

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
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6 October 2014

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in the **Hadlow Manor Hotel, Hadlow** on Tuesday, 14th October, 2014 commencing at **10.00 am**

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

Decisions to be taken by the Committee

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Introduction and Glossary
4. TM/13/01535/OAEA - Kings Hill Phase 3, Kings Hill, West Malling 9 - 82
5. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

6. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

7. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr Mrs F A Kemp (Chairman)
Cllr Mrs E M Holland (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr C Brown
Cllr F R D Chartres
Cllr M A Coffin
Cllr S R J Jessel
Cllr Mrs S Luck
Cllr B J Luker

Cllr Mrs S Murray
Cllr T J Robins
Cllr H S Rogers
Cllr A G Sayer
Cllr Miss J L Sergison
Cllr Miss S O Shrubsole
Cllr M Taylor

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

GLOSSARY of Abbreviations and Application types used in reports to Area Planning Committees as at 16 August 2013

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer
CHO	Chief Housing Officer
CPRE	Council for the Protection of Rural England

DEFRA	Department for the Environment, Food and Rural Affairs
DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document (part of the emerging LDF)
DMPO	Development Management Procedure Order
DPD	Development Plan Document (part of emerging LDF)
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 1995
GPDO	Town & Country Planning (General Permitted Development) Order 1995
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust - formerly KTNC
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MLP	Minerals Local Plan
MPG	Minerals Planning Guidance Notes
NE	Natural England
NPPF	National Planning Policy Framework
ODPM	Office of the Deputy Prime Minister
PC	Parish Council
PD	Permitted Development

POS	Public Open Space
PPG	Planning Policy Guidance Note
PPS	Planning Policy Statement (issued by ODPM/DCLG)
PROW	Public Right Of Way
RH	Russet Homes
RPG	Regional Planning Guidance
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCG	Tonbridge Conservation Group
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application

FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent
LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
ORM	Other Related Matter
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

**East Malling &
Larkfield**
Kings Hill

567360 155580 4 April 2014

TM/13/01535/OAEA

Proposal:

Outline Application (with all matters reserved except for means of access) for the demolition of existing buildings including the KCC Supplies depot and removal of a section of Kings Hill Avenue; the erection of up to 635 residential dwellings; a two form entry primary school with associated playing fields and land safeguarded for an extension to create a three form entry primary school; a multi-functional extension to the community hall; -a skate park; formalisation of car parking areas at the Community Centre and adjacent to Crispin Way; improvements to the highway network at Alexander Grove, Gibson Drive and Queen Street; and trim trails, woodland paths and green spaces

Location:

Kings Hill Phase 3 Kings Hill West Malling Kent ME19 4QG

Applicant:

Liberty Property Trust UK Limited

1. Description:

1.1 The planning application is in outline, with all matters reserved except for means of access. The application has been revised to address feedback received as part of the Council's statutory consultation exercise and now seeks outline planning approval for:

- Up to 635 dwellings (amended from 975).
- 112 affordable dwellings (17.5% of 635) of mixed tenure.
- On-site public open space including a new Linear Park, trim trails, woodland paths and green spaces.
- Off-site open space provision - The revised proposals include a provision of off-site open space (including sports pitches, trim trails and allotments) at Heath Farm.
- A site for a place of faith based worship.
- A multi-functional extension to the community hall of minimum 200 sq m.
- New formalised car-parking areas at the Community Centre -French Market Square (39 spaces) and at Crispin Way (19 spaces) - the Market Square design will allow the car park to be closed to cars for markets as and when arranged.

- Indicative changes to the highway network at Alexander Grove, Gibson Drive and Queen Street.
 - An outdoor youth facility (such as skate park or similar) (detailed siting, design, layout and materials to be provided at the reserved matters stage if outline planning approval is granted).
 - The existing 75 allotments at Heath Farm will be supplemented by a further 45 Allotments.
- 1.2 Elements of the originally submitted application including the demolition of the Kent County Supplies Building and the provision of a new primary school with a potential for a 3 form entry. KCC has since prepared and submitted a separate freestanding planning application proposing a 3 Form Entry Primary School in this location. The use of the Depot site for that case is for determination by KCC as Planning Authority. The relationship between the proposed housing development and the primary school is, however, a material consideration for this case in terms of provision and timing.
- 1.3 The Phase 3 residential development will be located on land that is most of the allocated and permitted for employment development from Phase 2 land granted by the Secretary of State's decision in 2004 after a called in Public Inquiry.
- 1.4 Under previous planning permissions, 185,800 sq m of employment development has been granted planning permission (the Phase 1 and 2 permissions). To date 83,783 sq m of commercial development has been built which leaves approximately 102,000 sq m of extant employment development permitted in principle but not yet implemented.
- 1.5 This application allows for some of the extant employment land (8.52 ha) to be retained for the development of between 24,150 sq m and 34,100 sq m of employment floorspace.
- 1.6 The proposed residential development of 635 new homes will therefore displace between 67,917 sq m and 77,867 sq m of the 102,017 sq m of consented employment development.
- 1.7 The detailed design of the new spine road will be subject to a future submission. The northern spine road is intended to function effectively as a bus route.
- 1.8 The Transport Assessment (TA) analyses the traffic and transport implications of this application *in the context of the fact that it proposes development in substitution for the unimplemented part of the Phase 2 permission granted by the Secretary of State* (i.e. recognising that the current position on site means that there is not currently traffic arising from the unimplemented part of that 2004/2005 scheme, but that the estimated traffic that could potentially arise

should properly be taken into account in assessing the current proposal). It also provides a Framework Travel Plan, which has been agreed with KCC. In line with KCC guidance, a 'measures based' Travel Plan will be developed and implemented three months prior to occupation. (Measures are likely to include such matters as the distribution of information on walking, cycling, public transport and car sharing, information on the negative aspects of car based travel and one to one travel planning sessions for residents which provide personalised journey plans and encourage the use of sustainable modes.)

- 1.9 The level of car parking proposed by the Phase 3 development will be in accordance with the KCC Interim Guidance Note 3 for residential parking. As a result, the Phase 3 development will provide between 2,234 and 2,818 new car parking spaces (not relying on garages in that calculation) – rates far higher than the Secretary of State applied to his Phase 2 approval.
- 1.10 The traffic data presented in the TA was carried out by a third party consultant (who dealt with Phase 2 and whose assessment methodology was found acceptable by the Secretary of State in the Phase 2 case) and the methodology was agreed by KCC Highways prior to the surveys being carried out.
- 1.11 A Pelican crossing is proposed on Tower View as part of the Phase 3 planning application, which will create a safe and controlled crossing point especially for pedestrian access from the proposed housing areas to the new school. The applicant states that this is to be delivered prior to occupation of the school.
- 1.12 The applicant made financial contributions to KCC and the Highways Agency (M20/Junction 4) for highways improvements as part of Phase 2. KCC is using some of these monies to implement a highways improvement scheme at Kent Street in accordance with the Phase 2 S106 Obligation. Some of the remaining monies may be used for highway environmental improvement schemes. Specifically, Offham could benefit following a successful feasibility study to investigate options for such improvements in the village centre. If an acceptable scheme can be designed, the works would be paid for and implemented by KCC using monies from the Phase 2 S106 Legal Agreement. The funding allocated for the Phase 2 development as part of the Phase 2 S106 legal agreement, could be used to provide improved traffic calming in other local villages. Bearing in mind the fact that this application covers a substantial part of the unimplemented Phase 2 scheme, it is appropriate to move those contributions forward to support the Phase 3 scheme and the applicant has indicated its agreement to do so.
- 1.13 Funding is available through the Phase 2 S106 Agreement to allow appropriate improvements to the bus infrastructure. The requirement to deliver the bus lane and extra traffic lights on Tower View still remains. Again, it would be appropriate to carry these forward to any Phase 3 permission.

- 1.14 With regard to the wider bus provision, funding for improvements including the new express bus service to Maidstone is also available through the Phase 2 S106 Agreement. The Phase 3 scheme gives scope for extended bus routes to serve new areas of development and the extended Kings Hill area. The existing bus service and car sharing opportunities will be promoted through a Phase 3 Travel Plan.
- 1.15 The development is proposing enhancements and additional linkages to Kings Hill's cycle network. Cycling will be encouraged through the provision of appropriate cycle parking, through the adoption of measures within the Residential and School Travel Plans that will encourage cycling and through further enhancements to the cycle network at Kings Hill, including enhanced connections to the external cycle network.
- 1.16 An undertaking to ensure the provision of a bridleway is shown on the Movement and Access Plan
- 1.17 The applicant confirms that adequate services are in place to support development proposed at Kings Hill. Infrastructure services such as foul sewerage, surface water disposal and supplies such as water and electricity are brought forward under legislation separate to the planning process – via the payment of infrastructure charges to the service providers.
- 1.18 Sports, recreation and open space has been proposed, including a proposed south elevation extension to the community centre on part of the Market Square that will provide an additional 200 sq m of space, which is large enough for a badminton court to be provided with associated storage. As such, exercise classes and table tennis may also be able to take place within the community centre extension.
- 1.19 This proposed multifunctional extension to the Kings Hill Community Centre will also have scope to provide for a range of community uses.
- 1.20 A site for a place of worship at the Central Area forms part of the proposals in recognition of a long held aspiration for such a facility on Kings Hill.
- 1.21 No new medical facilities are proposed but an outline planning permission exists for a two-storey extension to the existing doctor's surgery (as part of an earlier Central Area planning permission) should the Medical Practice feel it appropriate to provide those facilities.
- 1.22 Larger areas of open space, such as the linear park, will have a significant positive impact for the community rather than smaller areas of open space. The linear park is intended to be a quality area of open space

- 1.23 The level of open space provided on site will extend to approximately 28% of the net residential area. Appropriate open space provision, including small local green spaces, will be provided as part of the residential development.
- 1.24 The additional playing pitch provision at Heath Farm will comprise of an area of 45,150 sq m in the form of 1 senior and 2 junior pitches. Off site sports and open space will be provided at Heath Farm over and above the facilities there as a result of the phases 1 and 2 planning obligations. This will total 45,150 sq m.
- 1.25 The area at Heath Farm will also provide an additional 3,162 sq m of allotments; 12,980sqm of amenity green space and 25,450 sq m of Natural Green Space.
- 1.26 There are three density character areas proposed: low (at less than 30 dwellings per hectare (dph), medium (between 30-40 dph) and high (around 40 dph). The high-density development is close to the Central Area, which is the most sustainable and accessible location within Kings Hill that is itself, one of the denser localities in Kings Hill.
- 1.27 The landscape scheme will incorporate tree species selected to provide visual and habitat interest as well as meeting the functional and design requirements of the development (for example, species that provide shade, have low water demand, create structure or have a particular form). In addition, tree species will be selected that are appropriate to the local landscape character and the microclimate of the site and where appropriate, will incorporate species with a high Urban Tree Air Quality Score (UTAQS) in proximity to sensitive receptors such as the school and recreational spaces.
- 1.28 Buffer strips are indicated on all retained areas of ancient woodland within and adjacent to the scheme, including Coalpit Wood and Hoath Wood. These will be at least 15m wide and will be provided in accordance with the provisions of paragraph 7.5.1 of the NPPF and Natural England guidance adjacent to all areas of retained ancient woodland. Strategic fencing and the establishment of new habitats on buffer strips will be instigated to ensure that significant ecological benefits are realised and that site wide connectivity between key habitats is enhanced.
- 1.29 The establishment of new areas of species-rich acid/heath grassland in the new buffer strips adjacent to retained areas of ancient woodland and other retained habitats is to be achieved through the translocation of turves and the use of hay crop to create new areas of acid/ heath grassland in suitable locations within the development, including wildlife corridors within the site infrastructure.
- 1.30 The scheme will be appropriately and sensitively designed at the reserved matters stage to ensure that the scheduled monuments and non-statutory heritage assets are protected.

- 1.31 During construction and operation package of mitigation measures to minimise the potential for dust deposition and elevated PM10 concentrations. Increased emissions arising from traffic generated have been assessed: concentrations of nitrogen dioxide, PM10 and PM2.5 have been predicted at existing human health receptors in the surrounding area.
- 1.32 The Construction Environmental Management Plan (CEMP) will address the issue of minimising dust emissions during the demolition/construction phase.

2. Environmental Impact Assessment

- 2.1 Under Regulation 5 of the Environmental Impact Assessment (EIA) Regulations 2011, an Environmental Statement has been undertaken voluntarily which has been updated to reflect the revised proposals for the site. In the absence of the Phase 3 proposals, the applicants could bring forward the balance of the existing planning permissions on the site. Based on the permitted floorspace and the size of the site, approximately 75,500 sq m of commercial floorspace could be delivered within the site boundary under the 'Alternative Development Scenario' – the baseline for comparison is what *could* occur under the Phase 2 permission commitment.
- 2.2 The EIA assessed the following matters:
- Socio-economics;
 - Landscape and Visual
 - Ecology and Nature Conservation
 - Archaeology and Heritage
 - Ground Conditions
 - Drainage and Flood Risk
 - Transport and Access
 - Air Quality
 - Noise
 - Waste
 - Lighting
 - Cumulative Impacts

- 2.3 The parcels of land are within easy walking distance of a range of shops, services, amenities and public transport facilities. There are also good transport links connecting the application site with the wider sub-region and beyond that London.
- 2.4 The key method of mitigating construction impacts is the implementation of a Construction Environmental Management Plan (CEMP), which collates best practice for construction sites with specific measures designed to reduce the identified impacts.
- 2.5 The assessment says that during the construction phase there will be a significant benefit to the community through the creation of the equivalent of around 79 full time construction related jobs throughout the 10 year build period.
- 2.6 The provision of up to 635 dwellings including 112 of affordable homes of mixed tenure to contribute towards identified housing need in the Borough.
- 2.7 Residents of the new homes will generate a local spend of around £16.7m per year, which would support around 167 new jobs in the local economy.
- 2.8 The assessment concluded that the loss of potential employment land would result in a negligible impact because there is sufficient existing capacity at Kings Hill to meet demand. Furthermore, the proposals would result in the delivery of residential development and associated job creation.
- 2.9 The proposed development would generate a shortage of school places in Kings Hill, which is why contributions to new primary school are proposed as part of the development.
- 2.10 The potential landscape impacts have generally been considered to be beneficial in the longer term, once planting has established to integrate the development into the landscape, particularly when compared to the Alternative Development Scenario in which larger, taller commercial buildings are proposed.
- 2.11 An ecology and nature conservation assessment included a desk study, an overall site appraisal and protected species surveys for birds, bats, reptiles, badgers and trees. There are no sites designated for ecological importance within or in the vicinity of the site. The only habitats of intrinsic ecological importance are mainly re-planted ancient woodland within and adjacent to the site.
- 2.12 The site has only three trees that are suitable for bat roosting, does not have any badger setts, has only a small area that could be used by reptiles and is used by only a limited bird community.

- 2.13 Some areas on-site and immediately adjacent are suitable for dormice and this species is likely to be present but these areas will be avoided during construction
- 2.14 The archaeology and heritage study identified that the Pickett Hamilton Fort scheduled monument is located within the site at Area 306, which is part of a series of scheduled monuments located throughout Kings Hill. The Pickett Hamilton Fort is severely degraded now but it will be retained in its current position within the linear park within the development proposals. The EIA concluded no significant impacts on designated heritage features.
- 2.15 The study identified that an historic network of coach roads passed through the site in Area 306 and to the south of Area 307. Part of the route within Area 306 will be retained and maintained within the development.
- 2.16 An archaeological 'watching brief' is proposed for the areas of development that have not been studied under Phase 2, which should ensure that no unexpected remains are damaged during construction works.
- 2.17 The assessment of ground conditions identified that accidental spillages or leaks, damage to soils, potential contamination of groundwater and potential impacts on health of site workers were all of negligible significance when standard mitigation measures were considered.
- 2.18 The assessment of drainage and flood risk identified that the site is not at risk from flooding from rivers or sea. During the construction stage, the development could slightly increase the risk of flooding through ground compaction or due to sediment running into drainage facilities. These would be avoided through the CEMP and associated use of silt traps and the washing of wheels before leaving the site to keep sediment from entering unfiltered drains.
- 2.19 Sustainable Drainage Systems (SUDS) will involve draining the sites through ground infiltration, which will be via appropriate filtration devices to avoid pollution of groundwater.
- 2.20 The proposals will have no residual significant impacts on drainage or flood risk and the development is comparable to the Alternative Development Scenario in this respect.
- 2.21 The traffic and transportation implications of the proposed development have been assessed and are based on the detailed Transport Assessment. Although there will be an increase in the amount of construction vehicles, this will be significantly below the capacity of the road network. Construction vehicle movements will be managed through the CEMP.
- 2.22 Once the development is completed and occupied, there would be an increase in vehicles on the local highway network as a result of the increase in the

number of residents. However, this increase is less than would be expected for the Alternative Development Scenario.

- 2.23 A Travel Plan has been prepared for the wider Kings Hill development that promotes the use of sustainable means of transport. The Travel Plan also sets out how these measures will be delivered and makes recommendations for monitoring the success of each initiative.
- 2.24 A qualitative assessment of the potential impacts of construction impacts identified that there was the potential for dust. Accordingly, methods to reduce the potential for dust generation will be included in a CEMP. These include actions such as damping down the site and erecting dust screens.
- 2.25 The proposed development would cause insignificant increases in the level of pollutants due to the low background concentrations. Sustainable modes of transport, for example walking, cycling and public transport, are said to be encouraged as part of the development to reduce the number of car journeys associated with the proposed development.
- 2.26 During construction phase, some noise and vibration disturbance is likely due to activities such as piling, so a range of mitigation measures has been proposed that will form part of the CEMP.
- 2.27 The noise study notes that with the incorporation of standoffs from roadways and the use of double-glazing and appropriate ventilation systems, levels of noise that comply with best practice guidance can be achieved.
- 2.28 There would be an increase in the amount of traffic noise as a result of the proposed development against the existing conditions but a negligible change when compared with the consented Alternative Development Scenario.
- 2.29 Total waste arising would amount to an estimated 13,816m³ of waste, which is comparable to what would be expected of the Alternative Development Scenario, but would generate greater demolition waste. However, best practice measures to minimise waste arising during construction and a Site Waste Management Plan (SWMP) should ensure that waste related impacts are minimised.
- 2.30 The residential development has the potential to generate around 334,000kg of waste and the school to generate 6,890m but when the rates of recycling are taken into account, the potential impact of the development on waste generation is considered to be negligible in terms of waste generation in the Borough.
- 2.31 The assessment of lighting impacts identified the potential impact on the nearest residential receptors at both the construction and operational stage. Appropriate lighting guidance includes the specification of lighting that aims downwards to minimise light pollution to the sky and neighbouring properties

and all lighting strategies to be designed at the detailed design stage should be tested to confirm that they comply with best practice guidance.

- 2.32 The cumulative impact assessment involves consideration of how the impacts of the proposed development may interact with impacts associated with other development proposals in the surrounding area. For this assessment, the potential environmental effects of the consented but as yet un-built elements of the Phase 1 and 2 permissions were considered.
- 2.33 The cumulative traffic effects were found to be less than for the Alternative Development Scenario. These data were used in the assessment of air quality and noise traffic impacts and therefore the EIA stated that the cumulative effects have been fully taken into account in these studies.
- 2.34 The combined/synergistic assessment of impacts has focused on whether potential construction and development use effects would combine to generate a significant adverse impact on sensitive receptors. The accumulation of aspects such as traffic, dust, noise and visual intrusion caused by construction activities may be significant in areas immediately surrounding the site but that these will be mitigated through the CEMP.
- 2.35 The majority of the assessments in the EIA identified that impacts would be of negligible or beneficial significance. In particular, it has been determined that there will be significant social and economic benefits associated with the development. The EIA notes that the majority of the impacts identified are comparable or of lesser significance than the impacts associated with the Alternative Development Scenario that could be delivered on the Phase 3 site in the absence of the new proposals in this planning application.

3. Reason for reporting to Committee:

- 3.1 The development is a Departure from the development plan and there is a high level of public interest.

4. The Site:

- 4.1 The application site is 37.6ha in total.
- 4.2 Kings Hill is a strategic development site allocated for housing under Core Strategy Policy CP15 and employment provision under CP21. It is also subject to saved policy P2/3 of the Tonbridge and Malling Local Plan. It is defined as part of the urban area of the Borough in policy CP11.
- 4.3 It includes housing allocations under policy H1 and employment allocations for the commercial offices of the Development Land Allocations Development Plan Document policy E1(r) (*land safeguarded for employment development*) and policies E3 (d), E3 (e), E3 (f) (*Vacant sites allocated for Employment*)

development). It also includes 2 designated open spaces under OS1A (dq) and OS1A(dr) of the Managing Development and the Environment Development Plan Document (MDE DPD) which are the play area and ball court at Gibson Drive respectively.

- 4.4 There is a small area of Ancient Woodland south of the tennis courts/ball court, and another is the southern section of Coalpit Wood that falls within the northern boundary of the application site.
- 4.5 There is a scheduled ancient monument called the Picket Hamilton Fort Hill adjacent Kings Hill Avenue. It is the only designated heritage feature within the application site.
- 4.6 Outside the application site but on land in the control of the applicant, is the area at Heath Farm (where Kings Hill Sports Park is situated) which provides a location intended in principle for additional off-site open space and recreation and land leisure uses, augmenting or supplementing the existing playing pitches, allotments and country park areas. This area is outside the urban area or other settlements, being countryside.
- 4.7 Kings Hill as a whole is a 265 hectare (650 acre) former airfield site in a long term programme of redevelopment as a mixed use scheme comprising 2,750 homes, 185,800 sq m (2 million sq ft) of office space, two primary schools, an 18 hole golf course and a retail centre, known as the Central Area.
- 4.8 Kings Hill Phase 1 is comprised of 1850 dwellings and 92,900 sq m commercial, of which 19,084 sq m is unbuilt. Phase 2 is comprised of 750 dwellings of which 607 have been built to date and 92,900 sq m Commercial of which 85,933sqm is unbuilt. There are also 150 dwellings from stand-alone planning permissions. The KCC Depot was a pre-existing building and has a floorspace of 43,600 sq m
- 4.9 The first outline planning permission (TM/89/1655) was granted by KCC (on its own land ownership) for a mixed use development comprising business use, with ancillary storage and ancillary distribution (Use Class B1); residential; hotel/ conference centre; convenience retail; financial and professional services; residential education and training facilities; crèche; leisure; sports and recreational facilities (open spaces and landscaping); new access, ancillary roadworks. The hotel/conference centre element was never implemented.
- 4.10 Planning permission was subsequently granted in 1993 for a Section 73 planning application (TM 93/01562/OA) to permit an increase in dwellings from 250 to 550 in the first phase with the extent of Class B1 business use also increased to a maximum of 92,900 sq m (1 million sq ft).
- 4.11 On 16 April 1998, an approval was granted for the period for submission and approval of reserved matters to a further 12 years.

- 4.12 A separate outline planning permission (TM/97/01183/OA) was granted on in 1998 for the residential development of approximately 1,300 dwellings, a community hall together with ancillary formal playing areas, open spaces, landscaping and road works.
- 4.13 A planning application (TM10/03502/OAEA) to extend the time limits for implementation of planning permissions TM/89/1655 and TM/98/00299/FL was approved in October 2013.
- 4.14 An outline planning application for Phase 2 (TM/02/03429/OAEA) was submitted in 2002 for a further 92,900 sq m (1 million sq ft) of use class B1 floorspace, residential development for 750 dwellings, public open space, sports, leisure and recreational facilities and associated infrastructure. The planning application was 'Called In' by the Secretary of State and was considered at a joint Public Inquiry. It was allowed by the Secretary of State in October 2004 subject to a number of legal agreements under S106 of the Town and Country Planning Act 1990.
- 4.15 A S73 planning application (TM/05/00163/FL) was granted in June 2005 to enable the submission of details and the implementation of development to be undertaken in phases.
- 4.16 In total, approximately 2,750 residential homes have been granted planning permission, most now built and occupied.
- 4.17 In terms of employment development, 185,000 sq m (2 million sq ft) of floorspace was granted planning permission as part of the Phase 1 and 2 developments. The majority of the employment floorspace has been developed in Phase 1 with 16,084 sq m remaining. Despite the applicant claiming extensive marketing the Phase 2 site since 2004, there has been limited demand for employment floorspace that has resulted in 6,967 sq m (the Rolex headquarters) being developed with 85,933 sq m remaining unbuilt.
- 4.18 The Phase 3 planning application site has reduced in size since originally submitted and now extends to approximately 37.6 hectares (92.9 acres).
- 4.19 Housing is proposed on Area 302, a vacant parcel of land located SW of the junction of Tower View and Alexander Grove. The site is bounded by the KCC owned former County Supplies depot that is being demolished. Access to the existing highway network would be via Tower View. A portion of land to the north of Area 302 has a recent planning permission granted by KCC as a car parking area for KCC offices elsewhere on Kings Hill.
- 4.20 Area 303 extends to 1.58 hectares (3.9 acres). The site is a vacant parcel of land adjacent Hazen Road and opposite ASDA/Waitrose supermarkets.

- 4.21 Area 305 extends to 1.62 hectares (4.0 acres) and comprises vacant land bounded to the east by Coalpit Wood and to the south by a belt of poplar and conifer trees. Located directly to the north is the existing Rolex Building. Access is via Jubilee Way.
- 4.22 Area 306 is 20.30 hectares (50.1 acres). The site currently comprises open grassland. Previously it provided temporary full sized football pitches, which were replaced in August 2013 following the delivery of Kings Hill Sports Park at Heath Farm. It straddles Kings Hill Avenue, which is closed to traffic and is traversed by a haul road. The verges to each side of the unused Kings Hill Avenue have been planted with intermittent trees and shrub clusters on mounding. The area is bounded to the north by a belt of poplar and conifer trees, and includes part of Coalpit Wood and a belt of semi-mature trees. Beyond this tree line lies open farmland. Area 306 is bounded to the east and south by Phase 2 housing development. To the south and west, there are offices. This area contains a scheduled ancient monument.
- 4.23 Area 307 extends to 4.86 hectares (12.0 acres) and comprises the KCC Supplies depot and is visually contained by mounding and a perimeter belt of tree and shrub planting. It is bounded to the north and west by existing employment uses. The site has existing access off Gibson Drive. Part of this land is due to have a primary school erected on it that will have a through route access linking Tower View and Gibson Drive.
- 4.24 Area 308 is 1.18 hectares (2.91 acres). It includes the Kings Hill Community Centre, open space and informal car parking comprised of mainly sweet chestnut coppice with occasional birch and sweet chestnut standards and some wild cherry, pine, oak and hazel.
- 4.25 Area 309 is 1.10 hectares (2.7 acres). It is south of Gibson Drive, opposite the Community Centre, and to the south by Discovery Primary School. The site includes 2 existing tennis courts and a ball court and children's play equipment. There is an area of Ancient Woodland between these area and Crispin Drive.
- 4.26 Kings Hill has 2 Primary Schools; 2 Day Nurseries; Golf Club; Cricket Ground and Pavilion; a private gym/tennis club, a Country Park called Warren Wood Nature Park; Kings Hill Sports Park (with 5 grass pitches, an all-weather pitch and a 2 storey sports pavilion/changing rooms); 75 new allotments due to open at Heath Farm by the PC; and a retail area called "The Central Area". Liberty Square located within the Central Area provides a range of shops and services including a GP Surgery and Pharmacy, a private dentist and a Veterinary Clinic. There is a Community Centre run by the Parish Council and a mobile library serves the site. The site has footpaths and cycle links, a network of greenways and equestrian bridleways.
- 4.27 The nearest train station is at West Malling and is accessible by shuttle bus or walking/cycling. Regular direct train services operate to London Victoria and

Blackfriars taking an average of 55 minutes. It is anticipated that from 2018, improved rail services to London business districts will be introduced.

4.28 The site is served by bus services, which provide connections to a range of destinations including Tonbridge, Tunbridge Wells, Chatham, Maidstone and Rochester.

4.29 There is a comprehensive network of cycleways, greenways and footpath links plus equestrian routes around the perimeter of the site.

5. Planning History:

TM/89/1655 grant with conditions 12 June 1990

Mixed use development , comprising business use, with ancillary storage and ancillary distribution (use class B1); residential (C3); Hotel/conference centre (C1); convenience retail (A1 and A3); financial and professional services (A2); Residential education and training facilities (C2) crèche (D1) leisure (D2) sports and recreation facilities, open spaces and landscaping, new access on approx 647 acres with ancillary road works.

TM/93/01562/OA grant with conditions 21 September 1993

Variation of condition 14 of outline permission TM/89/1655 to increase number of dwellings in first phase from 250 dwellings to 550 dwellings

TM/98/00299/FL Section 73 Approved 16 April 1998

Application to vary condition A2 of outline planning consent ref: TM/89/1655 to allow extension of the periods for submission and approval of reserved matters by a further twelve years

TM/02/03429/OAEA Allowed by secretary of 28 October 2004
state

Outline Application: Additional 92,900 square metres B1 Business floorspace, residential development, public open space, sports, leisure and recreation facilities and associated infrastructure at Kings Hill and adjoining land at Heath Farm, East Malling

TM/05/00163/FL Grant With Conditions 6 June 2005

Variation of conditions 2 and 6 of planning application no. TM/02/03429/OAEA (outline application: Additional 92,900 square metres B1 Business floorspace, residential development, public open space, sports, leisure and recreation facilities and associated infrastructure at Kings Hill and adjoining land at Heath Farm, East Malling) to enable the submission of details and implementations of the development to be undertaken in phases.

6. Consultees:

- 6.1 **Kings Hill Parish Council:** In principle KHPC supports the change of use from commercial to residential development. However, there are remaining obligations from previous planning applications that should be completed as a further obligation should TMBC be minded to grant approval for Phase 3, BEFORE any works are started on the new development.
- 6.1.1 Intensification of employment land will exacerbate existing highways issues both on site and in the surrounding areas. It appears that the Transport Assessment has not taken this into consideration when comparing it to the Alternative Development Scenario. Out date information has been presented as evidence to support the application in the TA. The network of Kings Hill has not been designed to take into account of the different pattern of traffic that will result.
- 6.1.2 Trains: It is noted that Network South East intends to provide a better service to West Malling from 2018. However, there is no provision for additional parking and/or bus services to the station within the application. Continuing poor train provision to the City must be addressed to ensure the sustainability of Kings Hill, which is predominantly a “commuter town” with 43.8% of working residents travelling over 20km to get to work. Possible High-speed trains from Snodland will need a good bus shuttle service from Kings Hill.
- 6.1.3 Buses: Peak services will be stretched with the addition of 635 extra homes. Additional buses must be added during peak times to mitigate the effect of the new development. Agree with KCC H&T: ‘the existing bus network is of insufficient quality to capture a meaningful proportion of the trips generated by the development’. Need to widen Tower View entry arm to provide a bus lane as well as two vehicle lanes.
- 6.1.4 The new road system must cater for buses and ‘the provision of an express bus service between the development and Maidstone Town Centre, to the same or better standard as conditioned for Phase 2 and for a period of not less than five years thereafter’ has been requested by KCC. It is essential that all bus companies be consulted on the selected bus route.

- 6.1.5 The danger caused by the temporary lay over area outside Asda on Tower View is already unacceptable. This should be resolved before any additional development is permitted.
- 6.1.6 Children travelling to and from school on Kings Hill still do not have sufficient school buses available. An express bus between Kings Hill and Maidstone Town may alleviate some problems but there needs to be a similar system for children who travel to Tonbridge and Tunbridge Wells. KHPC would therefore like to see sufficient additional school buses to cater for the likely extra children from the additional homes.
- 6.1.7 Highways within Phase 3 of Kings Hill - There is no change to the proposed road network in this amended application. The secondary road shows that there is no provision for any visitor or residential parking without impeding traffic. There is one secondary road shown within the application site. Tertiary streets are between 4.1m and 4.8m wide and therefore no on street parking is expected, nor catered for. KHPC considers that the internal proposed road network is still unsuitable for the amount of residential and visitors cars generated by not only the housing development but also additional traffic to and from the Sports Park, the new school and the ongoing build taking place as part of Phase 2.
- 6.1.8 There will also be extra traffic from any extension, refurbishment or redevelopment of existing employment stock because of changing work practices. A full report on the potential number of extra employment spaces that could be gained because of any intensification of the employment density of the existing employment stock is required to fully assess the impact of the application. Significant concerns about the inadequacies of the surrounding highway infrastructure and in particular the A228 southbound towards Mereworth and Tonbridge.
- 6.1.9 KHPC questions the findings from the Transport Assessment carried out on traffic usage and growth and demands that a further assessment should be carried out urgently before any further building takes place. Evidence of the existing problems can be easily assessed every morning/evening on and around Kings Hill. The infrastructure of Kings Hill and the A228 cannot support the combined intensification of employment land and residential development of this scale given the points raised above which have not been taken into consideration.
- 6.1.10 This change will also affect the internal road network of Kings Hill that would not have been used by the commercial traffic and commercial areas have been built to accommodate the high levels of anticipated traffic, whereas the area the way from Kings Hill Avenue and small section of Tower View has not.

- 6.1.11 The proposal, combining with the new school, will increase congestion at Kings Hill Avenue/Tower view roundabout giving increasing queues and waiting times for residents trying to leave Kings Hill in the morning peak. Should demand for commercial land increase, it seems there is nothing preventing Liberty intensifying development in the commercial area to the original levels agreed for phase 2 in addition to this proposal to convert land to residential within Phase 3. There are no plans to mitigate such a change, despite the huge impact.
- 6.1.12 Existing Highways within Kings Hill: KHPC has concerns about the proposed realignment of Gibson Drive and Alexander Grove, particularly changing the one way stretch of road into two way. The convenience for car drivers from changing the road to two-way is greatly outweighed by pedestrian safety. The safety of children and parents is paramount.
- 6.1.13 Parking: Phase 2 of Kings Hill has insufficient on and off street parking facilities which have frequently led to neighbour disputes over parking as well as congested secondary, tertiary and mews roads where passing parked cars is problematic at best. The smaller roads do not and would not allow emergency vehicles to get through due to parking and congestion. Covenants clearly do not work in practice.
- 6.1.14 Parking provision needs to be increased above the minimum guidelines in the new development or future congestion will make life intolerable for new residents and surrounding roads. The Kent Design Guide standard expects 2 independently accessible spaces per unit for 3 bedroomed dwellings and above as a minimum. There are many homes with more than 2 cars and therefore parking needs to be increased exponentially to cope with requirements. The 2011 Census shows that 59% of residents of Kings Hill own 2 cars or more compared with 45% in the Tonbridge and Malling area. Therefore standard policies for parking do not work effectively on Kings Hill.
- 6.1.15 KHPC has shared their concerns with the applicant on the parking provision, current and proposed. In order to comply with the NPPF guidelines, parking options must be considered and a more generous provision offered.
- 6.1.16 Tertiary streets and mews lanes are only acceptable if they offer an adequate supply of on plot parking spaces. Sufficient parking and garage space must be designed into the development. Parking needs to be in excess of the amount set down in IGN3. Two independently accessible spaces per dwelling should be the minimum and there should be a double garage for all 4/5 bedroomed houses and garages need to be wide enough for modern cars.
- 6.1.17 Residential parking: Car barns and parking courtyards have become favoured parking options in latter phases of development on Kings Hill. These appear to increase housing density for the benefit of the developers. In terms of advantages for residents, there are none. Residents want to park on plot at the front of their homes. If no parking provision is in place, they park on the road

instead, leading to restricted road and pavement access. From Phase 2 onwards, there has been an increased use of car barns on Kings Hill. However, car barns can easily be converted, with the addition of doors, to a garage thus if no parking provision is in place, they park on the road instead. Because the Kent parking standards put garages in a different category than car barns, there is a danger that car barn provision is used to subvert the standard. Statistics show that parking courtyards have caused large numbers of neighbour disputes, are more likely to be the location of burglary from garages and limit the amount of space available for individual cars. Significant concern for the safety of children who play in or near these areas and they are in fear of, or have actually suffered, incidents of crime. Residential parking should be located on plot next to the front of each property forming a private driveway for each dwelling. Parish Council reiterate concerns about parking at the rear of properties.

- 6.1.18 Visitor car parking will continue to be an issue if there is inadequate residential parking provided on the new development. KHPC welcomes the provision of some visitor parking for Phase 3, but it is too limited. If there is insufficient residential parking provided, visitor parking spaces will be taken up by residents instead.
- 6.1.19 Central Area parking: The Market Square and Crispin Way proposals allow for an extra 58 visitor parking spaces. However, the Market Square must be dual purpose to allow events, markets and fairs to be held here.
- 6.1.20 Disabled Parking: There is currently no exemption for disabled drivers on un-adopted roads. This should be introduced as standard.
- 6.1.21 Need measures to minimise the risk of crime within the requirements of Crime Prevention through Environmental Design. Should be appropriate crime prevention measures to accord with TMBC's Core Strategy Plan.
- 6.1.22 Utilities: Residents already have concerns about services in Kings Hill - all utility companies should confirm their ability to provide adequate services (gas, water, electricity, sewage, telephone, broadband, mobile etc) to support the additional properties/residents proposed, without detriment to the current residents.
- 6.1.23 Housing Density: There is misleading statement on the decrease in density. The densities around Kings Hill are varied and on average they range from 12 dwellings per hectare in Lord's Walk to 35 dwellings per hectare in Phase 2. With 635 homes planned, the simple calculation to determine density would therefore be approximately 26 per hectare on average. The application does not specify what density high, medium and low would actually be per hectare and KHPC request that this information is known to allow consultees to consider the application. Significant concern about the high density planned. Phase 3 will be almost permanently gridlocked with neighbour disputes escalating.

- 6.1.24 The indicative drawing showing the layout of the proposal is misleading. Residents expressed concern about large areas of the new development designated as up to 4 storey dwellings that is not in keeping with the existing street scene elsewhere.
- 6.1.25 Primary School: Any developer contributions to the new primary school should only be for the need arising from the Phase 3 development. KHPC support the provision of a third primary school to deliver much needed primary school places to the existing and future communities of Kings Hill. However, we almost unanimously agree that the new school is in the wrong place and yet the plan appears to offer nothing to mitigate this. The Parish Council expects significant consideration of the potential risks to children travelling to school and pedestrian controlled crossing points and funding should be considered for crossing patrols.
- 6.1.26 £1.32 million for secondary school provision should purely be for children associated with the Phase 3 development.
- 6.1.27 Pre-school: Concern at no provision for a further pre-school and no provision for further community buildings to house a pre-school. All providers are full for next year.
- 6.1.28 Housing Provision for the Elderly: Essential that a variety of appropriate housing provision for senior citizens is included within any new development. Inevitably, the population of Kings Hill will continue to age and residents will have no age appropriate housing provided. Land should be safeguarded for appropriate retirement village.
- 6.1.29 Affordable Housing: KHPC welcomes the reduction in affordable housing provision from 40% to 17.5%. Support for the provision of low cost homes and shared equity schemes is higher amongst residents than the provision of social rented housing. The ratio of shared equity homes with social rented homes must be in keeping with the rest of the development that is historically closer to 10%. Provision of age related housing within this category would be a welcome addition to the development
- 6.1.30 KHPC welcomes the introduction of play areas but provision for the fewer than 11 age groups must be balanced with provision for older children and sited appropriately away from residential areas.
- 6.1.31 Youth Facilities: Ask that further research be undertaken to ascertain what the community actually want, and need, provided for older children. There is a strong need for provision of play equipment for 11 to 18 year olds but a skate park may not address all of these needs. Careful consideration should be given to the exact specification and location of any facilities for young people to minimise any likely nuisance to other groups. Any provision should be flexible

and agreed after extensive research involving collaboration with the community- it should be able to accommodate changing trends and needs.

- 6.1.32 Sports: More clarification is needed on the open space provision. KHPC is disappointed to see that the only sports facilities offered by the developer appear to be grass pitches which will, in practice, be limited to football and rugby facilities. This excludes many residents. TMBC's Open Space Strategy identifies the requirement to increase participation in physical activities by girls and women. A more diverse range of sports and leisure activities will automatically encourage more women, and other members of the community, to join in. There needs to be additional parking at Sports Park at peak times.
- 6.1.33 Prefer a Multi-Use Games Area for basketball and netball use and an extension to the pavilion to provide multi-use indoor sports space for various exercise classes, badminton or table tennis would be of greater benefit to the wider community. The trim trail should be linked into the wider public rights of way network to provide opportunities for longer periods of exercise. Outdoor gym equipment should also be provided around the trim trail. It is vital that provision of adequate additional parking is included within the application.
- 6.1.34 There is no clarity as to the exact location of the off-site provision. There also appears to be inclusion of existing open space within the application.
- 6.1.35 There should be more small local green spaces pepper potted around the development. The existing green open space in Hazen Road is a well-used space in a high-density area and should be retained.
- 6.1.36 Ancient Woodland: The impact of the Phase 3 development on the Ancient Woodland should be assessed to ensure compliance with current guidance and planning conditions for appropriate enhancements, if the application is to be approved. e.g. a buffer zone of at least 15m should be a minimum requirement including a green link adjacent to the Ancient Woodland - a suitably sized buffer zone is vital to protect the Ancient Woodland.
- 6.1.37 Footpaths / Bridleways: The obligation for the provision of a bridleway around the development from a previous phase of development should be retained and provided within the red line of the Phase 3 application.
- 6.1.38 Kings Hill Community Centre Extension: 155m² is insufficient for the large existing community of Kings Hill and proposed additional residents within Phase 3 and so would not deliver much needed space for their needs. KHPC has suggested that a larger, second storey addition to the building would be more appropriate and not take up existing land within the Market Square. The PC must be involved in the Community Centre extension and have its legal costs covered. It is disappointing that the community centre would be used for badminton or table tennis when it has provided a Sports Park area. The current

community centre is not suited to badminton and this is insufficient storage for table tennis tables

- 6.1.39 Allotments: KHPC welcome the provision of an appropriate number of suitably sized allotments for the additional residents generated by the development. There should be more research on the level of need of allotments before the area is defined and it should not be on land already leased to the Parish Council.
- 6.1.40 Church and Burial / Memorial Garden: A site for a church building for Kings Hill should be included. A room in Community Centre of less than 160m² would be insufficient. A suitable site should be found within the central area for this important community asset. The PC believes there have been no detailed discussions with church groups on Kings Hill. The community wants and needs church building. A memorial garden or burial-ground is a vital element of community infrastructure and for an ageing population.
- 6.1.41 Heritage: KHPC wish to see clear sympathetic proposals for the protection and management of the scheduled monuments from World War II - a number of unscheduled heritage sites linked to World War II should be protected before they are lost for good. Clarification needed on how heritage structures will be safeguarded.
- 6.1.42 Street Furniture: KHPC would like to see the provision of appropriate street furniture for the benefit of pedestrians.
- 6.2 **East Malling and Larkfield PC:** No objection in principle to the residential development proposed as it is within the allocated area of Kings Hill and given central government pressure for more homes. It does however ask particular attention is given to Kings Hill Parish Council comments as representing the existing Kings Hill Community
- 6.2.1 Many of the Kings Hill Parish Council's comments are detailed ones and it is felt we should comment on the issues arising from this application as they affect the wider area. However, we do strongly support the thrust of their comments on car parking that echo those this Parish Council has raised over many years. There must be adequate parking and it is quite correct garages are generally used for storage. Support the need for improved bus links to and from Kings Hill including between it and West Malling High Street and its station. We note the idea of a limited stop bus service from Kings Hill into Maidstone but this must not be at the expense of the regular weekday services along the A20 through Larkfield, Ditton and Aylesford. With so many commuters wanting to go into the City we support the need for a "restored" rail service promised from 2018.

- 6.2.2 The former Heath Farm provides now for some of the recreational needs of Kings Hill by way especially of the football pitches and proposed allotments. The Parish has been pleased about the local country park provided and the improved internal footpath network. It still presses for the Old Teston Road to be cleared up properly to provide an official footpath and cycleway in and out of Kings Hill as well as a proper connection to MR115 and the paths south to Wateringbury and the promised completion of a bridleway around Kings Hill. It supports a trim trail.
- 6.2.3 The comments of KHPC on ancient woodland are noted and supported as well as those concerning the remaining Second World War features around the periphery of the site.
- 6.2.4 Lastly, for the record, although it is not proposed, we continue to insist there should be no new road link out of the site to the east.
- 6.2.5 Bus Services – We note an express service through to Maidstone is proposed under S. 106. We would like to be consulted about this idea, which we support. Assuming it runs along the A20 we would ask it stops at the old Spotted Cow stop in both directions. This would help meet the demand from some Larkfield residents for a service to Kings Hill and improve connection to the service to Tunbridge Wells.
- 6.2.6 Ancient Woodland: We note para 3.41 and the reference to Coalpit and Hoath Wood and would ask Borough to include a condition as offered by the Developers
- 6.2.7 Footpaths and Bridleways Following the upgrading of MR115 to a bridleway by KCC it is even more important to secure Teston Road as a proper access for footpath users plus horses and cycles. Just because it is difficult is not a good reason to ignore it.
- 6.2.8 Scheduled Monuments/World War II Heritage Para 3.49 is noted and supported.
- 6.2.9 Cycling: Support the concept of encouraging cycling and this is in line with our wish to the old Teston Road out to The North Pole as a cycle route in and out of the development. We repeat legally it exists as a public highway to the second gate from the North Pole. In our view the first gate is in fact an illegal obstruction even if done for understandable reasons at the time.
- 6.2.10 Lighting make sure lights shine downwards and not light up the sky. This with the A228 is an issue for East Malling residents and the rural area south of the village.

- 6.2.11 Endorse the comments of Natural England about ancient woodland and if conditions could be agreed this would be welcome. Such conditions should be long lasting.
- 6.2.12 Strongly disagree with the Churches comment that a “third arterial route into Kings Hill from East Malling” be considered. It has always been agreed no vehicular access should be made out to Wateringbury Road as the route through East Malling with its low level railway bridge, width restriction orders and narrow roads with parked vehicles is completely unsuitable. We feel sure that Teston and Wateringbury Parish Councils would feel the same.
- 6.3 **Offham PC:** Offham PC has also submitted a Traffic Calming Scheme Briefing Document that it wishes to seek contributions from the developer.
- 6.4 **West Peckham PC:** A full and continued public consultation should be compulsory for an application of this magnitude to enable the public to fully understand the implications.
- 6.5 **Wateringbury PC:** The number of houses is still too high. If there are drainage traffic or other infrastructure requirements that would affect Wateringbury, there should be a full assessment, not left as a technical matter or approved under delegated powers.
- 6.6 **Mereworth PC:** Objects as follows:
- 6.6.1 Road infrastructure: The A228 is a major north/south route for Kent and already suffers from excess and dangerous traffic, especially south of Kings Hill, where the road narrows through Mereworth village. The above plan makes inadequate provision for improvements to road infrastructure, and the addition of 635 homes will further exacerbate this problem on the A228 to intolerable and dangerous levels. We do not accept the projected vehicle movements as suggested within the developers Traffic Impact Assessment, as we believe these to be significantly incorrect based on previous analysis of traffic on the A228. We believe the existing plan directly puts the residents of Mereworth in danger due to this inadequate road infrastructure.
- 6.6.2 Mereworth village already suffers from traffic to and from Kings Hill using small country lanes as “rat runs” between the A228 and the B2016. This causes frequent accidents and disruption to village life, which will worsen with the introduction of 635 homes.
- 6.6.3 We believe the addition of 635 homes will have a detrimental impact on local services provided for residents of Mereworth and other neighbouring communities such as Mereworth Community Primary School, the local GP practice, dental surgeries, Post Office etc. Many of these services and facilities were promised in earlier phases of the development of Kings Hill, but these were never provided and are still not included in the Phase 3 Plan.

- 6.6.4 The development of 635 homes and the associated inadequate infrastructure will bring negative pollution effects on Mereworth, in terms of increase traffic, air and noise pollution, along with likely increased light pollution to the area.
- 6.6.5 We believe that unless these social and infrastructural elements are included in the Phase 3 Plan, the application should not be approved.
- 6.7 **Addington PC:** Objection. We would dispute the given traffic flow data and have concerns about the effect these proposals will have on the neighbouring villages and the A20. The current proposals for business use would mean that people would be driving into Kings Hill to work or travelling around Kings Hill to get to work in the morning. The new proposals to add to the housing stock will mean that more people will be leaving Kings Hill during the morning peak times to get to school or work in areas outside Kings Hill. The reverse situation will occur in the evening. This would create more problems with queues at peak times in the morning and evening and will have a detrimental impact on the surrounding villages with more traffic on already established rat-runs that are affecting the safety of parishioners in our rural villages.
- 6.7.1 Air Quality on the A20, the A228 and in the surrounding villages has already been identified as a problem. We are also concerned about the impact on the medical and other community services that are already over- stretched. The application makes no reference to increasing the capacity of these services. The proposed housing of 635 households could mean an influx of more teenagers requiring places in local secondary schools that are full. The school buses in the morning are full and more services would be needed which again will have an impact on Air Quality on the A228 and A20. Planning permission was originally granted by Borough Councillors and planners at T&MBC for Kings Hill as a mix-use site. We find it unbelievable that T&MBC are willing to consider a change to these proposals.
- 6.8 **West Malling PC:** Members had no objections; they considered this application to be an improvement over the earlier application but did express significant concerns: lack of social housing; the impact on traffic, particularly into West Malling; a need for secondary school provision and expressed concerns about the impact on all infrastructure and the surrounding communities e.g. bus routes, medical facilities, etc. Wish to see the reinstatement of the 123 bus route loop that gave a 20-minute service direct from the station to the High Street. It is vital to shops and services at both communities that a frequent direct bus service exists.
- 6.9 **Leybourne PC:** Objection regarding the increase in traffic volumes and the potential to impact on Junction 4.
- 6.10 **Teston PC:** Given that the UK, and the South East in particular, is now strongly emerging from the recent economic recession, it cannot be reasonable to make lose employment land at this time. The experience of the next couple of years

should be awaited to inform that judgement and it should be remembered that, before the recession, a huge amount of space was successfully developed for commercial use. Kings Hill already has a very large number of homes. Remaining space, with its transport connections (particularly by road), should be reserved for employment, as originally envisaged, at least until the course of the newly invigorated economy has been observed for a few years. There is a concern that Tonbridge & Malling is desperate to make large allocations of land for housing to fulfil current central government requirements and is taking the easy option by diverting a prime employment/infrastructure area to housing. Therefore the proposal for 635 new homes is, in our view, ill timed.

- 6.10.1 We support the inclusion of another primary school, as that would reduce pressure on nearby schools, including Wateringbury. Some children in Teston have not been able to access the nearby Wateringbury Primary School due to oversubscription and have been displaced to other schools. We again raise the issue of secondary-age children, as the most local secondary schools at East Malling and Snodland are not easily accessible from Kings Hill and would result in car or bus journeys.
- 6.10.2 While the number of dwellings has been reduced from the 975 set out in the original outline application to 635 dwellings, the density is still significant. While this is not of direct concern to us, we would empathise with Kings Hill residents who may feel the density is too great and will have an adverse impact on the environment within Kings Hill parish.
- 6.10.3 We understand that car parking is already a problem and, unless adequate provision is made for parking associated with each new dwelling, on-road parking is likely to intensify. Allocated car parking spaces should be reviewed for adequacy and practical usability – if they are positioned one-in-front of the other, the reality is that not all will be used.
- 6.10.4 The application is for 635 residential dwellings, plus those remaining to be built under Phase 2. Therefore it is necessary to consider the future impact of some 800 homes plus a new school and recreational facilities. Little, if any, account appears to have been taken of the impact of future traffic movements on the A26, which is already “stressed”, particularly at rush hours.
- 6.10.5 There is an Air Quality Management Area on the A26 at the crossroads in Wateringbury, which already represents a very serious problem for local residents. It is one of the worst air quality problems within the southeast region and is already unable to cope with the volume of traffic that uses it, with significant tailbacks in all directions during rush hour. It is just not reasonable to dismiss the A26 as a secondary route for Kings Hill-related traffic and therefore to ignore further adverse impact on traffic volumes and this AQMA. That air quality impact will be felt further away from the crossroads as the length of tailbacks increases. Coupled with proposed developments by Maidstone

Borough Council along Hermitage Lane in Barming, the situation in Wateringbury (and spreading to Teston) will be far from sustainable.

- 6.10.6 More residential homes will lead to a further volume of traffic movements during rush hours, whereas commercial development will have a lesser rush hour impact, with other movements spread throughout the working day. There will also be an impact on rail services and station car parking, which are already heavily used.
- 6.10.7 The Update Supporting Planning Statement states, “there is no reasonable prospect of the employment land at Kings Hill being used for employment purposes”. Given the strong upturn in our economy, it must be too early to reach that conclusion and marketing of employment prospects should be continued.
- 6.10.8 In our view, the figures do not present a balanced picture, as they ignore the Phase 1 situation – we believe that, in total, over 80,000 sq m of “commercial” have been established successfully; that is, the same again remains to be achieved. There is also a question mark over the diligence applied to that marketing, given the presumed conflicted interest of the marketer, with its evident enthusiasm for residential, rather than commercial, development. Perhaps another marketer should be engaged.
- 6.10.9 Therefore the application to swap from “commercial” to “residential” is ill timed in our view and, even though TMBC is under pressure to produce a Local Plan to support the building of many more homes, this site, with its motorway links, should have a continued employment focus, alongside the many homes that have already been approved.
- 6.11 Releasing this site now may build up pressure for the release of “greenfield” sites for commercial development elsewhere. Better for this proposal to have been considered as part of the Local Plan review. Permission was originally granted by for Kings Hill as a mix-use site. The failure of Kings Hill to fill its industrial/business capacity should not result in residential development to fill the gap. Bus services need to be looked at. The service between New Hythe and West Malling Station paid for by developers is poorly used, and is probably a waste of money. If developer contributions are made for bus services parish councils should be consulted as to the best routes. Suggest that the bus route 123 "loop" run via West Malling station
- 6.12 **Maidstone BC:** no objections subject to a condition on offsetting of transport related air pollution during construction and when in occupation.
- 6.13 **KCC Education and Community Services**
- £6million needed for 2FE element of a new primary school.

- Secondary school demand will be met through the expansion of existing secondary schools, and has been apportioned in accordance with KCC adopted methodology rates of £589.95 per applicable flat & £2359.80 per applicable house totalling £1,321,488.
 - Library requirement of £110,438.82
 - Community Learning requirement of £20,681.55
 - Youth Service requirement of £8,507.64
 - Facilities for Kent Family & Social Care (FSC) £35,496.50
- 6.14 **Southern Water**- Foul sewerage services can be provided; no surface water should drain to public foul sewer, there are no surface water sewers in vicinity so alternative means are necessary.
- 6.15 **Highways Agency**: No objections.
- 6.16 **KCC: Highways and Transportation**: No Objections: agreement that there are no common causation factors which are likely to lead to an increased likelihood of accidents with the proposed development in place. However, the most recent three-year period would allow a more robust analysis.
- 6.16.1 The proposed provision of a staggered pelican crossing on Tower View between Alexander Grove and the access to 11 Tower View to facilitate pedestrian movements to the new primary school is welcomed.
- 6.16.2 The Transport Assessment states that the residential parking for Phase 3 would be provided in accordance with Kent Design Guide Interim Guidance Note 3 (IGN3) standards. In applying these standards, the parking provision specified in IGN3 should be independently accessible in nature and should not include garages, which should be accounted for separately. Without these safeguards, the IGN3 standards cannot be applied effectively.
- 6.16.3 With regard to public transport connectivity, it was agreed with the applicant at pre-application stage that the TA would evaluate the existing bus services operating to Kings Hill as a whole and propose an appropriate and sustainable long-term network, and the proposed residential and commercial trip rates were accepted on that basis. This exercise has not been carried out. A new express bus service between the site and Maidstone Town Centre would still be appropriate to meet the needs of a residential led Phase 3 development: it is considered that the existing bus network is of insufficient quality to capture a meaningful proportion of the trips generated by the Phase 3 development.
- 6.16.4 There is an error in table 5.4 of the Transport Assessment that should be reviewed. The Transport Assessment makes the assumption that 10% of pupils

attending the proposed new primary school would be drawn from outside Kings Hill and would access the site via the A228 / Gibson Drive junction. School Travel Plans or to the schools themselves should be able to provide more accurate information in this respect.

- 6.16.5 The TA assessment of the net impact of the proposed change in the development mix from commercial to residential is accepted by KCC Highways and Transportation, subject to the reappraisal of the local bus network as per the Transport Assessment Scoping Report and the rectification of the disputed assumptions set out above.
- 6.16.6 Junction capacity assessments have been undertaken and the modelling of the A228 Ashton Way / Tower View Roundabout assumes the widening of the Tower View entry arm to provide a bus lane as well as two vehicle lanes and a signal controlled entry to the roundabout on this arm. The scheme, which was previously agreed, should be conditioned on any grant of planning permission. The modelling of the A228 Malling Road /Gibson Drive Roundabout indicates that the junction would perform favourably compared to the permitted development. The modelling of A228 Malling Road / King Hill; Tower View / Kings Hill Avenue; and Gibson Drive / Kings Hill Avenue / Forest Way Roundabouts indicates that these junctions would continue to operate well within their design capacities. KCC Highways and Transportation accept this conclusion.
- 6.16.7 The volume of traffic entering the M20 *eastbound*, together with congestion on the M20 mainline, is the principal cause of delays at M20 Junction 4. It is understood that the Highways Agency is bringing forward a scheme of capacity improvements to the M20 between Junctions 3 and 5 that should assist in remedying this situation. The overall impact of the revised development mix is shown to have a favourable impact on the performance of the junction relative to the permitted development, with the mean maximum queues not exceeding the available queuing space.
- 6.16.8 KCC is progressing outline design work the A228 at Kent Street; with funding secured is part of the Kings Hill Phase 2 consent. It is therefore requested that the applicant reviews further scope for traffic calming to mitigate the impact of the development.
- 6.16.9 A Construction Management Plan should be submitted by the applicant prior to the commencement of any construction or demolition work agreed with KCC Highways and Transportation as well as TMBC.
- 6.16.10 Various improvements to the pedestrian and cycle network within Kings Hill are proposed. It is considered reasonable for the applicant to also contribute to the enhancement of cycle links between the development and its neighbouring communities, as specified in the recently adopted Tonbridge and Malling Cycling Strategy.

6.16.11 The Transport Assessment states that a measures-based Residential Travel Plan would be developed and implemented three months prior to occupation of the development, in line with a KCC's refreshed Guidance on Travel Plans.

6.16.12 No objections subject to:

- The provision of an express bus service between the development and Maidstone Town Centre, to the same or better standard as that conditioned on the Phase 2 consent, prior to first occupation of the development and for a period of not less than five years thereafter.
- The provision of the scheme of improvements to highway capacity and bus journey times on Tower View and its junction with the A228 Ashton Way, as illustrated at Appendix 13 of the submitted Transport Assessment, prior to first occupation of the development.
- The provision of a controlled pedestrian crossing of Tower View, to facilitate access to the proposed new primary school, prior to first occupation of the development.
- The provision of an appropriate financial contribution to the Tonbridge and Malling Cycling Strategy at a trigger point to be agreed with the Local Planning and Highway Authorities.
- The submission of a Construction Management Plan to the Local Planning and Highway Authorities prior to the commencement of any construction or demolition work.
- The submission of a measures-based Residential Travel Plan to the Local Planning and Highway Authorities not less than three months prior to first occupation of the development.
- The provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- The provision of measures to prevent the discharge of surface water onto the highway.
- The provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

6.17 **Sport England:** With the existing football pitches no longer needed by Kings Hill Football Club and them being replaced by the provision at Heath Farm, Sport England does not object to this aspect of the application as a statutory consultee.

- 6.17.1 Sport England's Sports Facilities Calculator indicates that a population of 2,438 will generate a demand for 0.12 swimming pools (£383,424), 0.17 sports halls (£485,414), 0.03 indoor bowls centres (£49,557) and 0.07 artificial turf pitches (£63,752 3G or £56,162 Sand). Sport England wishes to maintain its objection to this aspect of the application as a *non-statutory consultee* unless there are adequate indoor sports facilities proposed or if it can be demonstrated by a robust and up to date evidence base that there is no need for further indoor sports facility provision to meet the needs of the population of the proposed development.
- 6.17.2 There will be additional playing fields in accordance with the Council's open space requirements. This being the case, Sport England does not object to this aspect of the application as a *non-statutory consultee*, subject to the condition imposed securing satisfactory provision.
- 6.18 **Environment Agency:** Under the terms of the Flood & Water Management Act 2010, KCC have been identified as the lead Flood Local Authority for this area. Sustainable Advisory Board approval will be required in addition to planning consent. Conditions are suggested relating to on drainage, waste and contamination issues. (DPHEH note: this legislation is not yet in force and the Government is currently consulting on alternative ways of bringing these provisions forward. The matters will be dealt-with through normal conditional controls.)
- 6.19 **Kent Police:** A meeting has been held with the developer and we are satisfied that the Kent Design Initiative and the protocol would be fully taken on board and encouragement given for the individual developers for "Designing Out Crime" measures and "Secured by Design" applications.
- 6.20 **Natural England**
- 6.20.1 Standing Advice on ancient woodland and protected species is whether there is a likelihood of their presence on site and assessment need for surveys or mitigation strategies.
- 6.20.2 There is no objection on Statutory Nature Conservation sites and encouragement of biodiversity, landscape and local wildlife sites enhancement.
- 6.21 **KWT-** Ancient Woodland in plots 309, 306 and the boundary line of plot 305, remain within the developable area. Concerns have already been highlighted in previous correspondence regarding the potential damage of ancient woodland within these areas so **good quality permanent buffer strips of depth of at least 15 metres** need to be maximised on plots 305 and 306 to protect during the construction phase and offer protection once the development is completed, from ongoing degradation of the habitat in terms of wildlife disturbance, pollution, domestic pets and increased visitation pressure. The increase in the

number of residential dwellings will put more informal recreational pressure on the immediately surrounding woodland habitat.

- 6.21.1 This is an opportunity to allow for **net gain**, secured through condition, either using the approach outlined above or by limiting occupation of development until **specific biodiversity outcomes** are achieved (taken from BS42020:2013):
- 6.21.2 The Trust would like to see a stronger link across the site and between the potential acid grassland, proposed public space and woodland network. This would be a good opportunity for further green corridor enhancement planting to strengthen the overall connectivity across the site.
- 6.21.3 Acid grassland and heathland habitat is a priority habitat, it is particularly important that this should be considered as part of the green infrastructure within the site and also its links with surrounding wildlife sites and ecological networks.
- 6.22 **English Heritage**- Whilst parts of the airfield have already been lost to modern development, elements of its World War II defences survive well and represent a range of structures originally present. These include 5 Grade II listed buildings, and an asset grouping consisting of a Bofors Anti-aircraft gun tower, a Pickett-Hamilton fort, and a Type 24 pillbox (all part of the original airfield defences), which now form individual components of a scheduled monument (National Heritage List no 1020308). Two of these components lie a short distance outside the main area of development, and the Pickett-Hamilton fort lies within the central Linear Park area of the proposed Kings Hill Phase 3 development. The opportunities for conservation and enhancement of any heritage assets, both designated and undesignated, should be explored in more detail as part of this application, with the aim of helping to secure the future of such heritage assets (but in particular the scheduled Pickett Hamilton gun emplacement, which is currently in poor condition), and to ensure these assets form a meaningful part of the landscape for this new community. Some elements of the development scheme will require scheduled monument consent.
- 6.22.1 Further information should be included on the impact on the setting of heritage assets (as required by the National Planning Policy Framework, para 128 and 132), and how significance of heritage assets would be affected by direct impacts or the fragmentation of the individual components of the airbase and how any harm to the significance of these assets can be reduced.
- 6.23 **KCC Heritage**: There should be:
- 6.23.1 Protection, conservation and enhancement of the Pickett Hamilton gun emplacement, its setting and its association with the other WWII scheduled sites;

- 6.23.2 Specialist recording of the historic landscape features and WWII military fixtures, fittings and structures scattered through the application site with a view to appropriate retention and integration into the new landscape;
- 6.23.3 Proposals for heritage interpretation, especially of the Pickett Hamilton gun emplacement and the associated 20th century military heritage assets;
- 6.23.4 Archaeological mitigation measures including appropriate monitoring and targeted evaluation strategy.
- 6.24 **Church Groups:** The Diocese of Rochester wishes for a 0.33 ha site on which to build a church of 750 sqm. The site identified in the phase 2 planning permission presented difficulties in being sweet chestnut coppice, too small and not the appropriate location. The Diocese failed in a bid to build the 3rd primary school that would have provided a place of worship. There is nowhere on Kings Hill to buried the deceased nor to scatter ashes. A new burial ground is urgently needed.
- 6.24.1 The Church of England has a duty under Canon Law to provide a priestly presence and place of worship for the whole community in every community of this nation. Uniquely, in this country, the Church of England is the Established Church which gives a role in civic and social life that is not the privilege of other faith groups. Worship space is an outstanding question for the community of Kings Hill- its needs includes a need for spirituality and ritual-making, to establish a sense of connection between people and a particular place and at significant times in people's lives. No mention is made in these revised planning proposals for a church nor faith communities in general.
- 6.24.2 As the local Church of England clergy, we control four open Churchyards between us (West Malling, Offham, Mereworth and West Peckham). There are no civic cemeteries in the nearby area and so we are the two controllers of the only available local burial grounds for Kings Hill. Concerned for the residents of Kings Hill and surrounding areas that their needs in this regard are being ignored. Due to the pressure on our available grave space, deeply concerned about the increase in population and what that will mean for the long-term future of our Churchyards.. The closure of the Churchyards to new burials will be hastened without further provision of a public cemetery on or near Kings Hill. Closures will then create a long-term problem for the Local Authority and the local community. We have concerns about traffic impact on Mereworth and West Malling. Kings Hill needs a third arterial route from East Malling or the north and the widening of the A228. Gibson Drive, is not capable of handling the increase in traffic (with a third school sited just off the road). Have concerns about Tower View and pedestrian safety in reaching the new school from the new residential areas proposed.

- 6.24.3 In regard to para 8.13 of HOW Planning's response document, we do not believe that these duties could be satisfactorily carried out by extending the current Community Centre. With around 50% of our current workload of Christenings, Weddings and Funerals involving Kings Hill residents, we are very conscious that the space allocated for a Place of Worship and the architectural design of that building needs to be a place that inspires. Kings Hill needs a Place of Worship that has a sense of liturgical space, ritual and iconic architecture that inspires its inhabitants. Extending the Community Centre is not going to work if our intention is to compete as a venue with medieval churches further afield and encourage people to hold significant family occasions in their local community. The Place of Worship needs to be a Place of Worship first and foremost, but with a design flexible enough to allow it to be used for a range of community purposes. The suggestion to extend the Community Centre (while a welcome development in itself) would reverse that order of priority and be a space first and foremost that can be used for a range of community purposes, one of which might be as a (non-descript) Place of Worship. That is not going to meet the need. The Diocese of Rochester is committed to building a new church centre to serve the community at Kings Hill. A new Strategic Projects officer is arriving in November to lead the way on this building, raising the funds and the development of the building, and others like it around the Diocese in areas of new housing. The Diocese is preparing to re-draw parish boundaries to help Kings Hill, and we are recruiting in September for a full-time minister to join us in this Cluster and live specifically on Kings Hill and minister in Kings Hill. The Church of England is very serious about our commitment to Kings Hill as a community.
- 6.24.4 Ten million people use community services from churches every year in England (excluding those who use us for christenings, weddings and funerals). The National Planning Policy Framework states that planning should '*promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship*'. A church can be all three of those things. We could do more for the people of Kings Hill with a decent venue in which to do such things.
- 6.24.5 We are deeply disappointed that the applicant states that they have no intention of making a material response to our repeated comments about the lack of burial space in the local area because it is not a 'policy requirement'. The speed at which available grave space is being used up is extremely worrying. As we mentioned earlier in this letter, we estimate that half of the funerals conducted in our two benefices involve Kings Hill residents. We also have nowhere locally where we can respond to the growing requests for 'green burials'. To discount the need for burial space because it is not 'a policy requirement' feels like the worst possible kind of 'jobs-worth' answer to a deeply important question.

6.25 Residents Group

- 6.25.1 This group has formed to respond to the planning application and objects as follows:
- 6.25.2 Employment opportunities are being damaged by the changes contained in the Phase 3 planning application. The recent census shows that there is circa 10% of people over 60 and 10% over 50 and there is circa 20% of children of primary school age. Little or no planning for the elderly on Kings Hill and nothing in the current application ignoring 20% of the community. The developer could be enhancing the character of Kings Hill, offering a better “mixed use development”. Retirement villages are by their very nature labour intensive and generate sizeable numbers of direct and indirect jobs. Offering a choice of options - owner-occupation, part ownership and rental, suiting Kings Hill’s existing residents as their circumstances change, thereby contributing to a more sustainable development in the longer term: improved community cohesion; reduced pressure on the transport network at peak times.
- 6.25.3 Many have family here and offer a lifeline “child minding” service to their families, thereby adding another dimension to family cohesion and a natural progression for the older residents who have family and long standing friendships which have developed whilst living here. Older residents can run clubs which bring generations together.
- 6.25.4 The Anchor Trust runs facilities with community spirit, there seem to be few reasons why they could not be replicated successfully here.
- 6.25.5 We are disappointed that the applicant has chosen to deprioritise this important contribution to the enrichment of Kings Hill. The Anchor Trust is ready to meet with the applicant if they are prepared to discuss parcels of land that could be made available.
- 6.25.6 Residents would prefer a lower density development. Needs more variety and choice- not 4 storey flats in Area 303 and 307 and cramped 3 storey dwellings in much of Area 306. Lowest quality homes squeezed into its peripheral areas. It is precisely these homes that have been designated as “affordable housing” in the application, out of sight and not “pepper potted”. Reduces the prospects for “inclusive and mixed communities” and enhance the sense of separateness
- 6.25.7 The revised application adds a small number of extra parking spaces, expands the size of the community centre and adds a skate park. These marginal improvements to the original application do little to satisfy the core objections to Phase 3, focused on housing density.
- 6.25.8 What residents had anticipated was a reduction in density through building higher quality, better-designed homes. But some of the newly presented homes

may be even more densely packed into Area 306 than was the case in the original submission.

- 6.25.9 Need to publish the figures for density separately for each Area being proposed for development to show reduction in housing density. Widely held suspicion that they have deferred to a later date to develop the land parcels that have temporarily been withdrawn.
- 6.25.10 The 'overall quality of the area' was damaged by what was agreed for Phase 2- parts run the risk of denying access to emergency vehicles due to the abundance of parked vehicles. Parents with small children in pushchairs routinely are forced to walk into the road to make progress due to pavements being blocked by parked cars. Many gardens are barely worthy of the name, being so tiny.
- 6.25.11 The landscaping potential for innovative design in Phase 3 is wasted by opting for the cheap and cheerful expedient of a long, thin, strip of ground, and then celebrating it as a major contribution to the Phase 3 landscaping. The applicant chooses to cram large numbers of small homes around this modest strip of ground.
- 6.25.12 Residents along the substantial part of Hazen Road that sits opposite Area 306 were assured that there would be 10 metres of planting to separate them from the low-rise commercial development that was planned on the land that lay opposite to them. The applicant has reneged entirely on this arrangement.
- 6.25.13 There is a dominance of flats and densely packed small houses, and lack of sufficient green space.
- 6.25.14 **Traffic:** At the two locations detailed, Phase 3 traffic flows indicated by Liberty are at odds with current daily movements.
- 6.25.15 the developers have not liaised with (a) the train operator; (ii) the bus operator; (iii) car parks; and (iv) any of the rail associations
- 6.25.16 Expects that the new development will increase the number of commuters by around 500. The report only states that it will support car sharing. No statements in relation to improved infrastructure, train services, extension of bus services etc.
- 6.25.17 Rail services from King Hill to London have deteriorated significantly in the past 5 years. Kings Hill does not have any direct services to the City of London and at the moment there are no current plans to reinstate such service. As a result of the lack of services to the City, a big number of commuters travel by car to other rail stations, such as Tonbridge Sevenoaks, Paddock Wood, New Eltham and Eltham. There is already a shortage of parking facilities and train capacity in that stations. Residents are paying more than £4000 per year to travel to

London. The car parks at West Malling station are close the reaching capacity and it is no room for expansion.

6.25.18 There was initially a piece of land set aside for a place of worship and this expired in 2011 as it was deemed that there was no body of worshippers on Kings Hill of a size that merited the continued allocation of this land, or who had the financial ability to build a church. It now appears that even in Phase 3, where the population will rise significantly, a site for a place of worship has not been reintroduced or set aside.

6.25.19 Two church groups operating weekly in Kings Hill - one at Kings Hill community Centre which is already full on a Sunday morning (there are more than 50 children in the various Sunday school groups each week) and the Church of England congregation at Discovery School. Between both churches the Girls and Boys Brigades are run by volunteers for the benefit of the young children in the community during weekdays.

6.25.20 Churches offer material and practical support to communities but they also offer relationships and social connection and the sense of neighbourliness. There is no 'heart' to the community in Kings Hill. At present, the two Christian churches on Kings Hill are severely hampered by the lack of space to do such work in.

6.25.21 The Community Centre is booked up with clubs that have to charge high fees for services to the community as even this building has not been gifted to the community but is leased by the parish Council who have to pass on charges.

6.25.22 There is also no building in Kings Hill which is licensed for weddings and therefore, the generally accepted social traditions of Christening/Baptism, Marriage and burial/funeral is not being offered to the growing population of Kings Hill, even in Phase 3.

6.25.23 Additionally there is no burial ground provision for Phase III. Kings Hill Residents Group requests that there is a requirement to provide burial ground that specifically caters for the growing needs of Kings Hill residents.

6.25.24 Kings Hill Allotment Gardens Society

- The new houses will add more pressure to the already poor response to the proposed allotment site on Heath Farm.
- Local Authorities should makes provision for all types of Open Space that may be of public value. i.e. allotments.
- Local councils where there is a demand, are required to provide a sufficient number of plots.

- Statistics show that in Kent there is an average of 14 plots per 1000 households of 300 sq yards each equates to 0.868 of an acre
- When this is compared with Liberty's proposal of 28 plots at circa 70 sq yr per plot i.e. circa 0.405 acres.
- Disproportionate in area when compared with the 9 football pitches AND the huge area of the planning approved second golf course.
- The prospect of an allotment site would offer an activity for the elderly age group, be as a simple source of pedestrian / social membership with children having an opportunity to benefit from so many potential interests such as where food comes from and how it benefits nature in general

6.26 Private Reps (3268/321R/2S/18X)

- The application should be considered on its own merits and not compared to the original submission
- This is being rushed through not having interested parties sufficient time to lodge proper injections- this may be open to legal challenge
- Three weeks is inadequate for laypeople to look at and digest all the supporting documents for this planning application
- Due to the large number of documents on this application then it needs a proper consultation with representatives of cases in to fully answer concerns
- The earlier application for an extensive development was a tactic so that this amended application would succeed
- Meeting the targets are central governments repressed transient population rather than a sustainable community
- It is devious to omit areas that were controversial without indicating long term plans
- Parking increases with more social houses
- 17.5 % is still too many social houses compared to the rest of Kings Hill
- there is too much social housing of the norm for the Southeast
- There is an inadequate justification for the social housing.
- A high provision of social homes will increase the maintenance charge burden on existing residents in Kings Hill

- There are already problems caused by the existing social houses in Kings Hill
- This requirement will change the current level of owner occupiers, by the integration of council or shared housing occupiers who have no requirement to maintain their properties resulting in a general decline of properties and social fabric.
- increased costs of maintenance of infrastructure (Hedgerows shrubs and general landscaping) for owner occupiers
- private Kings Hill dwellings subsidise the affordable dwellings.
- Affordable housing should be for key workers that are appropriate ratio compared to the rest to Kings Hill in the local area
- there is an imbalance of residential and commercial development
- loss of live/work balance, increases commuting
- Office buildings would have gone up quickly but this will leave us with years of noise and disturbance from construction
- Local jobs are needed so that area not become just for an expensive long commute
- Kings Hill should be a premium estate that Logitech properties and incentives to bring large companies to locate here
- The application fails to provide balanced communities through by choice of high quality homes
- Skewed from original strategy, residents misled
- should be wider range of commercial property types to develop a more vibrant business community
- Employment loss- the LDF policy should prevail
- It is shortsighted to remove the employment facilities when the economy is coming out of recession
- Hazen Road residents have been misled as to what development would be adjacent when they bought the properties- they were told it would be low rise commercial development planned on the land opposite to them with planting to separate
- Loss of village feel

- 4 storey housing is out of character
- Does not make sense to build high-density housing next to Hazen Rd which suffers parking problems from high density
- poor crime prevention design to have houses backing on the park
- Garages need to be to the sides of houses, not at the back (i.e. like phase 1 not phase 2) Garages are too small.
- Inadequate evidence that the density has fallen in the revised application
- The developer has not paid attention the results of public consultation density- should closely resemble those on phase 1, not phase 2
- Phase 2 has poorer neighbour relations and higher crime as garages are placed back of the property and more antisocial behaviour
- density too high, misleading to imply reduced as site area has decreased too.
- cramped, small gardens inadequate parking
- no buffer zone to existing houses
- should be no four-storey housing
- The community fear that the area will be ruined
- This will create an enormous sprawling unattractive housing/industrial complex
- This development should not be given the go-ahead until the developers have demonstrated completion of all facilities included in phase 2
- There are already substantial increases and planned increases in housing at Leybourne Grange, Ryarsh Brickworks and St Peters Pit, which will place a strain on already overused local facilities and resources- more traffic, more use of GPs and hospitals, more use of water and electricity
- Lack of Water and other services
- Impact on West Malling with visitors, it will change the village atmosphere.

- Impact on doctors and health service on Kings Hill
- Current infrastructure shortfall
- Community Centre is insufficient in size
- need more shops for larger population
- 3rd Primary school needed in any case
- Inadequate medical facilities
- library is needed
- There should be a retirement complex
- The needs to be immediate additional provision of healthcare- the current site has to be accessed by car as it's inconvenient to undertake by foot
- A place of worship is needed
- Sewage problems along Beacon Avenue
- Kings Hill is an executive village with poor mobile phone signal
- inadequate space for equipment needs of the community centre
- A satellite GP surgery should be located in phase 3 as parking problems attending the existing GP surgery
- The various utility companies need to specifically address the wider implications of local electricity and water supply
- Community Hall is limited to meeting the needs of a large community - offering to enlarge the existing provision is negligible
- The Central Area is not within walking distance of another part of Kings Hill
- Needs a separate commercial area on a smaller scale- a the local coffee shop/newsagents/convenience shop should be provided to people within a 10 minute walk as opposed to 40 minute round trip on foot
- The shops in Kings Hill struggle to pay high rents charged by Liberty

- West Malling suffers from Kings Hill traffic, both number and speeding-causing accidents, noise, vibrations, air pollution including to basements levels, damage to listed buildings, cost to the public purse, damaging trade and businesses and creating an unsafe pedestrian environment. The KCC crash records under report accidents. Average speed cameras should be installed to deter through traffic using the Village to overcome delays on the A228 bypass.
- Speeding traffic
- inadequate provision for safe cycling/walking
- A228/Kent Street junction still dangerous
- Kate Reed Wood cannot be accessed due to traffic on A228
- Transport Assessment was carried out in July when traffic is lower
- There appears to be underestimates, inaccurate and inappropriate assumptions so a predictable conclusion
- Transport problems from an additional 1200 cars
- The A228 needs to be completely duelled with improved access provisions for Kate Reed Wood and Kent Street
- This will add to congestion in danger of traffic in Fortune Way and Queen Street
- The traffic lights on Tower View should be redesigned to deal with inconsiderate drivers blocking egress
- The current road junction/network is regularly overcapacity and not free-flowing.
- Traffic problems in Offham
- Traffic lights are needed at the Kings Hill Avenue /Tower View roundabout
- There need to be a more detailed impact assessment of traffic on individual roundabouts within Kings Hill
- KCC Review of the traffic data cannot be impartial as they have an interest in the development of the site as a joint venture
- The transport assessment is very complicated and is biased to favouring the conclusion to allow the development

- The traffic assessment is carried out in the summer of 2012 when it was dry - it should be taken in wet weather and outside the long holiday period
- Past traffic projections proved to be incorrect
- The roads have been designed inadequate width so that a fire engine/ ambulances cannot pass a parked car
- Phase 2 Kings Hill small gardens
- Inadequate car parking- the cars are parked on the roads and pavements increasing the risk to pedestrians and cyclists
- A228 problems so the buses and trains overcrowded
- Residential traffic will be increased throughout the day not just at peak times
- A228 needs constant road maintenance, resulting in longer traffic jams
- Mereworth residents did a traffic survey in May 2010 with very different figures to those the Transport Assessment
- need better bus services
- A228 is so narrow that when there is an accident, emergency vehicles cannot get past
- The rail network cannot handle an additional 1200+ people
- Only one extra train was added on in the removal of the Cannon Street connection
- A proper bus terminus is needed current versus blocked the road which is dangerous obstruction
- proposed additional school will increase traffic onto Kings Hill at peak times
- West Malling station cannot cope with the numbers of commuting residents at the moment
- Serious obstruction in access to residents and also on emergency vehicle access.

- An additional roadway from the bypass (228) into Kings Hill or via Cannons Lane or via North Pole Road should be considered, as there is currently limited egress from Kings Hill onto surrounding highways.
- Secondary school children at bus stops cause congestion.
- Inadequate buses to get to secondary school in Tonbridge- in capacity and travel times.
- school needs to be walking distance, not near the existing school
- The parking mistakes of phase 2 should not be repeated in phase 3
- Wider roads are needed to allow parking
- queues at peak times in the morning and evening and will have a detrimental impact on the surrounding villages with more traffic on already established rat-runs
- traffic jams in West Malling
- Residents have been told that there will be no improvement to Kent Street until there are three serious accidents
- Local rural lanes get used as rats runs
- Linear Park is a wasted opportunity to provide outstanding design and is inadequate- just 500 m x 40 m wide
- This removes open spaces used to play
- Needs a 10m buffer to existing houses, like it would have been if offices
- Only one new play area is mentioned
- inadequate facilities to children
- The development will destroy local woodland
- There should be no tree loss in Market Square if it is used for car park
- The primary school she could better placed
- Long waiting list for preschool places provision is needed for more facilities
- The new school is in the wrong location for phase 3 it will increase traffic on to the already busy Tower View roundabout

- Incorrect assumption that the school traffic will only enter Gibson Drive
- School and shops are too far from phase 3 and this would encourage driving
- The new school will cause significant congestion in a short period of time
- Lost opportunity to build secondary school to cater as families grow onto Kings Hill
- Insufficient secondary schooling within the area - should not have to travel to Maidstone or Tonbridge
- lack of policing
- Poor telecommunications- needs fibre optic broadband
- Water shortages/hosepipe bans
- Community centre too small
- play space inadequate
- New school will attract more young families, negating the increased school capacity.
- Too cramped, more green spaces needed.
- fibre optic broadband has also not yet been installed, to do so after expansion would greatly increase congestion on the access roadways.

7. Determining Issues:

7.1 The application site lies within one of the identified urban areas of the Borough on land identified for future urban development.

7.2 The development plan is a key context for any decision for the site and comprises the following policy documents, which must be assessed, in their application to this case, in the context of the National Planning Policy Framework published in March 2012:

- The Tonbridge and Malling Core Strategy (adopted September 2007);
- The Tonbridge and Malling Development Land Allocations Development Plan Document (DLADPD) (adopted April 2008);

- The Tonbridge and Malling Managing Development and the Environment Development Planning Document (MDEDPD) (adopted in April 2010);
- The Tonbridge and Malling Local Plan ‘Saved Policies’ (adopted in December 1998).

- 7.3 NPPF contains a presumption in favour of sustainable development and the need for the planning system to support economic growth. The NPPF does not alter the status of the Development Plan and applications for planning permission must be determined in accordance with the Development Plan but in the context of any changed priorities arising from the national perspective indicated by NPPF and also unless material considerations indicate otherwise.
- 7.4 One of those material considerations is the Affordable Housing Supplementary Planning Document (SPD) (adopted July 2008). This document itself has been, to some degree, overtaken by changes in Government guidance, the NPPF and the most recent Government position on affordable housing as identified in the Homes and Communities Agency’s – “Prospectus”.
- 7.5 The fact that the scheme proposes housing on land allocated for employment uses means that the proposal is a departure from the development plan and a key consideration is any significant issues that arise in balance of the Borough’s adopted planning strategy as contemplated in 2007. Most of the site is allocated for employment uses and forms the majority of the Borough’s intended provision of high quality office development. Thus the erection of houses on that land needs to be assessed against the impact of loss of employment opportunities but also the benefits of increasing the supply of readily available and serviced housing land.
- 7.6 The application must be determined in its own right but it must be noted that the preparation of a new Local Plan is underway. Part of the context must therefore take account of the emerging development needs and demands and as far as possible, albeit in advance of key stages of the new local plan.
- 7.7 In terms of prematurity issues, Government guidance reads: *“arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.”* The guidance goes on to say that a cautious approach should be adopted if the proposal were to be so substantial that a decision outside a plan review would be undesirable *and* the plan making is at an advanced stage.
- 7.8 The position is that while the review of the Local Plan has commenced the work is at the evidence gathering stage and the emergence of a development plan strategy (bearing in mind the need to assess the deliverability and viability of any selected development strategy) is still some time away and unlikely to

emerge in formal draft form before 2016. However, as will be identified below, some of the emerging evidence base work, both in terms of the need for housing land and employment land, has provided a more up-to-date context for the consideration of this case than the evidence that formed the basis of the 2007 policy framework. I am satisfied that it is appropriate in the context of NPPF, to make a decision on this application at this time.

Employment

- 7.9 Core Strategy Policy CP21 sets out that new employment provision will be met at Kings Hill and on vacant sites within the main employment areas as well as through the intensification or redevelopment of existing employment sites.
- 7.10 The site for the proposed housing development is currently allocated for employment in the Tonbridge and Malling Borough DLA DPD that dates from 2010 as a fleshing out of the Core Strategy of 2007. The relevant policies E1 and E3 of the DLA DPD state that proposals for non-employment uses will not be permitted.
- 7.11 Subsequent to the adoption of the policies E1 and E3, the NPPF which was published in 2012, indicates in paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. The thrust of the NPPF is that the planning system should
- 7.12 *'Drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth'.*
- 7.13 This statement in the NPPF followed documents which intended to reflect Government strategy on the provision of new homes and jobs:
- Laying the Foundations, A Housing Strategy for England, November 2011
 - *Local Growth: Realising Every Place's Potential, October 2010*
- 7.14 The Government supports development in sustainable locations on the basis that it will lead to an increase in the supply of new homes and job creation. Local Planning Authorities are said to have a key role in contributing to the national programme of economic recovery. Land that cannot be developed for

employment uses in a realistic time frame should be released for other forms of development.

- 7.15 The applicants have commissioned a report called “Updated Creating Prosperity and Wellbeing” by DTZ which reached the conclusion that the employment allocations in the LDF overall are too generous in an assessment of current need and demand *“the land that Liberty intend to retain for future development for employment purposes would satisfy the totality of the Borough’s requirements for employment land for offices in the period to 2021 and beyond. This is the case even before any allowance is made for such demand being satisfied at least in part by development in Tonbridge, or take up of empty space”*.
- 7.16 The DTZ report also suggest that there is no realistic prospect of the majority of business floorspace, of around 100,000 sq m with outline planning consent within Kings Hill will ever be built. This reflects changes in the national economy, the Kent economy, also reflecting changes in patterns of demand and more intensive use of floorspace by business occupiers so that the same number of people can be accommodated in less space.
- 7.17 The Phase 1 planning permission at Kings Hill was granted in 1990 and the majority of the 92,900 sq m of employment development has been delivered with 16,084 sq m of employment development remaining. The Phase 2 planning permission was granted in 2004, also for 92,900 sq m of employment development.
- 7.18 Areas 302, 305 and 306 have been prepared for employment development with necessary infrastructure and these areas of land have been marketed for employment development since 2004. The applicants indicate that extensive marketing has only produced 6,967 sq m of the consented 92,900 sqm of employment development granted by the phase 2 planning permission.
- 7.19 The Borough Council is in the process of preparing a new Local Plan, which is reviewing the evidence base in respect of both housing and employment needs. This includes a piece of work comprising a high-level economic futures review and a more detailed Employment Land Review. Further work has been carried-out by NLP in respect of this Phase 3 proposal to evaluate DTZ’s work. It is accepted that it will be important to reflect the guidance in the NPPF that states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. This will have to be examined over the 15-year plan period of the forthcoming Local Plan that will look beyond the current economic recession.
- 7.20 Whilst the amount of land developed for employment in the draft Annual Monitoring Report for 2012 shows a significant drop on previous years to 7,328 sq m for 2011/12, reflecting the effects of the global economic recession, in the same year there have been 94 planning permissions for commercial and retail

uses granted, representing a 40% increase on the previous year. It is also worth noting that in terms of the plan target for employment land, there has been no net loss of employment land since the base date of the plan. This application, if granted, could result in the loss of c.29 ha of employment land although some Phase 2 employment land amounting to c. 8.5 ha will be retained.

- 7.21 The DTZ technical report has been comprehensively assessed on behalf of the Borough Council by consultants NLP who were already commissioned for the Employment Land Review as part of the Local Plan process and so are familiar with the employment issues specific to the Borough as a whole. NLP has reviewed the DTZ analysis and note that 2009 KCC forecasts (produced by Experian) as the basis for which DTZ forecast future requirements were five years old and prepared in the context of a national recession. Using more recent 2013 Experian forecasts, and correcting a number of what they viewed to be theoretical deficiencies in the DTZ report, NPL has produced alternative estimates of office space requirements in the region of 11.5 ha (i.e. at the upper end of the revised DTZ range), assuming a mix of both lower and higher density office accommodation is provided. The above are net estimates, and some additional allowance would be added to these to convert to gross requirements for planning purposes.
- 7.22 In qualitative terms, NLP concludes, that the choice of sites and locations for office development would not be significantly impacted, although Kings Hill would potentially be less well placed to meet larger requirements than in the past. The market evidence points to the regional office market being weaker now than has been the case for some years; this is both a reflection of the impact of the recession, but also the wider trend underway which is seeing many office occupiers seek larger urban locations to attract and retain skilled staff and also rationalising back office functions. There are also changes in the type and scale of office accommodation being demanded, with more focus on smaller flexible space and access to “hub” facilities. Kings Hill has been impacted by these trends and it is reflected in higher vacancy levels being recorded on site and limited interest in the undeveloped land. More generally, the M25 East/North Kent market has seen lower levels of large office enquiries over recent years, and there are a range of other competing sites that share the regional/local enquiries that do arise
- 7.23 NLP advises that Kings Hill will need to adapt and change if the site’s competitive position is to be maintained, such as allowing a range of smaller and more flexible accommodation to consolidate the office role of the site.
- 7.24 There is no question that permitting Phase 3 would reduce the Borough’s supply of land for office development to a level that would just about meet or potentially slightly under-provide against the identified requirements to 2021. It also places a focus on development coming forward on the remaining sites or through existing commitments. Potential solutions to the tighter supply could

include assumptions that some of the mixed use allocations comes forward for office uses, and/or potential need for new allocations are considered through the new Local Plan. The latter might be better focussed outside of Kings Hill to help rebalance the supply portfolio, considering the potential of other locations such as Tonbridge town centre in light of a diminishing market for larger office/corporate occupiers in which Kings Hill has traditionally competed.

- 7.25 There is a potential concern that the removal of 29ha of the employment land would bring more pressure for loss of existing offices to non- business uses. If the switch in land use were to be granted and the employment land supply becomes relatively tighter as a result, there would actually be a better balance between need and supply and less likelihood that further erosion of the employment land at Kings Hill would be justified.
- 7.26 Para 22 of the NPPF refers to support of sustainable communities. The application is accompanied by a socio economic report which points to the potential benefits that an additional population arising from the extra homes would bring to the local economy and local facilities. There are additional community facilities that would be justified by the increase in local population.
- 7.27 There are concerns expressed by objectors that the switch of the commercial land allocations to housing removes the live/work balance basis on which Kings Hill was originally planned and the environmental sustainability benefits that were expected to arise. However, it is evident that there has been a stagnation of employment development locating at Kings Hill- the only office building arising from the phase 2 planning permission granted 10 years ago has been one office building occupied by Rolex. It is the case that there has been a recession during the latter part of that period but the intended live/work balance has not been supported by market interest for the employment opportunities that present themselves at Kings Hill for the reasons outlined by both the applicants and the Council's own consultants.
- 7.28 In terms of employment land provision therefore, although the publication of a draft plan is still some time away, analysis has been carried out by both the applicant's consultants, and more importantly validated by the Council's consultant who is engaged in the evidence gathering stages of the review of the Local Plan, that indicates that, in principle, there is no strong justification for the Borough Council to resist the release of part of the Phase 3 land for employment development in the light of a calculation of, at worst, only a marginal deficiency in employment land supply based on objective assessment and in the light of the Government stance on such matters as outlined above.

Housing

- 7.29 The overall emphasis of the NPPF is to set out the Government's key objectives, for the planning system, of facilitating economic growth, including the provision of adequate housing provision, and securing sustainable

development. These overarching aims seek to integrate the needs of planning and transport whilst focusing development in the most appropriate locations, thereby protecting and enhancing the environment.

- 7.30 Paragraph 47 of the NPPF specifically exhorts local authorities to increase significantly their supply of housing. It requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their requirements with either an additional buffer of 5% or 20% depending on their past performance of delivering housing. TMBC would be expected to have a buffer of 5%. General statements from Government since the publication of NPPF, including some in the last few weeks, are focused on enhancing housing supply nationally. All of these obligations are tested against identified Objectively Assessed Need (OAN - defined in NPPF) and *not* the South East Plan (SEP) as was the case in the Core Strategy. This is important in the context of this application as the OAN requires more than 200 dwellings *per annum* above SEP levels. (See further detail below).
- 7.31 The NPPF requires at paragraph 159 that, in plan making, Local Planning Authorities should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, including where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period. It should establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.
- 7.32 As part of the evidence base for the new Local Plan process, the Borough Council has carried-out the SHMA process. A report to the Planning and Transportation Advisory Board, in March 2013, reported that the Strategic Housing Market Assessment (2014) identified the objectively assessed housing need for market and affordable housing to be a total of 13,000 homes over the period 2011-31, which implies an average annual delivery rate of 650 new homes per annum.
- 7.33 In May 2014, the Government revised the Sub National Population Projections upon which the SHMA was based. The Council's consultants have prepared an addendum to the SHMA to reflect this, which generated a revised this figure of 665 new homes per annum. The review of the SHMA has provided a much more sophisticated expression of need in the order of 13,300 new dwellings (2011-31) to facilitate the Council's review of the LDF towards a new Local Plan. There is no doubt however, that all Local Planning Authorities are expected to drive to ensure that they maintain, *at least*, a robust 5 year supply. In this respect, the opportunity presented by this application is to be welcomed – it will significantly add to the pipeline of developable sites and, based on

previous experience, has the potential for a number of house builders to be active at any one time unlike smaller sites.

- 7.34 The NPPF also promotes mixed communities through achieving a mix of housing. The NPPF requires a mix of housing to be delivered including the size, type, tenure and range of housing to reflect local demand.
- 7.35 At paragraph 52 the NPPF indicates that ‘the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that may provide the best way of achieving sustainable development”.
- 7.36 The absence of a five year supply of land creates a presumption in favour of development. It does not follow that if a five-year supply does exist that planning permission should necessarily be refused. Core Strategy Policy CP15 housing targets for the plan period should not be treated as a maximum especially in the context set by NPPF. It is also right that, through the consideration of planning applications, material considerations will include the current up to date evidence on development needs.
- 7.37 TMBC adopted its Core Strategy in 2008, 4 years before the NPPF. To respond to new national policy change in the NPPF, in June 2012 the Council resolved to prepare a new Local Plan that would draw upon evidence from a Strategic Housing Market Assessment and a Strategic Housing Land Availability Assessment. Informed by this evidence base, the new Local Plan will set a new housing target for the Borough
- 7.38 Although this Council currently can just demonstrate has a 5 year supply as required by Paragraph 47 of the NPPF, there is no question that the proposed development is a sizeable windfall that will make a positive contribution to the housing supply over the next 10 years and guard against any possibility of under-performance on other sites, even those which have planning permission let alone those that might be expected to come forward in the normal run of things but may not. In accordance with paragraph 47 of the NPPF, the site is deliverable because: it is available now with the majority of the land cleared for development; it is a suitable location for housing development as demonstrated in section 6 of this Statement; the development is achievable as there is a realistic prospect that housing will be delivered on the site within the next five years, and the development of the site for residential led mixed-use development is viable.
- 7.39 I agree with the applicant’s assertion that the proposed development will *continue* to positively contribute to Kings Hill’s mixed community through the delivery of a development which comprises a mix of housing including 2, 3, 4 and 5 bedroom properties in the form of apartments, mews, semi-detached and detached dwellings. Housing development will be delivered to meet the local market demand and will include the provision of needed affordable housing.

Overall, continuing confident supply of good quality homes for the Borough is a key consideration in assessing this proposal.

- 7.40 Kings Hill benefits from having physical and social infrastructure in place. Kings Hill is a popular place where people wish to live and especially to bring up families. Kings Hill has a proven track record of housing delivery and has enjoyed significant hard infrastructure investment over the last 25 years that enables new sites to come forward very quickly.
- 7.41 There has been a question posed, especially from the KHPC and the Residents Group objecting, that there are inadequate housing types for older people to retire into but stay within the locality where they might have family connections or caring responsibilities (e.g. grandparents looking after young children for working parents). The applicants have responded that they would be amenable to development of housing within C3 use class that might suit retired people but it depends on the detail and fruition of any commercial interest expressed to them as such facilities are, in practice, mostly provided on a commercial development basis. There are no planning impediments, in principle, to such provision and indeed it would be positively encouraged if such developers came forward.
- 7.42 As the proposed development is located within an established urban area there is the potential for minimising the need for residents to travel and there is access to public transport facilities, employment, shops and services, but of course there is no practical or reasonable way to require the suppression of off-site trips. The site is well served by sustainable modes of transport including cycling and walking.
- 7.43 The revised proposals have been designed in accordance with 'Secured by Design' principles to ensure that that the risk of crime is minimised.

Highways/Traffic

- 7.44 The context for the assessment of the highways impacts is, of course, the fact that there is a commitment on the undeveloped part of the Phase 2 site and this Phase 3 site, for a substantial level of business/office development. That business/office development could still be built and therefore the scale and character of traffic considered and found acceptable by the Secretary of State in granting the planning permission in 2004 becomes the starting point, or base line, for the assessment of the Phase 3 traffic characteristics. The main conceptual difference between the approved traffic expectations and the Phase 3 traffic is that the Phase 2 business traffic would be expected to be predominantly in-bound in the morning whereas a housing scheme would generate traffic that is predominantly out bound in the morning.
- 7.45 The traffic and transportation implications of the proposed development have resulted in much objection from a number of parishes surrounding Kings Hill

and KHPC itself plus the residents' group and a significant number of individual residents from Kings Hill and the wider area. It would seem that some of these commentators do not appreciate that for the purposes of assessing this application, the traffic impacts of Phase 3 must be assessed in the light of the 2004 approval and not an open undeveloped site.

- 7.46 The Transport Assessment (TA) has been carried out by experienced consultants and the methodology used and assumptions made have been agreed with the Local Highway Authority (KCC Highways and Transportation). The consultants used are those who acted in the case that led to the SoS granting the Phase 2 planning permission. The conclusions have been accepted by KCC H&T.
- 7.47 They have also been accepted in terms of the national road network by the Highways Agency (i.e. Junction 4 of the M20). It may be worth pointing-out that quite separately, there is funding from a number of developments north of M20 and from the Regional Growth Fund for a project to improve Junction 4 by widening the eastern over bridge in the near future.
- 7.48 In light of the site history described above, the TA included traffic projections from as yet unbuilt commercial element of phase 2 and assumed full occupation of currently vacant office buildings are included in the projected traffic levels.
- 7.49 The TA concludes that the mixed-use development comprising up to 635 houses will create *fewer* overall traffic movements than the traffic generation associated with the level of employment development granted planning permission by the SoS as part of the Phase 2 development. The TA demonstrates that, whilst the new housing development will inevitably result in increased traffic movements on the existing highway network over the position with the land undeveloped, the overall number and nature of movements will not be as high as if the consented employment development (the "Alternative Development Scenario") were to be delivered.
- 7.50 As is normal, during the construction phase it is anticipated that there will be an increase in the number of vehicles, including HGVs, over the position today. However, this will be significantly below the capacity of the road network. Construction vehicle movements will be managed through the CEMP to minimise disruption to the local network. As is abundantly clear from the last 25 years, the applicants are positive in their practical use of road construction haul routes where at all possible. This clearly will not be possible in all circumstances but this site provides many options to achieve such operations.
- 7.51 Once the development is completed and occupied, there would be an increase in vehicles on the local highway network as a result of the increase in the number of residents, when judged against the position today (and not the potential from the residual elements of Phase 2). However, the TA concludes (and this is accepted by KCC H&T) that this increase is less than would be

expected for the Alternative Development Scenario and would represent a significant improvement over that consented/fall back scheme

- 7.52 Nevertheless, in order to minimise the effects of the development on the highway network, a Travel Plan has been prepared for the wider Kings Hill development that promotes the use of sustainable means of transport. The Travel Plan also sets out how these measures will be delivered and makes recommendations for monitoring the success of each initiative.
- 7.53 The applicants have agreed to investigate the necessity for traffic calming on Gibson Drive to aim to keep it to 30mph. or lower. The application originally included realignment of Gibson Drive and Alexander Grove to increase accessibility, two-way vehicular movements, a wider carriageway and the removal of the roundabout. This area is close to the Community Centre, new Church site and play areas and I am of the view that the principle of altering the road layout here needs further detailed analysis. Therefore these proposals are now indicative and could be progressed on their own merits if justified by a detailed appraisal of the impact of these changes on the wider network and community safety. They are enabled in this application – they are not required.
- 7.54 One area of the TA which has raised a potential question mark is the need for the Roundabout at Tower View/Kings Hill Avenue to be monitored especially at morning peak time in order to assess the most appropriate way to manage traffic at this point. The applicants are agreeable to a condition to monitor and design improvements (e.g. lane priorities or part time traffic lights) to help to enable the roundabout to operate with fewer delays and queues in the interests of highway safety.
- 7.55 The new pedestrian (pelican) crossing on Tower View for the new school will need commensurate traffic calming to ensure low average speeds. The necessary works can be secured by a condition.
- 7.56 As noted above, traffic concerns have been raised by a number of parishes including those surrounding Kings Hill which consider that they suffer from Kings Hill related traffic. Offham and Mereworth may be considered to be, conceptually, the most likely to be affected.
- 7.57 There is already underway a KCC project to design improvements in the vicinity of the junction of the A228 with Kent Street that is intended to be a part discharge of a S106 obligation for highway works from the phase 2 planning permission.
- 7.58 The applicants have also agreed to do the design work for traffic calming for Offham PC which has made good progress in indicating it will take a positive approach to finding a solution which calms traffic but retains the rural village character. Funds to do this work will also be carried forward from the phase 2

legal obligation. Mereworth could similarly benefit from the same pot of funds if justified by further investigations.

- 7.59 The phase 2 planning permission included a condition for a Bus Lane and traffic lights on the A228/Tower View roundabout. This has not been implemented yet as it was intended to assist traffic flows as the commercial development came on stream that has not transpired. The TA states that these works will still be necessary for phase 3 and the applicant has committed to this. The new Bus Lane will be created by a widening of the carriageways to give an extra lane on exit on to A228 - which will mean some tree loss, which was deemed acceptable when the SoS permitted Phase 2.
- 7.60 The applicants have agreed to develop a fresh bus strategy to ensure that the development contributes to the objectives of sustainable travel options, bearing in mind that quite apart from the development mix, much has changed in the world of bus service since 2004. This will include analysis of all bus related matters including the buses that are used by secondary school children to attend schools, and access between Kings Hill and West Malling centre.

Parking

- 7.61 The application includes formalised public car parking areas at the Former French Market Square (39 spaces) and at Crispin Way (19 spaces) which will benefit both the community uses in that area and the Central Area overall.
- 7.62 The housing parking is shown to meet KCC IGN 3 standards at an average of 2.36 per dwelling e.g. 3 spaces 5 bed houses and average 2.5 spaces 4 bed houses. The application demonstrates that they will accord with the principle of IGN3 in that garages are excluded from the totals.

Cycle Strategy and access to West Malling Station

- 7.63 The applicants have committed not to prejudice the T&M Cycle strategy produced by KCC H&T, e.g. there is scope for Teston Road to be included as part of pedestrian/cycle movement network provides landowner arrangement can be secured in the future – this scheme does not prevent other links. The Heath Farm proposals have been amended to ensure no conflict with the approved movement strategy under TM/05/00163/FL (Equestrian and Greenway routes).
- 7.64 When the Southeastern rail timetable is re-configured after 2018 there will be opportunity to rethink access/parking arrangements to West Malling station. It is notable that commercial operators have grasped the opportunity to provide for commuters and no doubt the market will be reviewed post 2018.

Affordable Housing

- 7.65 The earlier phases of development at Kings Hill have provided 11% of units as affordable housing. However, for a substantial part of the time, that these earlier phases were being considered, there was either no policy context to require affordable housing or a much lesser level of obligation. The current policy requirement, in CP17, is 40% as the basis for discussions with developers.
- 7.66 The Ministerial Statement: Planning for Growth, the NPPF and the Growth and Infrastructure Act all put viability and speedy delivery of housing at the pinnacle of national planning policy on housing. Bearing this in mind, and in an endeavour to meet the test of sustainable development with a nature of development not out of character with the existing character of Kings Hill, the provision of 17.5% is more fitting than a provision closer to 40%.
- 7.67 The mixed nature and tenure of housing (both open market and affordable) delivered at Kings Hill to date is a large contributing factor to the varied character of the development. The proposal to deliver 17.5% affordable housing would help to more closely continue the general mix and tenure of housing delivered at Kings Hill as part of earlier Phases.
- 7.68 Within the 112 units, the applicants have agreed to a mix of tenure and sizes that are considered to be the most appropriate to meet local needs. This will be: 39 units of affordable rent (80% of market rent); 39 units of Social rent (lower than affordable rent), and 34 units of shared ownership. In terms of ensuring sustainability and being able to successfully allocate to them from the Council's Housing Register, the applicant has agreed that the rented units will need to be 2 bedroom (4 person) with a preference to house types in place of flats.
- 7.69 The affordable housing is shown to be within the 3 clusters, which is acceptable in principle.

Education provision

- 7.70 The application as originally submitted included a 2 FE (2 Form Entry) school. Since that time, the school has now been made the subject of a separate planning application to KCC.
- 7.71 The principle of the siting and the parking /drop off provision at the school are therefore no longer to be settled in this planning application as they are reflective of the committed intention and land holding of the responsible Education Authority, KCC (which also acts as the Planning Authority in that case).
- 7.72 Members may recall that TMBC was a consultee on the school and it was reported to the Area 2 committee meeting of 2 July 2015. It appears that the County Planning Authority has taken on board the comments expressed to

them as far as practicable. It is understood that the application is due to be subject of a decision in the near future.

- 7.73 The initial development of the primary school in this location is to deal with latent need for spaces arising from the established population in the area of Kings Hill. Subsequent phases of the school, however, are required to support the educational needs arising from occupants of the Phase 3 proposal, the subject of this application. This provision will be secured through planning controls.
- 7.74 There will need to be improvements to pedestrian and cyclist access opportunities crossing Tower View from the main part of the phase 3 development. The scheme will therefore need to introduce a pelican crossing and associated traffic calming. This can be secured by a suggested condition.
- 7.75 The applicants have agreed to provide the school site, clear it of buildings, decontaminate it, provide an access road and prepare it for development of the new 1 FE school (to meet current need). It has also agreed to give funds to build the elements of the school that are intended to meet the demand generated from the new houses. KCC as Local Education Authority calculates that the proposed 635 homes will generate approximately 267 primary school aged pupils. Each FE generates 210 pupil places (7 classes of 30 pupils each). Therefore KCC has requested that the developer effectively funds a 2FE school in addition to the first phase of the school, so as to avoid the problems experienced currently. In the case of Kings Hill, the Education Authority expects this to be by an extension to the 1FE to arrive at a 3FE subject of the planning application with the County Planning Authority. A S106 legal obligation will need to involve both KCC and the developers as parties.
- 7.76 This Council will need to be assured that the educational demand attributable to the new houses in phase 3 is indeed met and so a suggested complimentary planning condition is that a limited number of dwellings if granted can be occupied until the 2FE is added. This trigger has been agreed with KCC as Local Education Authority and is considered to be a satisfactory level of house occupations that takes account of the County Education Officer's detailed assessment of the complex nature of programming of the school and viable class formation vis a vis the interrelationship with other local primary schools in the catchments.
- 7.77 The applicant will also make financial contributions to expansion of secondary school provision arising from the new pupils that will arise as a result of the development.

Other KCC requests for contributions

- 7.78 The applicant has negotiated and agreed to the following requests from KCC which will also need to be included in a s106 legal agreement: £1,321,488

secondary schools; local libraries and mobile- £110,438 for library access points in the Control Tower; community learning- adult education £20,681; local youth activities £8,507; social services on site and in Tonbridge £35,496.

Heritage and Archaeology

- 7.79 As is shown by English Heritage and KCC Heritage comments there are a number of features on the site that will require safeguarding including at least one Scheduled Ancient Monument. It is therefore desirable that both protection and an archaeological watching brief be adopted to ensure that any unanticipated features, especially below ground, are investigated should they be revealed during development.

Landscape /Ancient Woodland

- 7.80 The application has a comprehensive analysis and detail for landscape proposals with new strategic landscaping including necessary landscape buffer strips, especially to the northern boundary.
- 7.81 I am satisfied that the area next to existing housing in Area 27 can include, at Reserved Matters stage, an appropriate separation buffer to respect existing amenities/outlook.
- 7.82 The area of Ancient Woodland off Forest Way which caused much concern from objectors in the originally submitted application is no longer proposed for development and the remaining area of Ancient Woodland near Crispin Way is not being harmed by the development as now proposed.

Open Space

- 7.83 Areas 308 and 309 near the Community Centre both contain designated recreational space as identified in Policy OS1, which safeguards them unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility. These will be replaced elsewhere.
- 7.84 Policy Annex OS1A identifies both the play area and ball court at Gibson Drive, which are both unaffected by the scheme. The public tennis courts in Gibson Drive are in the land offered as being reserved for a Place of Worship (see below) but the applicant has committed to replace them at Heath Farm. The relocation of the tennis courts (if that proves to become necessary) can be secured by a suggested condition.

Market Square

- 7.85 The applicant concurs with the views of KHPC that the northern part of the Square should be kept flexible as community space as well as being used for extra parking.

Leisure

- 7.86 There are concerns that not enough play provision and open space is being provided and that a large open space within the development area is desired.
- 7.87 The applicant submits that their proposals will be set in high quality landscaping, open space and public realm. Managing Development and the Environment DPD (MDEDPD) Policy OS3 requires enhanced on-site open space provision. The revised proposals include a generous provision of on-site open space. Publicly accessible open space will be provided at the heart of the development with a high quality Linear Park and a Green Park integrated into the proposals. The open space provision *on site* extends to 8.37 ha and will be accessible to the local community. I am satisfied that an extensive level of open space is proposed as part of the revised scheme and is acceptable.
- 7.88 The revised proposals include a provision of *off-site* open space (including sports pitches, trim trails and allotments) at Heath Farm, to reinforce the extensive provision of more formal leisure facilities that currently exist, and this is also in general accordance with MDEPDP Policy OS3. The provision is a balance of sport, natural green space, and parks and gardens. This is considered to best reflect and respect the existing character of the Heath Farm area.

Sports

- 7.89 Sport England has suggested conditions in relation to the new facilities. KHPC leases and runs the facilities at Heath Farm and it has indicated that it desires indoor sports too and less emphasis on football – they wish for a MUGA (Multi Use Games Area) where netball and basketball can be played. The developer has agreed that the area at Heath Farm can accommodate a hard surface play area as well as grass pitches originally illustrated. This gives scope for a netball court to be combined with 2 tennis courts. Such provision has been discussed with the developer and will be secured by condition/planning obligation.
- 7.90 The applicant has not agreed to KHPC's desire for an extension to the pavilion. The applicant is proposing to build a large extension at the Community Centre that can accommodate some of the uses mooted by KHPC. I do not consider that a pavilion extension could also be a justified requirement of this proposal.

Outdoor Youth Recreational Facility

- 7.91 It is noted that there is no specific facility in Kings Hill where youths can undertake open-air recreational activities such as skateboarding/BMX cycling as opposed to the current ballpark provision near to the Community Centre. There have been discussions over many years about the provision of a skate park but it provides inherent problems with noise and disturbance to residential properties that may be nearby. Experience is that problems have arisen from

other Skate Parks in the Borough that are at great distances from sensitive receptors. This matter requires very careful consideration and needs to be subject to consultation with residents. A suggested condition would require an outdoor youth recreational facility to be agreed, its nature and location to be the subject of consultation with the local community. The condition would address the siting, how the details are formulated and also the timing of its delivery and future management.

Linear Park

- 7.92 This has increased in the revised application and it is now some 2.25ha. in area. It is 500m long and an average of 45m wide. The benefit of the selected design approach is that it can retain most of the mature trees and mounding that is *in situ* along the line of the closed Kings Hill Avenue. Also, a number of the newly proposed houses would benefit in terms of outlook as a result of fronting onto it (and providing some passive surveillance). An average width of 45m is considered to be wide enough to have a useful recreational/leisure purpose. This Linear Park contains the Scheduled Ancient Monument, the Pickett Hamilton fort which will be integrated within it.

Allotments

- 7.93 There are 75 existing and following negotiations, there will now be 45 extra allotments. This would give 120 allotments in total. KHPC advised that there are 107 people on waiting list for the 75 due to come into use soon and they estimate 14 needed for the new houses to give a total “need” of 121. Kings Hill Allotment Gardens Society (KHAGS) believes that there is 1 allotment per 14 households in Kent that would equate to 45 for 635 dwellings. The developer has therefore met the numerical suggested KHAGS (although not to the individual plot size desired by KHAGS). The offered provision is satisfactory in my view.

Retail /Public House

- 7.94 Some third parties have suggested that further retail and service proviso is required. The applicants argue that there would be no genuine commercial interest in a new convenience shop for Phase 3 or another public house. A site in Phase 2, adjacent the Cricket Ground, was once intended to be a site for a second public house but this did not result in interest for both commercial and practical reasons. They also argue that public houses can prove in practice be difficult to integrate into new housing areas due to perceived issue of noise, traffic and disturbance and it would not be desirable to carry-forward the previous idea as set out some time ago in Phase 2. Whilst the views of objectors on these points are understood, it is not considered that there would be strong case for the Council to insist on these types of faculties if there is no commercial appetite for viable businesses of this nature, and there is significant undeveloped retail space in the central area.

Health Services

- 7.95 An extension of 461sqm to the GP surgery enjoys planning permission and the developer had safeguarded a plot of land adjacent to the existing Doctors' Surgery, to facilitate its expansion, should it be needed. This has been made available for the West Malling Group Practice under their option to develop the extension when the practice decides that the time is right.
- 7.96 There is an element of dental service provision at Kings Hill in the Central Area but no NHS dentist but again, this is effectively a commercial venture and in my view it is not reasonable for a developer of an extra 635 houses to provide an NHS dental practice, nor indeed would it be in their power to procure this facility.

Place Of Faith Based Worship

- 7.97 An allocated site (which was itself re-sited after the initial allocation) included in a S106 legal agreement to the Phase 2 planning permission but was not taken up within the specified 5 years from the 2004 planning permission. However, such a community support facility is still a desirable feature for an area such as this, especially if 635 extra dwellings were to be permitted. The applicants have agreed to reserve a site of approx. 0.3ha for the erection of a building for faith-based worship. This is on the site of the existing tennis courts as described above (which would need to be relocated).
- 7.98 The Diocese of Rochester has highlighted that it needs a Church on Kings Hill to enable it to become an ecclesiastical Parish where services can take place rather than in one of the 4 ecclesiastical parishes that currently dovetail the administrative parish of Kings Hill. Canon Law is a material planning consideration and that is to provide a place of worship in every parish in the Diocese and a place of residence. The Diocese has requested a 0.33ha site to build a 750 sqm Church. The Diocese is in negotiation with the applicant to take up the option of the reserved site referred to above, which is only just slightly smaller than the area sought. This could include a Memorial Garden for cremated ashes or one could be provide elsewhere but in the general environs.

Community Centre Expansion

- 7.99 The revised application includes a commitment for a 200sqm ground floor multi-functional extension that would be sub-leased to Kings Hill Parish Council. This could be could be used for Toddler groups; Youth clubs, badminton, table tennis, fitness classes etc as well as Worship; Sunday Schools; Brigades; weddings /baptism/funerals if the church provision takes some time to come to fruition.
- 7.100 The PC has requested a second floor be added to the main building but I am of the view that the offer from the applicant is acceptable in its scale and nature

bearing in mind that planning obligations should be fairly and reasonably related in land use terms to the proposal for 635 houses.

Burial Ground

- 7.101 Kings Hill Parish Council (KHPC) supports a memorial garden or burial ground within this phase of development as a vital element of the community infrastructure. The KHPC is the burial authority and has within its remit to provide a burial ground if this is justified. The applicant has offered to provide a Memorial Garden on site in some form (either separate from or within the site reserved for a place of worship described above) and I am of the view that is sufficiently reasonable in the circumstances. The Church may provide one on its requested site. However, as part of the works to resolve the longer term layout of the Heath Farm I consider that the seek to identify a location for a potential Burial Ground should KHPC establish an appropriate method to provide such facilities.

Air Quality

- 7.102 The traffic from Phase 3 is relevant because some traffic arising from this Phase 3 scheme will go through Watlingbury AQMA, or add to traffic in the A20 and M20 AQMAs. However, as described above, as there is no net increase in traffic due to the switch from commercial offices to houses, and there is no detrimental impact compared to the Alternative Development Scenario.
- 7.103 Cycle links suggested in the cycle strategy into surround areas including Watlingbury could encourage cycle commuting to Maidstone offsetting additional car trips through the various AQMAs.

Noise

- 7.104 From a planning point of view, the noise issues from the development would be the risk of noise from the new school (which KCC will need to consider) and noise from the supermarket servicing etc for Asda and Waitrose to dwellings proposed at the corner of Area 303. Whilst deliveries to Asda/Waitrose may not breach nuisance levels, there would be potential for short bursts of irritating types of noise (engines, door slams, radio noise etc) and the reserved matters applications would need to show how the design of the housing on Area 303 addresses this potential issue.

Conclusions

- 7.105 This application is a material departure from the Development Plan that will have the potential to prejudice the delivery of result in the loss of allocated employment. Whilst the application proposals conflict with DLADPD Policies E1 and E3, as explained above there are a number of significant material

considerations that can be judged to justify setting aside these policy considerations. Most importantly the release of the land to housing would support the significant NPPF identified national aim of improving housing land supply both as an end in itself and also as a tool in supporting the national economic growth agenda. That is supported by the identified assessed need for housing in the Borough.

8. Recommendation:

8.1 **Grant Outline Planning Permission** as detailed by: Letter NOTICE TO KCC dated 22.05.2013, Letter NOTICE TO KINGS HILL UNIT TRUST dated 22.05.2013, Notice ARTICLE 11 dated 22.05.2013, Statement UTILITIES STATEMENT dated 22.05.2013, Statement COMMUNITY INVOLVEMENT dated 22.05.2013, Section 11444/213/002 dated 22.05.2013, Section 11444/213/004 dated 22.05.2013, Section 11444/213/005 dated 22.05.2013, Section 11444/213/007 dated 22.05.2013, Letter dated 20.03.2014, Section 11444/213/010 dated 20.03.2014, Other DESCRIPTION OF DEVELOPMENT dated 20.03.2014, Design and Access Statement dated 20.03.2014, Report PROSPERITY AND WELLBEING dated 20.03.2014, Energy Statement (REVISED) dated 20.03.2014, Environmental Statement ES VOL:1 NON TECHNICAL SUMMARY dated 20.03.2014, Environmental Statement (REVISED) dated 20.03.2014, Section 11444/213/001 A dated 20.03.2014, Site Plan 2114-P02 K dated 20.03.2014, Site Plan 2114-P03 M dated 20.03.2014, Site Plan 2114-P05 P dated 20.03.2014, Site Plan 2114-P07 P dated 20.03.2014, Site Plan 2114-P08 P dated 20.03.2014, Schedule SUBMITTED DOCUMENTS dated 03.04.2014, Email dated 04.04.2014, Planning Statement (REVISED) dated 04.04.2014, Statement ADDENDUM COMMUNITY INVOLVEMENT dated 04.04.2014, Section 11444/213/003 B dated 04.04.2014, Location Plan 2114-P01 L dated 04.04.2014, Letter dated 08.04.2014, Supporting Information COMMUNITY INFO BROCHURE dated 08.04.2014, Letter dated 07.07.2014, Report CONSULTATION RESPONSE STATEMENT dated 07.07.2014 (N.B. this list will be completed only after all plans/documents required for planning conditions/legal obligations are identified) subject to:

- A Section 106 planning obligation is completed covering:
 1. Affordable Housing
 2. Highways works (Funding for highways brought forward from previous agreement- for traffic calming or improvements Kent Street, Offham and possibly Mereworth)
 3. Bus strategy (including Secondary school buses)
 4. Bus services (including express bus to Maidstone)
 5. Travel Plan
 6. primary School site and payments-
 7. secondary schools payments-

- 8. local libraries and mobile payments -
- 9. community learning payments -
- 10. youth local youth payments -
- 11. social services payments -

- the following conditions:

- 1 Details relating to the siting, design and external appearance of the proposed buildings, for which detailed approval is being sought, the means of access and landscaping associated therewith shall be submitted to and approved by the Local Planning Authority before such relevant part of the development is commenced.

Reason: No such details have been submitted.

- 2 Application for approval of reserved matters shall be made not later than the expiration of 10 years beginning with the date of this planning permission.

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

- 3 The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of 3 years from the date of the grant of this permission, or
- (b) The expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

Strategy

- 4 The development hereby permitted shall be carried out substantially in accordance with Drawings 2144-P01/L; 2144-P02/K; 2144-P03/M; 2144-P08/P to the Environmental Statement received 7 April 2014.

Reason: To ensure the overall development remains compatible with the submitted Environment Impact Assessment.

- 5 No development shall commence until a scheme for the phasing of the development of the application site and associated land in the control of the applicant as outlined in blue in drawing 2114-081 received on 30 September 2014 has been submitted and approved by the Local Planning Authority. Unless otherwise agreed in writing, this scheme shall include phasing proposals for the provision of:

- The community centre extension;
- The Reservation of a Primary School site;
- Reservation of a Site for a Place of Faith Based Worship
- Memorial Garden
- The structural landscaping and incidental recreational space;
- Strategic Pedestrian, footpath, equestrian and cycle links
- Formal playing pitches
- Open Space
- Youth Outdoor Recreational Facility
- Allotments

The development shall thereafter be undertaken in accordance with those details, as approved, unless otherwise agreed in writing.

Reason: No such details have been approved.

Primary School

- 6 No more than 350 dwellings hereby permitted shall be occupied until the 2FE primary school as detailed in the relevant S106 agreement has been completed, opened and in use.

Reason: In the interest of providing adequate primary school facilities.

Community centre

- 7 At or before the time of the first submission of Reserved Matters pursuant to Condition 1, a detailed scheme for an extension (of at least 200 sqm gross internal area) to the Kings Hill Community Centre shall be developed in conjunction with Kings Hill Parish Council and submitted for approval by the Local Planning Authority. The scheme should identify a range of uses for the public and arrangements for long-term maintenance and inspection of the facility such that it is available to the public in perpetuity. The facility shall be fully implemented in accordance with the approved scheme and plans prior to the occupation of the 200th dwelling.

Reason: No such details have been approved in full and to ensure the availability of community facilities to meet the needs of the occupiers of the dwellings.

Faith based worship- site reservation

- 8 The site of 0.31ha as shown on drawing C9451/PW/1/A hereby approved shall be reserved for the erection of a building and associated parking and ancillary development for the purposes of Faith based worship. This area shall be so reserved for a period of 8 years from the date of implementation of the planning permission.

Reason: To ensure the availability of adequate facilities for Faith based worship to meet the needs of the occupiers of the dwellings.

Open space/Recreation/sports

- 9 At or before the time of the first submission of Reserved Matters pursuant to Condition 1, a scheme for open space, sports, outdoor recreational facilities, a youth outdoor recreational facility and allotments shall be submitted for the approval of the Local Planning Authority relating to the application site and associated land in the control of the applicant as outlined in blue in drawing 2114-081. It shall be subject to community consultation and should be in broad accordance with the Open Space Schedule (ref OS. V9) hereby approved. For the purposes of this condition such a scheme shall:

- detail the extent, type and location of open space, sports, youth outdoor recreational facilities and allotments to be provided, including those at Heath Farm, Kings Hill (to include associated changing rooms/pavilion facilities and parking).
- ensure the provision of the necessary land and physical facilities
- detail the timing of the construction of the open space, sports and youth outdoor recreational facilities and allotments and their phasing in relation to the to the occupancy of the market housing;
- detail the arrangements for the transfer or management of the open space, sports and youth outdoor recreational facilities and allotments
- detail arrangements for long term maintenance and inspection of the open space, sports, youth outdoor recreational facilities and allotments such that they are available to the public in perpetuity.

The facility shall be fully implemented in accordance with the approved scheme, plans and timetable.

Reason: No such details have been approved in full and to ensure the availability of public open space and play areas for the recreational needs of the occupiers of the dwellings.

Tennis Courts

- 10 The existing tennis courts at Gibson Drive shall be retained in situ for public use until alternative facilities within the Kings Hill Parish are completed and made

available for public use in accordance with a planning permission that has been granted by the LPA. The scheme shall provide for 2 no. tennis courts constructed to the same specification as the existing tennis courts in a specified alternative location.

Reason: No such details have been approved in full and to ensure the availability of public open space and play areas for the recreational needs of the occupiers of the dwellings.

Highways Strategy

11 The details submitted in accordance with condition 1 shall detail for each phase

- The principles of highway hierarchy and internal access arrangements, and
- The principles of pedestrian, cycle and equestrian movements that accord with the KCC Cycle Strategy and the movement strategy hereby approved.
- Construction traffic routes and associated signage

Reason: To enhance existing rights of way in the locality.

12 The details submitted in pursuance of Condition 1 shall include the access arrangements and visibility splays to development parcels and vision splays to individual buildings to accord with Kent Design Guide Review: Interim Guidance Note "Visibility" and shall be implemented as approved. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (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 access or hinder visibility.

Reason: In the interests of highway safety.

13 No building shall be occupied until that part of the internal estate road system that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

14 At or before the time of the first submission of Reserved Matters pursuant to Condition 1, details of improvements to the Tower View Roundabout, including bus priority measures, shall be submitted for the approval of the Local Planning Authority. The approved scheme shall be fully completed prior to the first occupation of any dwelling hereby permitted.

Reason: In the interests of sustainable modes of travel

Pedestrian Crossing

- 15 At or before the time of the first submission of Reserved Matters pursuant to Condition 1, a scheme for the pedestrian crossing at Tower View shall be submitted for the approval of the Local Planning Authority after consultation with KCC. It shall be accompanied by a Stage 1 safety audit and shall detail any necessary associated works such as traffic calming. It shall be implemented in full prior to the occupation first occupation of any dwelling hereby permitted.

Reason: In the interests of highway safety.

Traffic calming

- 16 At or before the time of the first submission of Reserved Matters pursuant to Condition 1, details of the traffic calming and / or re-alignment of Gibson Drive shall be submitted for the approval of the Local Planning Authority. If implemented, it shall be as approved and retained thereafter.

Reason: In the interests of highway safety.

Roundabout analysis

- 17 At or before the time of the first submission of Reserved Matters pursuant to Condition 1, a scheme for monitoring of the Tower View/Kings Hill Avenue roundabout assessed in the submitted Transport Assessment shall be submitted for the approval of the Local Planning Authority. The scheme shall detail a timetable and methodology for monitoring and submission of the results to the Local Planning Authority and shall include a strategy and timetable for implementation of highways improvements if they are deemed to be justified. The approved mitigation measures shall be implemented as approved and retained thereafter.

Reason: In the interests of highway safety.

Parking

- 18 The details for any part of the site submitted pursuant to Condition 1 shall show land reserved for parking or garaging in accordance with Kent Design Guide Review Interim Guidance Note 3 "Residential Parking". No building shall be occupied or use commenced until any parking or garaging relating to that building or use 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 1995 (as amended) (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 the reserved vehicle parking area.

Reason: Development without the provision of adequate accommodation for the

parking of vehicles is likely to lead to hazardous on-street parking.

Levels

- 19 The details submitted in pursuance of Condition 1 shall include a contoured site plan and indicate the level of the ground floor finished floor slab level of any building proposed to be constructed.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual and/or residential amenities.

Materials

- 20 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved by the Local Planning Authority in respect of the appropriate submission of reserved matters of buildings, and the development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the area.

- 21 No development shall take place within any part of the site until full details of the precise routes, surfacing and construction details of any relevant footways, cycle or equestrian routes and any other permissive rights of way have been submitted to and approved by the Local Planning Authority. The work shall thereafter be carried out in strict accordance with the approved details.

Reason: To protect the visual amenity of the area.

Landscaping

- 22 The details submitted in accordance with condition 1 shall provide a Landscape Strategy for that part of the site which shall generally accord with the Overall Landscape Strategy on dwgs 2114-P03/M AND 2114-021/L hereby approved. The approved strategy shall be implemented when the relevant part of the site is developed.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

- 23 The details submitted with each set of Reserved Matters in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. These schemes shall include a tree/hedgerow survey specifying the position, height, spread and species of all trees/hedgerows on the relevant part of the site, and identifying those to be retained. The approved schemes shall be implemented no later than the first available planting season within a timetable to be agreed with the Local Planning Authority, and shall be retained for a period of 10 years. In the event of any of the trees/shrubs included in the landscaping proposals or any

replacement trees/shrubs being removed, dying, severely damaged or becoming seriously diseased within ten years of planting they shall be replaced within twelve months with trees/shrubs of similar size and species to those originally proposed to be planted unless the Local Planning Authority gives written consent to any variation. All trees planted shall be protected (particularly against stock and rabbits) immediately upon planting and such protection shall be retained at all times for five years thereafter.

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

24 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees that are intended to be retained, 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 retained shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread
- (b) No fires shall be lit within the spread of the branches of such trees.
- (c) No materials or equipment shall be stored within the spread of the branches of such trees.
- (d) Any damage to such 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 such trees.
- (f) Ground levels within the spread of the branches of such trees shall not be raised or lowered in relation to the existing ground level.

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.

25 No felling of trees and no clearance of scrubland shall take place without the prior written consent of the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

26 The best practicable means shall be taken to ensure that, in the course of all construction works on the site, no branches shall be lopped and no roots over 50mm diameter shall be severed from live trees. If this occurs, by whatever means, the severed end shall be cut to give a clean and smooth surface, which should then be treated with a fungicidal sealant.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

Utilities

- 27 No building within any part of the site hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity, CCTV and communal television services to be connected to that building without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express, prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

Nature Conservation

- 28 The development shall comply with the Ecology and Nature Conservation strategies as identified in the Environmental Statement.

Reason: In the interest of minimising the impacts of the development on local wildlife.

- 29 At or before the time of the first submission of Reserved Matters pursuant to Condition 1, a biodiversity method statement shall be submitted for the approval of the Local Planning Authority for buffer strips to the Ancient Woodland and shall include strategies for their retention during construction and enhancement post-construction.

Reason: In the interest of minimising the impacts of the development on local wildlife.

Heritage/Archaeology

- 30 No development shall take place until fencing has been erected, in a manner to be agreed with the Local Planning Authority, about Pickett Hamilton gun emplacement (KE SAM 1320863) ; and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: To ensure that designated heritage assets are not adversely affected by construction works.

- 31 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an

archaeologist approved by the Local Planning Authority so that any excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of archaeological research in accordance with paragraph 128 of the National Planning Policy Framework 2012.

Lighting

- 32 No street lighting, footway or footpath or other lighting serving public areas shall be installed unless details of such lighting have first been submitted to and approved by the Local Planning Authority. Any such work shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of visual amenity.

Noise

- 33 The new community hall extension shall not be made available for use until an acoustic appraisal to evaluate the aural impact of noise emissions attributable to its use on nearby dwellings has been submitted to and approved by the Local Planning Authority. Any measures shown to be necessary to safeguard the aural amenity of nearby residents are to be fully implemented prior to the first use of the community hall extension and retained at all times thereafter.

Reason: In the interests of residential amenity.

Contamination

Conditions to follow in supplementary report

Drainage

Conditions to follow in supplementary report

Informatives

Informatives to follow in supplementary report

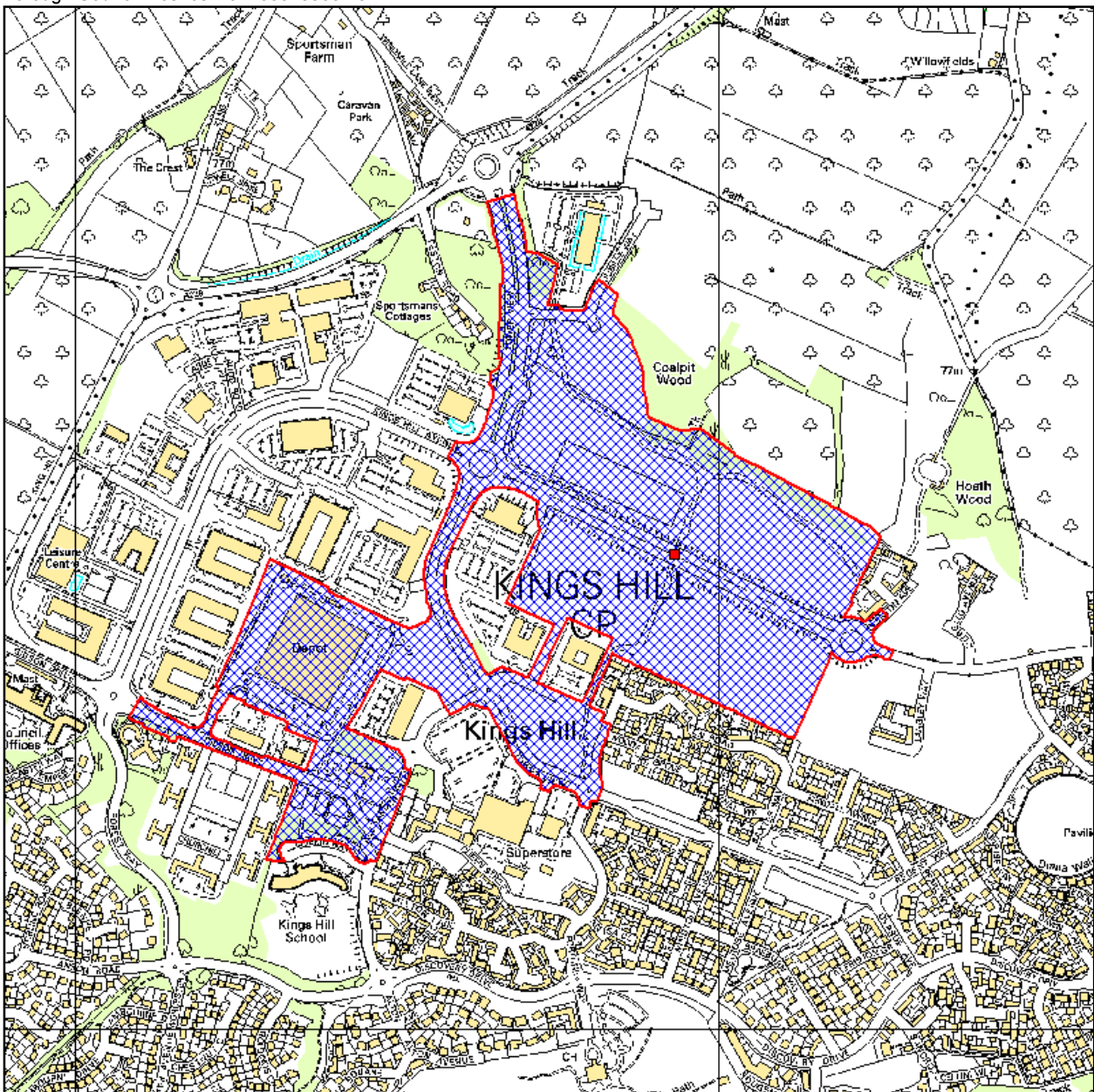
Contact: Marion Geary

TM/13/01535/OAEA

Kings Hill Phase 3 Kings Hill West Malling Kent ME19 4QG

Outline Application (with all matters reserved except for means of access) for the demolition of existing buildings including the KCC Supplies depot and removal of a section of Kings Hill Avenue; the erection of up to 635 residential dwellings; a two form entry primary school with associated playing fields and land safeguarded for an extension to create a three form entry primary school; a multi-functional extension to the community hall; -a skate park; formalisation of car parking areas at the Community Centre and adjacent to Crispin Way; improvements to the highway network at Alexander Grove, Gibson Drive and Queen Street; and trim trails, woodland paths and green spaces

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