWB-GEN-IF-SK-C-0102 Rev P04**
 - 7. A footway cycleway extending along the site access road and into College Road as shown on drawing number AYL-BWB-GEN-IF-SK-C-0101 Rev P03**
 - 8. Improvements to the roundabout junction of Bellingham Way/New Hythe Lane/Leybourne Way as shown in on drawing number 205236D-A-07.**
 - 9. A controlled crossing facility on Bellingham Way between Abery Drive and the roundabout junction of Bellingham Way/New Hythe Lane/Leybourne Way.**
 - 10. Pedestrian crossing provision on New Hythe Lane.**
 - 11. Bus boarder kerbs and shelters at the Bricklayers Arms bus stop.**
- Reason: To ensure appropriate delivery of highway improvements required for the development.**

- 36. Prior to the opening of the Private Estate Road as shown on approved plan refs. AYL-BWB-HPV-IF-DR-C-0161 S1 Rev P2 and AYL-BWB-HPV-IF-DR-C-0162 S1 Rev P3, a signage strategy is to be submitted for approval and the Private Estate Road shall not be brought into use until the approved signage is erected.**

Reason: To ensure appropriate delivery of highway improvements required for the development.

- 37. No above ground works other than demolition of the existing buildings shall commence on the site hereby permitted until the applicant pursues Traffic Regulation Orders through the KCC 3rd party Traffic Regulation Order process to implement a 7.5 tonnes weight limit on Bellingham Way, parking controls in the HGV turning area, no right turn order from the HGV turning area and no entry on the exit only lane from the HGV turning area. The Traffic Regulation Orders should be implemented prior to the opening of the Bellingham Way link and prior to occupation of the development.**

Reason: To ensure appropriate delivery of highway improvements required for the development.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.**
- 2 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 addresses@tmbs.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.**
- 3 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.**
- 4 For reasons of safety, liability and maintenance, with the sole exception of fences owned and provided by the Highways Agency at its own cost, all noise fences, screening and other structures must be erected on the developers land, and far enough within the developers land to enable maintenance to take place without encroachment onto highway land.**
- 5 In preparing the design, the applicants should be mindful, inter alia, of the need:**
 - for all works to be constructed and maintained such that the safety, integrity and operational efficiency of the strategic road network and any Highway England assets are not put at risk**
 - to provide such boundary treatment to prevent the risk of errant vehicles entering or otherwise endangering users of the strategic road network**
 - to provide such boundary treatment to prevent the potential dazzling or distraction of drivers on the strategic road network by vehicles manoeuvring within the site**
 - for the boundary treatment to be wholly within and maintainable from within the site in accordance with OfT Circular 2/13 Annex A.1.**
- 6 Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers" with regards to any Landscaping proposals.**

- 7 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.**
 - 8 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.**
 - 9 It is the responsibility of the applicant to ensure, before any development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.**
 - 10 Where a stopping up order is needed for redundant sections of highway, this should be pursued by the applicant through the Town and Country Planning Act.**
 - 11 The applicants should be advised that separate approval will be required from Kent County Council prior to the commencement of development for structures in the highway/adjacent to the highway and in this regard they should contact the Structures Development Manager on 0300 333 5539**
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**Aylesford
Aylesford South**

TM/20/01218/OA

Outline Application: all matters reserved except for access for the erection of up to 118 dwellings, together with associated works for access, open space, infrastructure, earthworks, surface water drainage systems and landscaping at Land Adjacent Ditton Common North of Rede Wood Road Oakapple Lane Barming

KWT: Further representation received, reiterating previous representations made. All matters are addressed within the main report.

DPHEH:

Paragraph 1.1: the application proposes development of up to 187 dwellings.

Strategic gap:

For the avoidance of any doubt, Members are further advised as follows:

Policy CP5 of the TMBCS states:

Unless justified by special circumstances, development will not be proposed in the LDF or otherwise permitted that would harm the function of the mid-Kent Strategic Gap as a physical break maintaining the separation and separate identities of the built-up areas of Maidstone, Medway Towns and the Medway Gap.

This is derived from policy CC10b of the South East Plan which indicated that where there was a need to prevent the coalescence of settlements in order to retain their separate identity local authorities could identify the boundaries of Strategic Gaps in their Local Development Documents. Policies KTG3 and KTG11 in the section of the South East Plan dealing with the Thames Gateway indicated that a Strategic Gap to the south, east and west of the Medway urban area and between Maidstone and the Medway Gap would be protected from development.

The South East Plan was a Regional Spatial Strategy – these were formally abolished by the Government on 15 November 2011 by virtue of s109 of the Localism Act 2011.

As such, given that the requirements of CP5 were entirely derived from the policies contained within the RSS, their abolition meant they were immediately out of date in their entirety and could be given no weight in the decision-making process. This has been the position for us since the formal abolition in 2011.

Planning conditions and informatives:

Since publication of the main report, officers have given further consideration to the conditions recommended, particularly to ensure they are suitably precise and relatable to

this development, small amendments are therefore proposed in particular to conditions 6 (parking spaces), 11 (unforeseen contamination) and 16 (electric vehicle charging points).

Similarly, it is considered that the requirements set out in conditions 7 and 13 as recommended are in fact adequately controlled by other conditions contained within the recommendation and therefore would amount to duplication. They can therefore be omitted.

It is also considered that two additional conditions should be imposed; one setting out the approved plans in full, the other addressing any archaeological remains that may be present on site.

A further informative is also recommended which refers the applicant to the advice provided by KCC PROW regarding the existing PROW adjacent to the site. In this respect, Members should also note that as part of the wider development a PROW (bridleway) is to be provided through the Maidstone part of the development site (through the green corridor separating the separate parcels of development land. This would link the existing PROWs on the east and west sides of the wider development site. This bridleway is to be secured by the s.106 obligation relating to MBC decision.

AMENDED RECOMMENDATION:

Amend conditions 6, 11 & 16 (as originally numbered) as follows:

6. The details submitted in pursuance of Condition 1 shall show land shall identify allocated parking spaces for each residential dwelling, as well as any associated visitor parking spaces. No dwelling shall be occupied until its associated allocated parking has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area.

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

11. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil

brought onsite should be clean and a soil chemical analysis shall be provided to the Local Planning Authority to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer to the Local Planning Authority relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development, for its approval in writing.

Reason: In the interests of amenity and public safety.

16. None of the dwellings with on-plot parking shall be occupied until details of a scheme to install electric vehicle charging points to those plots within the development, has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of these dwellings within the site.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the National Planning Policy Framework (2019).

Additional conditions as follows (note numbering reflects that in main report):

24. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

(i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

25. The development shall be undertaken in accordance with the following plans: Proposed Plans 15-009-041 Rev A dated 08.09.2020, Drawing P19-1591_19C dated 08.09.2020, Drawing P19-1591_29C dated 08.09.2020, Location Plan P19-1591_24 dated 12.06.2020

Reason: To ensure the development is undertaken in conformity with the approved drawings.

Omit conditions 7 and 13

Renumber conditions to account for all amendments above as necessary.

Additional Informatives 5 & 6:

5. The applicant's attention is drawn to the following advice from Kent County Council (PROW and Access Service)

- **No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.**
- **There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.**
- **No hedging or shrubs should be planted within 1 metre of the edge of the Public Rights of Way.**
- **The granting of this planning permission confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority**

No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, this would take six weeks to process.

6. The applicant is strongly encouraged to advise prospective occupants of the approved dwellings of the nearby quarrying activities and the potential for noise and vibration to be experienced as a result of these activities.

**East Malling And Larkfield TM/20/02454/FL
East Malling**

Development of 2no. detached houses with associated access, parking, and gardens at Land Between 166 And 194 The Rocks Road East Malling

Private Reps: One additional objection received since publication of the main report raising no further issues beyond those already discussed. One additional letter of support also received making comments regarding landownership

DPHEH:

Land ownership:

It is noted that concerns continue to be expressed regarding purported discrepancies in the submitted plans in respect of land ownership and whether the required visibility splays could be provided without removal of the hedge in front of No.166.

The matter has once again been raised with KCC (H+T) and they have confirmed that the hedge in question remains on highways land and can be trimmed back to provide the required splays (this could occur regardless of whether the scheme is approved). Ultimately, the position remains that KCC are satisfied that visibility would be acceptable in all respects.

Additionally, it should be highlighted that the applicants have not declared that any neighbouring land is required to carry out the proposed development. This has been confirmed by virtue of the completion of the requisite ownership certificate on the application form. False declarations are an offence that attracts a maximum fine of £5,000. Furthermore, a person who makes a false or misleading statement in connection with a planning application, knowing that it was or might be untrue or misleading, with the intent to make a gain for themselves may be prosecuted under the Fraud Act 2006. Notwithstanding this, it should be stressed that it is not for the Council as Local Planning Authority to adjudicate on matters of land ownership or boundaries, and the declaration made by the applicants must be taken in good faith and the application determined on its planning merits alone. Matters of land ownership simply cannot be considered in making planning decisions and this can form no part of the decision of the planning committee.

In any event, it is considered that a condition can reasonably be imposed that seeks to ensure the necessary visibility splays can suitably be provided within the site and this is set out in the amended recommendation that follows.

Residential amenity:

Paragraphs 6.25 – 6.35 (inclusive) address matters of residential amenity. It is noted that this remains a cause of local concern/objection and it is acknowledged that No.166 has a number of windows contained within the flank elevation. However, paragraphs 6.25 – 6.35

(inclusive) address matters of residential amenity in full and it has been concluded that there would be no unacceptable impact arising to this neighbouring property. It must also be remembered that the previous scheme, which proposed a closer relationship between the existing and proposed buildings, was not resisted on grounds of residential amenity. To seek to do so now would be unreasonable, for the reasons set out in the main report at paragraphs 6.1 – 6.5 (inclusive).

AMENDED RECOMMENDATION:

Additional Conditions 9 & 10:

9. The development shall be constructed at the level indicated on the drawing referenced 414/156 Rev A received on 03.11.2020

Reason: To accord with the terms of the application and to protect the visual amenity of the area.

10. Notwithstanding the arrangements shown on plan numbers 414/106 Rev. D and 0375/20/B/21, the development hereby approved shall not commence until such time as the required visibility splays of 2.4m x 32m at the access point onto the Rocks Road have been laid out and provided unobstructed, including with the necessary management of adjacent hedges on highways land, with full details submitted to and approved by the Local Planning Authority to verify.

The details shall include (but not necessarily be limited to):

- **A full programme of works setting out how the visibility splays were constructed relative to the above**
- **Full photographic evidence of the necessary works including management of adjacent hedges**
- **The splay lines marked out and evidenced to the required 2.4m x 32m measurement**

The formation of the required splays shall be carried out in liaison with the Highway Authority and no other development shall be undertaken until the Local Planning Authority has agreed in writing that the required splays have been formed, and shall thereafter be kept free of permanent development.

Reason: In the interests of highway safety and visual and rural amenity and to ensure that the necessary visibility splays are provided in an acceptable manner which is contiguous with the overall development.

Additional Informative 4:

4. In satisfying the requirements of conditions 4, 6, 7 and 10, the applicant is strongly encouraged to enter into constructive and early liaison with the Highway Authority and immediate neighbours to the site.

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