

## SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 20 April 2023

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**Aylesford** **TM/22/01909/OA**  
**Aylesford North And Walderslade**

**Outline Application: A later living community comprising up to 250 age-restricted dwellings (Class C3), up to 191 extra care houses and apartments (Class C2) with associated community facilities within a central hub building, an 80 bed care home (Class C2), a new facility for the local Scouts and parking, associated green infrastructure including landscaping, public open space, allotments, biodiversity enhancements and associated accesses to Rochester Road and Bull Lane.**

Environmental Health: Confirm that the additional information submitted by the applicant removes concern regarding odour and that therefore the 'Agent of Change' principal does not apply in this instance.

KCC Ecology: Are in receipt of additional wildlife surveys. Whilst it would be preferable to ensure that all issues relating to biodiversity net gain, including issues relating to protected and priority species (such as ensuring sufficient baseline information with regards to nesting birds) and suitable compensatory habitat for habitat loss (e.g., priority lowland meadows), is identified prior to determination it is acknowledged that this can also be sought by condition. As such it is recommended that conditions be imposed relating to biodiversity net gain, management and monitoring and method statement and also lighting.

**DPHEH:** For clarity the previous application on this site was dismissed on appeal primarily due to the impact on heritage assets and the local landscape from the proposed access road that was to be in an elevated position across the northern boundary of Old Mill House Rochester Road. This raised access would have been visible in the wider area leading to the Inspector considering that this impact did not outweigh the benefits of the development.

The application currently under consideration utilises the previously approved quarry entrance which follows the contours of the site. The development proposed has been considered by the Councils Conservation Officers as not having an impact on the setting of the heritage assets. Given the fact that the access has historically considered to be acceptable due to it following the existing contours of the land the previous ground for refusal falls away. Similarly, the heights of the buildings have been reduced from a maximum of 5 storeys to a maximum of 3, which would keep the development within the bowl of the existing quarry, limiting its views from the Aylesford Conservation Area to the south.

With regard to the public transport links to the site, the application would secure a contribution of £920,000 towards the provision of a bus service on the east bank of the River Medway. The precise routing of this service would be for the agreement of KCC however the site is planned to have a controlled secondary access from Bull Lane that would enable a bus service to travel through the site if required. This provision would represent a significant wider benefit as currently the area is not served by regular public transport and such a provision would encourage sustainable travel in the wider area.

With regard to conditions, as well as the additional ones requested by KCC Ecology, it is considered that due to the benefit of opening the site up to wider public access it is appropriate to control this access by planning condition. The purpose of this would be to ensure the public areas of the site, including the lake are open in perpetuity.

### **AMENDED RECOMMENDATION**

#### **Add the following additional conditions:**

33. With the submission of each phase, a biodiversity gain plan shall be submitted to and approved in writing by the local planning authority. The biodiversity gain plan shall include the following:

- A review and where necessary an update of the Defra Biodiversity Metric 3.1 submitted as part of TM/22/01909/OA (Aspect Ecology (February 2023) Supplementary Ecology Information), demonstrating the site will achieve a biodiversity net gain;
- Biodiversity net gain calculations for the site based upon an ecological baseline that takes into consideration the approved restoration scheme, protected and priority species and habitats recorded within baseline data collected for the outline application submission, as well as any necessary further survey data collected to support the associated reserved matters applications;
- Habitats as well as features beneficial to wildlife (such as reptile and amphibian hibernacula/log piles, bird and bat boxes, and hedgehog highways).
- Detailed planting specification(s) to include the use of native species in soft landscaping and the avoidance of known non-native invasive species; and
- The scheme shall also include details of the timing of the respective elements forming the plan.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to enhance the Biodiversity of the area in accordance with Paragraph 170 of the NPPF 2021 and Policies NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document.

34. With the submission of each phase, in the case of communal/publicly accessible areas/off site enhancement areas, a biodiversity management and monitoring plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:

- Description and evaluation of the relevant habitats and species requiring monitoring and management as identified in the biodiversity gain plan;
- Constraints on-site that might influence management;
- Aims and objectives of the management;
- Proposed management/ maintenance, monitoring and remedial arrangements for the detailed planting specifications and habitat features agreed as part of condition [insert number for Biodiversity Gain Plan condition] to achieve the aims and objectives. It should be noted that the monitoring arrangements will need to include reference to any ecological monitoring carried out for other purposes (e.g., as required as part of relevant great crested newt licensing), monitoring of the success of habitat establishment and its condition as per the Defra Metric 3.1, populations of individual/groups of species (e.g., reptiles, invertebrates etc.), the recreational and lighting impacts and where relevant remedial measures needed/taken;
- Preparation of a work schedule (capable of being rolled forward); and
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed/taken.

The approved scheme shall be fully implemented prior to the occupation of the dwelling(s) and thereafter maintained.

Reason: To secure a measurable biodiversity net gain in line with paragraph 180 of the National Planning Policy Framework 2021.

35. With the submission of the first reserved matters application or prior to the commencement of works (including site clearance) (whichever is soonest), a biodiversity method statement will be submitted to, and approved by, the local planning authority. The content of the

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method statement will be based upon the measures proposed within Chapter 11 of the Environmental Statement (DHA (August 2022) Environmental Statement Chapter 11: Biodiversity. Aylesford Later Living Community – Land at East Lake, Aylesford Quarry, Aylesford, Kent. Ref: TS/16808 and Aspect Ecology Supplementary Ecology Information (February 2023). The method statement will also need to include any measures recommended as a result of updated habitat/species surveys undertaken where existing survey data is out of date (as advised by a suitably qualified and experienced ecologist<sup>1</sup> in line with Chartered Institute of Ecology and Environmental Management (CIEEM) guidance. The method statement will include the:

- Purpose and objectives for the proposed works;
- Methodology necessary to achieve stated objectives;
- Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans;
- Reference to the details of any necessary protected species licences required for works to be undertaken on-site (e.g., great crested newt);
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
- Use of protective fences, exclusion barriers and warning signs;
- Initial aftercare and long-term maintenance (where relevant), and;
- Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

36. With the submission of each reserved matters application a review of the biodiversity method statement submitted as part of condition 35 must be carried out. An updated biodiversity method statement or a letter demonstrating that the biodiversity method statement is still valid must be submitted to the LPA for written approval. The biodiversity method statement must be implemented as approved.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

37. With each reserved matters application, a lighting design strategy for biodiversity will be submitted to and approved in writing by the local planning authority. The strategy shall consider the recommendations contained within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (or subsequent updates). The strategy shall also demonstrate compliance with the Recreational Zoning and Lighting Principles Plan (5946/SUP1) and include the following:

- The identification of areas/features on-site where disturbance could occur to bat breeding/roosting sites and/or foraging/commuting routes;
- The provision of an appropriate plan(s) to show how and where external lighting will be installed;
- The provision of technical specifications for the external lighting along with an explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (and/or subsequent updates) has been considered during the lighting selection process;
- A demonstration that internal lighting with the potential to produce light spill upon 'important bat habitat' has been selected and positioned in accordance with the the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (and/or subsequent updates); and
- The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes, so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. Sufficient information should be included on plans to enable non-lighting professionals to understand the avoidance and mitigation measures proposed, as indicated within Step 5: Demonstrate compliance with

illuminance limits and buffers within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To mitigate for the potential effects of the development upon legally protected roosting, commuting and foraging bats.

38. No phase or sub-phase of the development shall be occupied until a scheme is submitted to and approved in writing by the Local Planning Authority to secure public access to the wider site from Aylesford Village. The approved scheme shall be provided in strict accordance with the approved details prior to occupation of that phase or sub-phase of the development and retained for the lifetime of the development.

Reason: In the interests of ensuring access to the public areas of the development for the benefit of the wider community.