

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
committee.services@tmbc.gov.uk

23 January 2019

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 31st January, 2019 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 22 November 2018

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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.

9. 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 M Parry-Waller (Chairman)
Cllr M C Base (Vice-Chairman)

Cllr Mrs S Bell
Cllr T Bishop
Cllr Mrs B A Brown
Cllr T I B Cannon
Cllr R W Dalton
Cllr D A S Davis
Cllr Mrs T Dean
Cllr S M Hammond
Cllr D Keeley

Cllr D Keers
Cllr S M King
Cllr D Lettington
Cllr D Markham
Cllr Mrs A S Oakley
Cllr R V Roud
Cllr A K Sullivan
Cllr B W Walker
Cllr T C Walker

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 22nd November, 2018

Present: Cllr M Parry-Waller (Chairman), Cllr T Bishop, Cllr Mrs B A Brown, Cllr R W Dalton, Cllr D A S Davis, Cllr S M Hammond, Cllr D Keeley, Cllr S M King, Cllr D Lettington, Cllr D Markham, Cllr Mrs A S Oakley, Cllr R V Roud and Cllr A K Sullivan

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base (Vice-Chairman), Mrs S Bell, T I B Cannon, Mrs T Dean, D Keers and T C Walker

PART 1 - PUBLIC

AP3 18/18 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP3 18/19 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 4 October 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP3 18/20 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP3 18/21 TM/17/02971/OA - DEVELOPMENT SITE, EASTERN PART OF
FORMER AYLESFORD QUARRY, ROCHESTER ROAD,
AYLESFORD**

Outline application with all matters reserved except for access: Demolition of existing buildings, structures and hardstanding, land raising of development area, development of up to 146 dwellings as a mix of houses and apartments and provision of a local centre for Use Classes A2 (financial and professional services), A3 (cafe/restaurant), D1 (clinics/creche) and D2 (assembly and leisure) up to a total floorspace of 1,256 sq m (13,519 sq ft), and provision of new access road and pedestrian/cycle access, and provision of open space at Development Site, Eastern part of former Aylesford Quarry, Rochester Road, Aylesford.

RESOLVED: That

- (1) with regard to matters known to the Local Planning Authority at the present stage, the Secretary of State (through his Inspector) and the Appellant be advised that, had the Local Planning Authority been in a position to determine the application at this time, it would have **Refused Outline Planning Permission** on the basis of, and having regard to the reasons set out in the report; and
- (2) it be NOTED that Officers will continue to update the Planning Committee through regular information reports and/or briefing sessions as deemed appropriate in liaison with the Chairman on the matters set out in paragraph 7.2 of the report.

PART 2 - PRIVATE

AP3 18/22 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.41 pm

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 23 September 2015

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
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
DMPO	Development Management Procedure Order
DPD	Development Plan Document
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 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
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
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
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
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

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
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 (as amended)
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
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

Burham
Aylesford North And
Walderslade

31 July 2017

TM/17/01864/FL

Proposal: Residential redevelopment of former public house site with an apartment block housing 10 no. flats and 2 no. terraces of 3 houses (3 bed units) together with associated access, car parking and amenity facilities

Location: Site Of Former Upper Bell PH 1 Chatham Road Aylesford Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the construction of a block of 10 no. flats consisting of 4 x 1 bed, 5 x 2 bed and 1 x 3 bed units; and two terraces of three no. 3 bed terraced houses (total of 16 units) on the now vacant site of the former Upper Bell public house.
- 1.2 The application proposes the redevelopment of the land upon which the public house itself was located and not the land to the west of the site on the south side of Common Road that was previously within the same ownership and historically appeared to be used as informal parking relating to the public house.
- 1.3 The proposed scheme has evolved during the life of the application and has been the subject of lengthy ongoing negotiations between officers and the planning agent in order to seek to secure a high quality scheme that could come forward on a site that is of a poor condition, has been the subject of a protracted planning history, and has historically been the subject of various enforcement actions. It is considered that those negotiations can go no further within the context of the current application.
- 1.4 The proposed apartment block is to be set over 3 storeys maximum with some accommodation within the roofspace, with the terraced housing being 2 storeys with rooms in the roof. The buildings are proposed to be finished in a mix of brick, render and weatherboarding with a tiled roof over. The materials have changed from the original submission with the metal roof being altered to more traditional materials.
- 1.5 Parking is proposed to the east of the flat block with 10 spaces indicated for the residents (1 space per unit) and 2 visitor spaces. Access to this part of the site is shown to be via the existing access in the north-east corner of the site.
- 1.6 Each of the houses is proposed to be served by two independently accessible parking spaces within their front curtilages. These are proposed to be accessed from a private drive from the same access as the apartments running parallel to The Downs.

- 1.7 Secure cycle storage accommodating a total of 16 spaces is proposed to be provided on the lower ground floor of the apartment building.
- 1.8 There are two trees that are subject to TPOs, consisting of an oak in the south eastern corner and a horse chestnut towards the centre of the site. The horse chestnut is proposed to be removed as a result of the development, however replacement planting is indicated as part of the landscaping of the site.
- 1.9 No specific details have been provided indicating the proposed means of refuse storage to serve the development at this stage.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Sullivan given the history of the site and given the high level of public interest generated by the application.

3. The Site:

- 3.1 The site lies within the defined rural settlement confines of Bluebell Hill and within the North Downs AONB. It was formally occupied by the Upper Bell Public House which was a large, detached building occupying a large proportion of this corner plot. The building was set over three floors and was an irregular shape, with two small dormer windows on the north and south elevations
- 3.2 The public house ceased trading in approximately 2004. Planning permission was granted in 2009 to convert the upper two floors of the original Upper Bell into 3 self-contained flats, with a licensed premises retained on the ground floor and the construction of 2 detached houses on the wider site. Rather than seek to implement that permission, the owner at the time took the decision to demolish the building and the site was cleared by 2013.
- 3.3 The land is currently vacant and overgrown, surrounded by a timber hoarding/fence. The land levels vary considerably across the site with the west side notably lower than the east side facing onto The Downs due to the way the public house was built into the site.
- 3.4 The site is surrounded by residential development to the north, south and east, with the closed slip road to the south bound A229 to the west.
- 3.5 The residential development within the immediate locality of the site comprises a mixture of two storey detached and semi-detached houses and low scale detached and semi-detached chalets and bungalows, some with individual additions into the roof spaces.
- 3.6 The site contains a protected oak tree to the south east corner and a horse chestnut towards the centre.

4. Planning History (relevant):

TM/07/01429/FL Refuse 14 June 2007

Erection of 2 new private dwellings

TM/09/00355/FL Approved 7 September 2009

Construction of two detached 4 bedroom houses with integral garages.
Conversion of public house to 3 self contained flats and licensed premises at ground floor

TM/12/03784/DEN Prior Approval Not Required 17 January 2013

Prior Demolition Notification: Demolition of public house

TM/16/02258/FL Application Withdrawn 14 March 2017

Residential redevelopment of former public house site with an apartment block housing 13 No. flats (9 x 2 bed units and 4 x 1 bed units) and 4 No. semi detached houses (4 x 4 bed units) together with associated access, car parking and amenity facilities

5. Consultees:

- 5.1 Aylesford PC: Objection. Overdevelopment of the site. Parking will be a major problem and traffic in and out of the village will also be affected. There is no provision for parking for the flats.
- 5.2 Burham PC: Objection. Concerns regarding parking provision
- 5.3 KCC (H+T): Parking accords with IGN 3. Access is considered appropriate as is in the similar location as that which served the public house. Traffic generation is not considered to be unacceptable as a result of the development as it is likely to be similar to that of the public house.
- 5.4 KCC (SUDS): Require details of a surface water drainage scheme for the site
- 5.5 Kent Downs AONB Unit: Comments on original plans:

The application site is located in the Kent Downs AONB. The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.

The AONB Unit does not object to the principle of the redevelopment of the site. It is considered imperative however that any replacement development here ensures that the local character, qualities and distinctiveness of the AONB is conserved in accordance with policy SD2 of the Kent Downs Management Plan and policy CP7 of Tonbridge's Core Strategy. This policy requires new development in the AONB to have regard to local distinctiveness and use sympathetic materials and appropriate design. The Management Plan has been adopted by all local planning authorities in the Kent Downs, including Tonbridge and Malling Borough Council. The national Planning Policy Guidance confirms that Management Plans can be a material consideration in planning decisions and this view is confirmed in previous appeal decisions, including APP/U2235/W/15/3131945, Land west of Ham Lane, Lenham, Maidstone, where at para 48 of the Inspectorate's decision letter it is confirmed that "the Kent Downs AONB Management Plan April 2014 (the Management Plan) is also a further significant material consideration".

While we note that the proposals have been amended from the previous submission, reducing the height by a storey, we remain concerned that the proposals as resubmitted still fall short of meeting the requirements of both these policies. The character of surrounding development is of low density detached houses and bungalows. The proposed scale, density, design and use of metal roofing would fail to ensure the local character is conserved and enhanced as well as resulting in a development of a greater bulk than the public house building that formerly occupied the site and of surrounding buildings. The mature chestnut tree is a prominent feature in the local landscape and its loss would also fail to conserve and enhance the AONB.

Accordingly the Kent Downs AONB Unit objects to the application.

Comments on revised plans

The application site is located in the Kent Downs AONB. The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.

As previously advised, the AONB Unit does not object to the principle of the redevelopment of the site. It is considered imperative however that any replacement development here ensures that the local character, qualities and distinctiveness of the AONB is conserved in accordance with policy SD2 of the Kent Downs Management Plan and policy CP7 of Tonbridge's Core Strategy. This policy requires new development in the AONB to have regard to local distinctiveness and use sympathetic materials and appropriate design. The Management Plan has been adopted by all local planning authorities in the Kent Downs, including Tonbridge and Malling Borough Council. The national Planning Policy Guidance confirms that Management Plans can be a material consideration in planning decisions and this view is confirmed in previous appeal decisions,

including APP/U2235/W/15/3131945, Land west of Ham Lane, Lenham, Maidstone, where at para 48 of the Inspectorate's decision letter it is confirmed that "the Kent Downs AONB Management Plan April 2014 (the Management Plan) is also a further significant material consideration".

While we note that the proposals have been amended from the previous submission, and we welcome the proposed changes to the material palette, we remain concerned however that the amended proposals still fall short of meeting the requirements of both these policies. The character of surrounding development is of low density detached houses and bungalows. While the height of the apartment block has been reduced slightly, its scale would still result in a development of a greater bulk than the public house building that formerly occupied the site and of surrounding buildings and the proposed increase in number of houses increases the density of the development and amount of hard standing required for parking. In our view the proposals would still fail to ensure the local character is conserved and enhanced. The mature chestnut tree is a prominent feature in the local landscape and its loss would also fail to conserve and enhance the AONB.

Accordingly the Kent Downs AONB Unit maintains its objection to the application.

5.6 Private Reps: 31 + site + press notice/2X/123/R/13S

5.6.1 123 objections received since the submission of the application raising the following:

- Proposal would be too dense and represent an overdevelopment of the site;
- Inadequate parking provision;
- Design not in keeping with the surroundings;
- Apartment building too large;
- Balconies would overlook neighbouring properties and gardens;
- Mill Lane too narrow for the proposed volume of traffic;
- Parking problems will lead to disruption on the surrounding roads;
- Potential issues with emergency services access along Mill Lane if the development results in on-street parking;
- Detrimental impact on traffic levels will exacerbate existing difficulties attempting to access the A229 from Blue Bell Hill Village;
- Existing residents should be issued with a 'smart tag' to give them access to the south bound slip road of the A229 that is currently closed;

- Lack of appropriate water and sewerage infrastructure;
- Community does not need or want this development;
- Protected horse chestnut should not be removed;
- Potential for contamination on the site;
- Adversely impact on the AONB due to the impact of ridge line views with a design that is not in keeping with surrounding structures that would adversely alter the intrinsic character of the rural area;
- Not in accordance with the adopted AONB Management Plan as the development would not enhance the AONB or protect the purpose and amenity of the protected area as the Local Planning Authority are obliged to do;
- Site should be developed for a couple of detached houses rather than the developer just maximising profit;
- Viability of the site should not drive the size of the development;
- Lack of refuse storage provision;
- Flats are not suitable for villages. Should be a development for a replacement public house or a village store;
- No plans proposed to develop the site opposite.

5.6.2 13 letters of support have been received making the following comments:

- Lack of smaller properties locally so the development will be good for those looking for starter homes in the area;
- Would be an enhancement to the site and a quality development for the area;
- Proposal is a good design that does not conflict with neighbouring properties;
- Should have been done before now;
- Will tidy up village.

6. Determining Issues:

Principle of development and the presumption in favour of sustainable development:

- 6.1 The site lies within the settlement confines of Bluebell Hill, within a predominately residential area and is of a nature that constitutes previously developed land as

defined within Annexe 2 of the NPPF. In these respects, policy CP13 of the TMBCS states:

“New development within the confines of [cited] rural settlements will be restricted to minor development appropriate to the scale and character of the settlement. In the case of redevelopment or change of use of an existing building, development will only be proposed in the LDF, or otherwise permitted, if: the overall trip generation is projected to be lower than that associated with the former use; or if there is some significant improvement to the appearance, character and functioning of the settlement; or there is an exceptional local need for affordable housing.”

6.2 As Members are aware, the Council cannot presently demonstrate an up to date five year supply of housing when measured against its objectively assessed need meaning that the presumption in favour of sustainable development, set out at paragraph 11 d of the NPPF, applies. For decision making this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.3 The consequence of this requirement is that whilst the development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) (overtly reiterated at paragraph 12 of the NPPF), there must firstly be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.

6.4 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Continuing to concentrate new housing development within identified and established settlement confines such as this (and therefore also conforming with development plan policy CP13 in the broadest of terms) wholly accords with this aim.

- 6.5 It should be noted that policy CP13 of the TMBCS sets out a requirement for either a reduction in trip generation resulting from a proposed development when compared to the former use of the site or “significant improvements” to the appearance, character or functioning of the settlement before planning permission can be granted. These requirements are not replicated within the policies contained within the Framework and therefore this element of CP13 does not conform within the NPPF and cannot be relied upon in the absence of a five year supply.
- 6.6 As such, returning to the need to apply the presumption in favour of sustainable development, the scheme proposes new housing development within an existing identified settlement in accordance with the policies contained within the NPPF (and policy CP13 in terms of the broad principles rather than the specific requirements for net gains).
- 6.7 With this in mind, returning to the requirements of paragraph 11d, the LPA should be granting planning permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this respect, the NPPF lists the restrictive policies that apply which include those which seek to govern development within the AONB. As this site lies within the AONB it is necessary to make an assessment as to whether the scheme accords with those policies before concluding on whether the presumption in favour of sustainable development falls to be applied.

Impact on AONB:

- 6.1 The statutory purpose of the AONB is to conserve and enhance the area’s natural beauty. There is a duty on public bodies to have regard to this statutory purpose in carrying out their functions (section 85 of the Countryside and Rights of Way Act 2000). The PPG confirms that this duty also applies to proposals for land outside the designated area but which nonetheless impact upon it.
- 6.2 Paragraph 172 of the NPPF states that great weight should be given to conserving **and** enhancing landscape and scenic beauty in, amongst other areas, Areas of Outstanding Natural Beauty, which have the highest status of protection. Paragraph 172 goes on to state overtly that the scale and extent of development within these designated areas should be limited. Whilst application of the presumption is clear that restrictive policies to be applied relate only to NPPF policies, the development plan must remain the starting point. In any event, policy CP7 of the TMBCS reflects closely the requirements of paragraph 172 and thus no conflict arises in any event.
- 6.3 The site is currently derelict, increasingly overgrown and surrounded by deteriorating hoarding. Previous Section 215 notices served in order to improve the condition of the site have, to varying extents, assisted in the short-term improvement of the appearance of the site but this is not a long-term solution and

it is accepted in the broadest of terms that the redevelopment of the site would be the most appropriate way in which to secure the necessary visual improvements in perpetuity. However, it is equally important that any such redevelopment comes forward in a manner that is acceptable when considering the requirement of AONB policy is to preserve and enhance.

- 6.4 The site is set in a slight dip in the general topography with land generally sloping down towards the front of the site and this levels change has an impact on the overall visibility of the site. Whilst the site is not readily visible in distant views across the AONB and is surrounded by residential development on three sides, it is readily visible from shorter range views.
- 6.5 Whilst it is noted that the scheme has been amended since its original submission, and positive engagement to seek to arrive at an acceptable scheme is encouraged, it is not considered in this instance that enough has been done to arrive at an acceptable form of development. Much of the applicant's case, unsurprisingly, rests on the current poor condition of the site and the scale and appearance of the pre-existing public house which has long since been demolished. The test within the AONB policy is clear; to conserve and enhance and it is on this basis that the scheme must be assessed.
- 6.6 In these respects, the impacts of the development on the AONB have been succinctly drawn out within the representations made by the AONB unit, reproduced at paragraph 5.5 of this report. I concur with their conclusions in all respects.
- 6.7 In particular, they have set out that there is a need to ensure any development respects local character, qualities and distinctiveness, utilising appropriate materials and design. They have commented that the scale, density and design of the development would fail to preserve local character. In this respect, I am mindful that the NPPF policy states that scale and extent of development should be limited.
- 6.8 In terms of density, I note that the development would be at approximately 35dph. The general density in the locality ranges from approximately 20dph to 35dph. Whilst at the upper ends of what is characteristic for the area, the development ostensibly appears to be denser than the prevailing built environment because the form and scale, particularly of the apartment block, is at odds with the locality.
- 6.9 I am mindful that in general terms the NPPF encourages schemes to make the best use of available land in built up areas by avoiding building new homes at lower densities. However, this should not be at the cost of the quality of the development and its relationship with its surroundings. In any event, this general requirement would not override the restrictive policies governing development within the AONB.

- 6.10 In terms of scale and design, the site is seen most readily against a mix of low scale two storey houses, chalets and bungalows. The apartment building in particular would be of a much larger scale and would therefore appear at odds with the prevailing built form in a way that would cause harm visually. I do appreciate that some reference has been taken from the scale of the pre-existing public house on the site but the scale still goes beyond that of the pub, which in any event has not been in situ for a number of years now.
- 6.11 The materials proposed are generally reflective of the palette within the local area although it is sought to treat the buildings in a more contemporary way. In principle, such an approach is acceptable and would not cause harm if it were not for the overall scale of the development.
- 6.12 The AONB unit has also reference the loss of the horse chestnut tree. This is regrettable but had a form of development been proposed that was acceptable in all other respects for this site, a balance would need to be struck between the benefits of redeveloping the site and the loss of the tree.
- 6.13 Overall, with these factors in mind, it can therefore be concluded that the application of policies in the Framework that protect the AONB provides a clear reason for refusing the development proposed in this instance. As such, the presumption in favour of sustainable development does not fall to be applied in this case.
- 6.14 In any case, it is still necessary to make a detailed assessment of the scheme in all other respects and this is set out as follows:

Quality of new development considerations:

- 6.15 Whilst intrinsically linked to the preceding assessment, there are more detailed visual aspects of the proposed development that require assessment. In particular, CP24 of the TMBCS requires that:

All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

6.16 This is supported by policy SQ1 of the MDE DPD and particular paragraphs within the NPPF that require high quality development including paragraph 127 which seeks to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- c) establish and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.17 For the reasons set out in the preceding assessment concerning AONB impact, I do not consider that the requirements of adopted policy or the NPPF in terms of the quality of new development more generally are suitably met. As described, the apartment building in particular would be jarring and obtrusive and thus visually harmful when viewed from Common Road, Mill Lane and Maidstone Road.

6.18 I have given consideration as to whether any planning conditions could successfully overcome these harms but there are none that would adequately do so.

Impact on residential amenities:

6.19 The nearest neighbouring properties are located to the south, no. 8 The Downs, to the east, 2 Mill Lane, and to the north at 1 Mill Lane and 613 Maidstone Road. The layout of the development is such that the development is set away from the eastern site boundary to minimise the impact on the existing properties to the east and south and the north elevation has been set away from the site boundary to pull the structure away from the dwelling to the north. As a result of this the development would be positioned at least 10m away from the nearest existing residential properties. The distances and the form of the development is such that it would not lead to harmful overshadowing resulting in a loss of daylight or sunlight to the surrounding properties.

6.20 The development would not result in issues of overlooking or loss of privacy to the surrounding properties. The relationship between the proposed dwellings and the adjacent properties is such that there would not be direct overlooking of neighbouring windows. The relationship between the site and its surroundings would also ensure that the development would not lead to a loss of privacy to the surrounding properties.

6.21 As such, the development would not cause any harm to residential amenity to justify a refusal on such grounds.

Highway safety and parking provision:

6.22 The development proposes parking at a ratio of 1 space per flat and two spaces per house with two visitor spaces for the flat building and scope for informal visitor parking along on the private access drive to the houses. These levels of provisions accord with the minimum parking standards for development within locations such as this as set out in IGN3 and are therefore considered acceptable.

6.23 I am aware that draft policy LP42 of the local plan sets out an ability to take account of local circumstances including the layout of the development, the mix of dwellings, the character of the local area and the proximity of public transport nodes when determining what would represent an acceptable proportionate provision of parking. By the time of the APC3 meeting the Plan will have been submitted to the Secretary of State. However, Members will be aware that this draft policy can carry with it very little weight for decision making purposes at this time because it has yet to be tested at examination by the Secretary of State. As such, it cannot be relied upon as a reason to seek additional parking to serve this scheme or as a reason to seek a higher level of parking to serve the development or to resist the development at this time.

6.24 With regard to traffic generation, paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance it is not considered that the proposals will generate a level of traffic that is likely to have a residual cumulative impact on the road network that could be described as "severe". The development would therefore not have an unacceptable impact on the local road network and would accord with the guidance contained in paragraph 109 of the NPPF.

6.25 The setting of the flat block away from the Mill Lane junction will ensure that adequate visibility remains at the junction. Comments have been received regarding the lack of detail on refuse storage provision. It is considered that there is space available within the site for storage and details of this provision can be sought by condition.

Planning obligations:

- 6.26 Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 states that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 6.27 These tests are repeated in paragraph 56 of the NPPF.
- 6.28 A development of this quantum would normally be expected to provide an element of affordable housing provision with Policy CP17 requiring that 40% of the units overall should be affordable. In this instance a policy compliant development would provide 6 units of affordable housing.
- 6.29 The applicant has though stated that the viability of the development is such that with the amount of development proposed the scheme is financially marginal and therefore would not be able to support affordable housing provision in any form. It is suggested that the viability of the development and the ability to provide for affordable housing would necessitate a larger scale development on the site which conversely result in all likelihood a greater amount of harm overall.
- 6.30 The same arguments are put forward by the developer in connection with the requirements of adopted policy OS3 of the MDE DPD to provide for open space off-site. But at the same time, the applicant acknowledges the need to provide for education provision and sets out that their viability work concluded some scope to make a financial contribution which they have earmarked for primary education (in response to KCC representations on the matter). This would amount to a total of £25,761 towards Tunbury Primary School.
- 6.31 Whilst the attempts made by the applicant to meet some of its obligations in order to mitigate impacts of the development are noted, the statutory test does not allow for obligations to effectively be “cherry picked” in this manner but rather there is a need to start with the development plan and establish whether there are any material considerations which indicate a move away from those adopted policies (s38 (6) of the Planning and Compulsory Purchase Act 2004).
- 6.32 The arguments surrounding the “marginality” of the viability of the scheme are essentially predicated on the price paid for the site prior to the demolition of the pub. The PPG is abundantly clear in this respect and states that where viability assessments are used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with the relevant

policies in the plan. There are no other exceptional costs or circumstances that would have implications for viability or indicate a move away from adopted policy.

- 6.33 Given the harms that have already been identified as arising from this specific scheme, when viewed alongside the acknowledged benefits of the site being redeveloped in a broader sense, the obvious conclusion in this respect would be for a more modest scheme of redevelopment to be conceived, further viability work to be undertaken and then a further assessment as to relative merits could be undertaken.

Other material considerations:

- 6.34 Paragraph 170 (f) states that planning decisions should contribute to and enhance the natural environment inter alia by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. It is noted that no specific details have been provided with regard to potential site contamination. Given that this site is previously developed land, there is the potential for contamination to exist. Investigations and necessary remediation could be secured by planning condition in the event that the development was found to be acceptable in all other respects.
- 6.35 Paragraph 163 (c) states that developments should provide sustainable drainage systems (SUDS). This is supported by Policy CC3 of the MDEDP DPD 2010 which requires developments to provide SUDS. Again, in the event that the development was found to be acceptable, it is commonplace for such details to be secured by planning condition.
- 6.36 The site is in close proximity to the A229 Bluebell Hill and therefore development on the site has the potential to be impacted by road traffic noise. Specific design features built into schemes can adequately address such matters in a technical way.

Conclusions:

- 6.37 The site as it currently exists is undoubtedly in a poor condition and is detracting from the appearance of the locality. It is accepted that in the broadest of terms the way in which to improve the condition of the site in the long term is to grant planning permission for its redevelopment. However, it is equally important that the redevelopment that does come forward is of a high quality, respects its surroundings and causes no planning harm.
- 6.38 It is accepted that the Council cannot currently demonstrate a five year supply of housing when measured against its objectively assessed need. However, in this case the proposed development of the site would not conserve and enhance the AONB meaning that the application of restrictive policies within the NPPF lead to a clear reason for refusing the development. This means that despite the

absence of a five year housing supply, the presumption in favour of development does not apply.

- 6.39 Furthermore, the apartment building in particular when viewed alongside the immediate existing built development would jar in visual terms and appear obtrusive within the immediate street scene, causing visual harm contrary to adopted policy which requires high quality development to ensue.
- 6.40 In addition, I am not convinced by the proposed strategy for attempting to mitigate the impacts of the development which seeks to provide a contribution to primary education but sets out that limited viability means there is no scope to provide for affordable housing or open space provision. This approach does not, on the face of it, meet the statutory tests and at this time there is no overriding justification for allowing the development to come forward without such provision being met.
- 6.41 I return to the fact that officers and the applicant have been involved in lengthy negotiations in attempts to arrive at an acceptable scheme for this sensitive site. However, given the length of time already involved in those negotiations which have not brought to fruition a scheme that is acceptable in all respects, I now consider it appropriate to recommend that planning permission be refused.

7. Recommendation:

7.1 Refuse planning permission for the following reasons:

Reasons

- 1 The proposed development, by virtue of its overall density, scale and design would fail to preserve and enhance the local character, qualities and distinctiveness of the Kent Downs Area of Outstanding Natural Beauty, as set out in the Kent Downs Management Plan. As such, the proposed development fails to meet the requirements of the restrictive policy contained within the National Planning Policy 2018 at paragraph 172.
- 2 The proposed development, by virtue of the height, scale, massing, form and design of the apartment building, would appear out of keeping with the prevailing character of the built environment along Common Road, Mill Lane and Maidstone Road and would appear as an obtrusive form of development when viewed from these surrounding roads. As such, the development would cause visual harm to the street scene and visual amenities of the wider locality contrary to the requirements policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and the requirements of paragraph 127 of the National Planning Policy Framework 2018.

- 3 The Local Planning Authority is not convinced on the basis of evidence placed before it to date that there are material considerations indicating a divergence from adopted policies CP17 of the Tonbridge and Malling Borough Core Strategy 2007 and policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 requiring the provision of affordable housing and open space respectively.

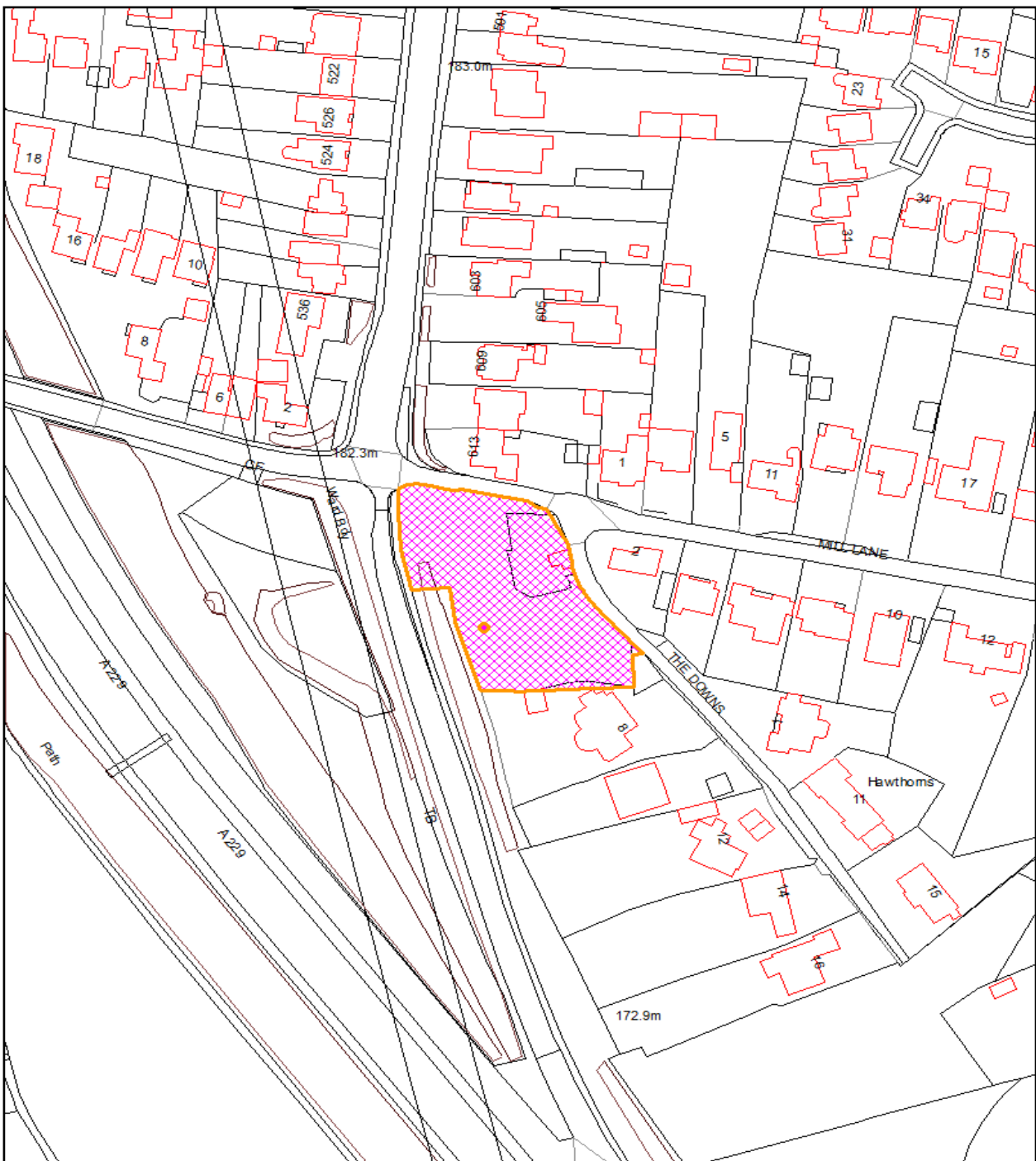
Contact: Robin Gilbert

TM/17/01864/FL

Site Of Former Upper Bell PH 1 Chatham Road Aylesford Kent

Residential redevelopment of former public house site with an apartment block housing 10 no. flats and 2 no. terraces of 3 houses (3 bed units) together with associated access, car parking and amenity facilities

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

31 January 2019

Report of the Director of Planning, Housing and Environmental Health and
Director of Central Services

Matter for Information

OUTLINE PLANNING APPLICATION: THE ERECTION OF UP TO 840 DWELLINGS (INCLUDING AFFORDABLE HOMES) WITH PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS, LAND FOR A PRIMARY SCHOOL, DOCTORS SURGERY AND FOR JUNCTION IMPROVEMENTS AT HERMITAGE LANE/A20 JUNCTION, AND A LINK ROAD BETWEEN POPPY FIELDS ROUNDABOUT AND HERMITAGE LANE. VEHICULAR ACCESSES INTO THE SITE FROM POPPY FIELDS ROUNDABOUT AND HERMITAGE LANE. ALL MATTERS RESERVED WITH THE EXCEPTION OF MEANS OF ACCESS AT LAND SOUTH OF LONDON ROAD AND EAST OF HERMITAGE LANE AYLESFORD KENT – UPDATE

To update Members on the progress of this major planning application for a development of up to 840 dwellings, the provision of public open space, land for a primary school, creation of a new link road through the site, improvements to the existing highway network and other necessary infrastructure provision.

For the avoidance of doubt this application is not yet ready for determination by the Borough Council for reasons that will be explained in more detail below. This report is intended to update the Planning Committee on what matters are subject to ongoing liaison and negotiation between relevant providers and technical/statutory consultees and the applicant before the application can be reported to the Area Planning Committee for determination.

1 Initial planning application

- 1.1 The application was submitted to the Borough Council in June 2015. The application is in outline form with all matters other than access reserved for future consideration.
- 1.2 The development is EIA development and an Environmental Statement (ES) has been submitted in support of the application which addresses the following issues:
 - Socio-Economic
 - Transport
 - Air Quality
 - Noise and Vibration

- Landscape and Visual

1.3 In addition to the ES, the following reports have been submitted with the application:

- Flood Risk Assessment
- Planning Statement
- Arboricultural report
- Minerals Resource Assessment
- Viability Report
- Drainage Report
- Soil and irrigation Report
- Ecological Assessment
- Phase 1 Desk Study (Contaminated land)

1.4 High level and detailed responses were received to the initial consultation process from statutory and other consultees, as well as members of the public. In all over 50 public responses have been received. The issues raised are limited to a small number of topics which can be summarised as follows:

- The existing road system is already very congested particularly Hermitage Lane;
- The proposed 840 houses will only make the situation worse and make it more difficult for emergency vehicles to access the local hospital;
- The additional houses will put a huge strain on local utilities including water supply, GP services, and schools which are already oversubscribed;
- The development will worsen an area which already suffers from poor air quality.

1.5 A summary of how we have sought to address these issues thus far and what further action is necessary is provided below.

1.6 Members will of course be aware that where there is a requirement for the applicant to enter into a planning obligation with the LPA regarding the provision of affordable housing, social or highway infrastructure, open space etc. any such provision has to comply with the tests contained within Regulation 122 of the CIL Regulations. These tests are that the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

2. Highway issues:

- 2.1 Significant concerns were initially raised by Highways England and KCC (H&T) to the application setting out that further information was necessary to demonstrate that the development would not add to congestion and delay across the local highway network including the route to the Maidstone Hospital, the M20 motorway around Junction 5.
- 2.2 KCC acknowledged that some improvement schemes are being progressed by the County Council and others would be undertaken by the applicant. Most notable of these is the provision of a link road through the site from the Poppyfields Roundabout in the north east corner of the site to Hermitage Lane on the western side of the site. However KCC and Highways England required further detailed information on this and welcomed engagement with the Borough Council and the applicant to progress the situation.
- 2.3 Since then, a number of meetings have taken place between the applicant, their highway consultants, the Highway Authority and the Borough Council to seek to address these matters. Discussions are ongoing regarding the trigger points for delivering the various infrastructure improvements.
- 2.4 In addition to the inclusion of the link road through the site, which is considered to assist in alleviating congestion along the A20 corridor and Hermitage Lane, it is also proposed to incorporate a number of other highway infrastructure improvements in the locality, which are summarised as follows:
- Provision of a cycle lane along Hermitage Lane between London Road and Barming Railway Station;
 - Provision of pedestrian and cycle facilities at the Poppyfields Roundabout linking on to the existing network; and
 - Improvements to the Poppyfields Roundabout itself.
- 2.5 These will need to be secured by planning obligation and work has been done to ensure that the improvements come forward at certain points in time to ensure they are delivered in an effective manner.
- 2.6 Further to the above, it is also proposed to make a financial contribution to the improvement of the London Road/Mill Road/Hall Road junction and towards a bus service to and from the site by way of planning obligation.

- 2.7 KCC (H+T) has also clarified where their own planned improvements are to be undertaken to the highway network which will have an important bearing on the level of impact arising from this development. These are to the Coldharbour roundabout and the junction of London Road/Mills Road/Hall Road. With regard to the Coldharbour roundabout, a planned improvement scheme is currently programmed for completion in 2020. A scheme has been developed by KCC for improvements to the Mill Lane/London Road/Hall Road junction. Whilst there is not as yet a timescale for the delivery of this scheme, the applicant has committed to making a financial contribution to the cost of this junction improvement.
- 2.8 Negotiations will need to be undertaken between the LPA, the applicant and KCC to agree the necessary trigger points for delivering these essential infrastructure improvements and schemes to mitigate the impacts of the proposed development. Work will continue over the next few months to resolve these matters so they are agreed prior to the application being reported to the Area 3 Planning Committee. Indeed a meeting has recently been held between KCC and the applicant regarding these matters. Information arising from that meeting that is able to be shared in the public domain will be reported in a supplementary report.

3. GP Surgery

- 3.1 Initially the submitted plans provided an area of land to be set aside for a new GP surgery. The initial response from the CCG stated that the development would create a need for additional GP facilities that could not be accommodated within existing facilities in the local area.
- 3.2 The CCG considered that the development itself would not trigger the commissioning of a new General Practice but supporting the growth of existing practices may be an option to pursue. As an alternative to on-site provision, a financial contribution could be sought to enable existing services in the local area to grow to meet the demands placed on the NHS by the proposed development.
- 3.3 A revision of the Master Plan was submitted in August 2018 which removed the parcel of land that was previously identified for a new doctor's surgery. This was in part due to the fact that the actual area required for a new facility had not, at that time, been clearly identified by the CCG and also because the CCG is still considering several different options to address the impact arising from the development and the needs for the wider population of Aylesford.
- 3.4 Following the submission of the revised Master Plan omitting land for a GP surgery, over 100 additional comments were received from members of the public objecting to this aspect of the development

3.5 To be clear, the applicant fully intends to make provision for health services in the local area that properly mitigate the impact of this proposed development and has indicated that the inclusion of land for a new health service could indeed be designed back into the masterplan. However, this will depend upon the CCG being able to identify how best to develop its plans for future health provision within the Aylesford area. The CCG is developing its own plans for health provision in the wider area and various options are still being considered as set out in its latest response to the development proposals. One option is to create a mini-hub for a health service that would provide more than just a doctor's surgery. Whether this is to be provided on or off-site is an ongoing matter under consideration jointly with the LPA, the CCG and the applicant. In either scenario the applicant will need to make appropriate provision for health services that is necessary to mitigate the impact of the propose development.

4. Primary School

4.1 Initially land was shown to be set aside of a sufficient size to accommodate a 1FE primary school to serve the development.

4.2 KCC has advised that the development would generate a need for more primary school places than could be accommodated within a 1FE primary school. Furthermore, new schools are built by academy and other trust types of organisation, not the local education authority. I understand that school providers will simply not build 1FE primary schools. As such, the provision of land to accommodate a 1FE primary school would not successfully deliver a school necessary to mitigate the impact of the development.

4.3 In light of this, the proposed Master Plan was revised in August 2018 to show sufficient land set aside for a 2 FE primary school. The site of this school has moved away from the central part of the site to the western side of the site, close to the junction of the proposed link road and Hermitage Lane.

4.4 KCC has agreed that the site currently proposed for a 2FE Primary School is of an appropriate size to provide this infrastructure and further negotiations as to how this is to be successfully delivered will take place accordingly.

5. Air Quality

5.1 A review of the submitted Air Quality Chapter of the ES has been undertaken by external consultants appointed by the Borough Council. Additional information and clarification has been asked for by the consultants and the applicant intends to respond in detail in due course. The air quality impacts of the development are, of course, intrinsically linked with the Highway impacts. Delivering infrastructure improvements to the highway network should ensure that air quality is not made worse by the development and, potentially, should improve the situation in the locality.

6. Other matters

- 6.1 In response to the initial comments from KWT regarding the impact of the development upon the Skylarks that currently use the site, the applicant has commissioned consultants to consider potential Skylark mitigation measures off site. The applicant has approached numerous organisations/agencies/land owners and one site/option is being pursued.

7. Concluding comments

- 7.1 Officers will continue to work with statutory undertakers/key stakeholders and the applicant to ensure that the essential infrastructure required to make this development acceptable in planning terms in all respects is delivered as part of the development at the right time and that all other outstanding environmental matters are also dealt with appropriately prior to a recommendation being put forward to this planning committee.
- 7.2 It is unlikely that the application will be ready for determination at the next meeting of the Area 3 Planning Committee on 21 March, but officers will make all best efforts to report the application for determination at the following meeting in April.

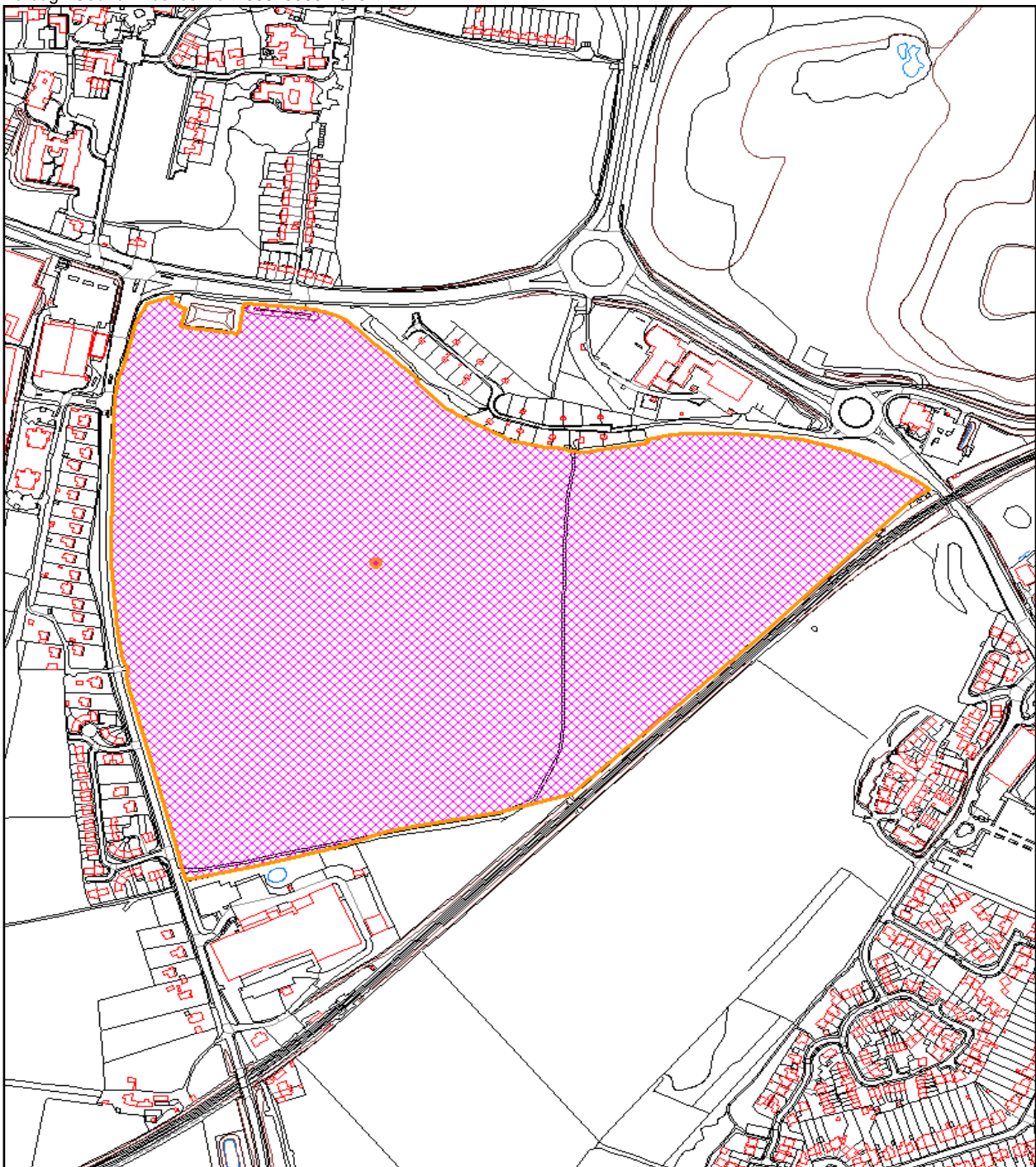
FOR INFORMATION

TM/17/01595/OAEA

Land South Of London Road And East Of Hermitage Lane Aylesford Kent

Outline Application: The erection of up to 840 dwellings (including affordable homes) with public open space, landscaping, sustainable drainage systems, land for a Primary School, doctors surgery and for junction improvements at Hermitage Lane/A20 junction, and a link road between Poppy Fields roundabout and Hermitage Lane. Vehicular accesses into the site from Poppy Fields Roundabout and Hermitage Lane. All matters reserved with the exception of means of access

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Agenda Item 8

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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