



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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

13 November 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, 21st November, 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

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 3 October 2019

Decisions to be taken by the Committee

4. Development Control 9 - 12

Introduction and Glossary

5. TM/19/00979/FL - South Aylesford Retail Park, Quarry Wood Industrial Estate, Aylesford 13 - 66

6. TM/17/01595/OAEA - Land South of London Road and East of Hermitage Lane, Aylesford 67 - 144

7. (A) TM/18/03008/0A and (B) TM/18/03042/LB - Development Site East of Clare Park Estate, New Road, East Malling 145 - 194

8. 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

PART 2 - PRIVATE

9. Exclusion of Press and Public 195 - 196

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.

10. 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 D A S Davis (Chairman)
Cllr M C Base (Vice-Chairman)

Cllr Mrs S Bell
Cllr T Bishop
Cllr R I B Cannon
Cllr D J Cooper
Cllr R W Dalton
Cllr Mrs T Dean
Cllr S M Hammond
Cllr P M Hickmott
Cllr A P J Keeley

Cllr D Keers
Cllr A Kennedy
Cllr D Lettington
Cllr Mrs R F Lettington
Cllr Mrs A S Oakley
Cllr R V Roud
Cllr Mrs M Tatton
Cllr D Thornewell
Cllr C J Williams

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 3rd October, 2019

Present: Cllr D A S Davis (Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr R W Dalton, Cllr Mrs T Dean, Cllr S M Hammond, Cllr P M Hickmott, Cllr A P J Keeley, Cllr A Kennedy, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Mrs M Tatton and Cllr C J Williams.

Councillors N J Heslop, S A Hudson, N G Stapleton and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base (Vice-Chairman), D Keers, Mrs R F Lettington and D Thornewell

PART 1 - PUBLIC

AP3 19/25 DECLARATIONS OF INTEREST

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

AP3 19/26 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 11 July 2019 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 19/27 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 19/28 TM/19/00786/FL - THE OAST HOUSE, HOLLOW LANE, SNODLAND

Partial demolition of existing vacant building, change of use of remaining floorspace and erection of new single storey extension for mixed restaurant and hot food takeaway (mixed A3/A5) use, incorporating a 'drive-thru' lane, creation of new vehicular access and egress point from Hollow Lane, provision of car and cycle parking, plant and extraction system, landscaping at The Oast House, Hollow Lane, Snodland.

RESOLVED: That the application be DEFERRED to enable Kent County Council Highways to review submission and provide further technical advice.

[Speakers: John Price, David Rayner, Lea West and Anick West – members of the public and Adam Beamish/Laura Fitzgerald – Agent/Transport Consultant]

AP3 19/29 TM/19/00449/FL - DEVELOPMENT SITE NORTH OF VANTAGE POINT, HOLBOROUGH ROAD, SNODLAND

Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works at development site north of Vantage Point, Holborough Road, Snodland.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to

(1) Additional Condition:

22. The use of the two A3/5 units labelled 'Drive Thru 1' and 'Drive Thru 2' on plan no. S059/3002 pl4 shall not commence until full details of a Litter Management Scheme for those units have been submitted to and approved in writing by the Local Planning Authority. The agreed Management Scheme shall be implemented and retained at all times.

Reason: In the interest of general amenity.

(2) Additional Informative:

2. As part of the Litter Management Scheme, the applicant is encouraged to liaise with the Town Council and neighbours regarding managing litter.

[Speakers: Lea West – member of the public and Ben Shaw – agent]

AP3 19/30 TM/19/01532/FL - 3 GILLETTS LANE, EAST MALLING

Change of Use from dwelling house (Class C3) to a Wellness Centre (Class C2) at 3 Gilletts Lane, East Malling.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: John Wheeler, Chris Pottle and Mrs Smith – members of the public and Shane Creedon – applicant]

[Note: Councillor Dalton withdrew from the meeting during discussion of this item as one of the speakers was known to him in a professional capacity. It was noted that this connection did not represent either a Disclosable Pecuniary Interest or an Other Significant Interest]

PART 2 - PRIVATE**AP3 19/31 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.50 pm

This page is intentionally left blank

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 |

| | | |
|-------------------------------------|---|-----------------------|
| Aylesford Aylesford South | 26 July 2019 | TM/19/00979/FL |
| Proposal: | Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works | |
| Location: | South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent | |
| Go to: | Recommendation | |

1. Description:

1.1 The application seeks planning permission for the erection of a series of new retail units as part of an extension to the South Aylesford Retail Park. The development would consist of:

- The erection of a deck over an existing balancing pond, and extension of the Park through the provision of new Class A1 retail units (up to 4,877sqm) (marked as unit 10A, 10B and 10C on the submitted plans).
- The creation of a new access from Lake Road to access the existing and extended servicing facilities to the north west of the site.
- Provision of an additional 142 space car parking area to the south of the proposed retail units.
- Removal of trees and provision of a "pod" building for Class A 1 and/or A3 retail sandwich shop/ café purposes (marked as unit 11A and 11B on the submitted plans) and a new area of landscaped public realm adjacent to the A20 London Road and potential for surface water storage under;
- Alterations to the public highway to enhance the capacity of, and pedestrian route over, Mills Road, and provision of land for highway purposes to facilitate a new roundabout at the London Road/ Mills Road/ Hall Road junction; and
- Erection of a 2.4m high acoustic fence to the top of the quarry bank.

1.2 The new retail units created over the balancing pond would be provided within a single building which would be a continuation of the design of the existing terrace of retail units to which they would be attached. This building (marked as units 10A, 10B, and 10C) would extend the frontage by approximately 60m and have a depth of approximately 50m with a service yard to the rear. The depth would be approximately 30m less than the existing Smyths store to which the units would adjoin. The building would be faced in buff brick and silver and white metal faced cladding to match the existing terrace and match the existing unit height of 9.5m.

- 1.3 The pod building (marked as units 11A and 11B) to the north east corner of the site is proposed to be built as a curved structure when viewed in plan form. It is proposed to be built approximately 3.5m off the north elevation of the existing Harveys store and curve round the new road frontage of the junction of Mills Road and London Road to face the front of Homebase across a new pedestrian link. The building itself would be of a contemporary design, approximately 34m long and varying in height from 7m adjacent to Harveys, up to 11m opposite Homebase. The rising roof form would enable the inclusion of a mezzanine floor over unit 11B facing onto London Road. The building is proposed to be clad in vertical timber cladding with clear glazed curtain walling and shopfronts creating an active frontage on 3 sides. The building features design elements from the existing 'Nandos' building in that it is proposed to feature a metal brise soleil above ground floor level. The building has been designed to open onto the new public pedestrian link from London Road into the retail park.
- 1.4 The development would provide 142 additional parking spaces, create employment for around 75-80 people and add variety to the existing uses on offer at the retail park.
- 1.5 The work to the A20/Mills Road frontage is designed to open up the site, having been designed in conjunction with the A20/Mills Road/Hall Road junction improvements that are to be implemented by KCC. These works require the land owners of the Retail Park to provide an area of land in the vicinity of the existing coppice to enable the provision of a roundabout in place of the existing cross roads. The land owner is therefore using this opportunity to enhance the public realm of the retail park when approached from the A20 to provide better pedestrian linkages and to provide an element of retail provision on the A20 frontage.

2. Reason for reporting to Committee:

- 2.1 Given the scale of the development proposed and the wider strategic relevance arising from the associated highway improvements.

3. The Site:

- 3.1 The development is located on the South Aylesford Retail Park which currently contains 13 units of varying sizes and parking for approximately 485 cars.
- 3.2 The two elements of the development relate directly in character to the existing Retail Park. The area around the existing balancing pond is currently open and partially vegetated around its edges. The land rises steeply to the north-west to the existing residential development along Holtwood Avenue and Russett Close. To the south and east the land also rises along Lake Road with glimpsed views available through the vegetation down into the site from the road. To the south and the east of the site are the commercial units that make up the majority of the

Quarry Wood industrial estate. These are primarily large scale units and are all set higher than the proposed development.

- 3.3 The pod unit would be located in the north east corner of the existing retail park to the north of the retail unit containing the Harveys store. The area is presently occupied by a small copse of trees along the southern edge of the A20 adjacent to the west side of Mills Road. The land is currently crossed by two paths providing links from the A20 to the retail park. The trees contain a small nature trail at present, however this area is to be lost as part of the upcoming highways improvements at the junction of the A20/Mills Road/Hall Road.
- 3.4 The pod building would be located between two existing large retail units that are both clad in buff brick and white and silver metal cladding. These buildings are of a similar height to the maximum height of the proposed building. The proposed building would be positioned on the south side of London Road. The area to the north of London Road is primarily residential with the road acting as a buffer between the commercial and residential areas.

4. Planning History (relevant):

TM/89/11390/FUL grant with conditions 30 March 1989

Construction of retail park comprising non-food retail warehouses, restaurant, hot-food takeaway, surface car parking and surface access

TM/04/00091/FL Grant With Conditions 27 February 2004

Refurbishment of existing buildings, including external alteration

TM/05/00559/FL Grant With Conditions 15 April 2005

Provision of additional paving and planting

TM/10/01383/FL Approved 05 August 2010

Redevelopment of fire damaged retail unit to provide a replacement retail unit, along with ancillary replacement garden centre and associated structures

TM/15/02167/FL Approved 11 November 2015

Erection of building for use within Classes A1 and/or A3 and/or A5 along with external seating and re-configured car parking

TM/15/03099/FL Approved 20 November 2015

Cycle store and pathway with nature trail and associated fencing and signage

TM/15/03100/AT

Approved

20 November 2015

Signage in association with the promotion of a cycle store, pathway, nature trail and fencing

TM/19/01839/EAS
C

screening opinion EIA
not required

23 August 2019

Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Removal of vegetation, erection of a deck over the balancing pond and extension of the park through the provision of new Class A1 retail units (up to 4,877sqm including provision of a new acoustic fence, a new access from Lake Road, car parking, servicing facilities, removal of trees, alterations to the public highway and pedestrian walk over and associated works

5. Consultees:

DPHEH: In the interests of completeness, and for ease of information, full representations received from Highways England, KCC (H+T), the Environment Agency and KCC (LLFA) are reproduced in full at Annexes 1,2,3 and 4 respectively. As such, these are not reproduced or summarised within the report itself. All other representations received are summarised below as follows:

5.1 Aylesford PC: Objects for the following reasons: -

5.1.1 The A20/Mills Road/Hall Road junction is already running at capacity or over capacity levels being the busiest junction on the very busy A20. Whilst the proposal to extend the 3 lanes approaching this junction back to the roundabout is welcomed this will not improve the position at this junction at current capacity levels and would certainly not be able to cope with the significantly increased traffic movements arising from this development. The basis of this development relies on the KCC proposal for a new roundabout at the A20/Mills Road/Hall Road junction which at this stage is certainly not guaranteed. However, the Council does welcome the willingness of the applicant to accept a condition that states that they would not open the proposed retail development in advance of the KCC proposed roundabout or similar approved scheme coming forward. However, the Council believes that with increased traffic movements that will arise during construction that no work should commence on the development in advance of the KCC proposed roundabout or similar approved scheme coming forward.

5.1.2 The Council would not wish to see any signage for this development, particularly those units next to the A20, being visible from the A20 by any residential properties in the area.

5.1.3 The Council would wish to see sufficient measures put in place to prevent any further increases in noise and light pollution affecting the nearby residents of Russet Close and Holtwood Avenue.

5.1.4 The Council would also support the views expressed by the Environment Agency in their letter of objection dated 22 August 2019.

5.2 Ditton PC: Very concerned about this proposal to put more retail units and increase the capacity for cars at this site. It strongly objects on the basis of the increase in traffic onto the A20 when this road is already at capacity and KCC has actually put holding objections on other proposed residential development in Ditton and the surrounding area until the A20 traffic issues are resolved. This Council also concerned about the safety of building the car park over the lake and it supports the objections raised by the Environment Agency.

5.3 MBC: Comments awaited.

5.4 Natural England – No comments to make. Development should be considered in conjunction with standing advice.

5.5 Environmental Health: No objections subject to conditions

5.6 Private Reps: 10 + site + press notice/0X/5R/0S. Objections are summarised as follows:-

- Development too large for road capacity
- Roundabout should be planned and actioned prior to any development and not used as a trade-off for planning permission
- No need for more supermarkets or cafes
- Adverse impact on air quality
- Continuing to allow development without considering the horrendous traffic congestion shows little regard to local residents
- Impact from construction noise
- Opening hours should be restricted to reduce noise nuisance to local residents
- Impact on wildlife
- Proposals are against the interests of people living in the area due to concerns regarding quality of life and health.
- Concerns regarding further development of a site which is already well known to contribute to the severe congestion in the local area.

6. Determining Issues:

Principle of development:

- 6.1 The pod element of the works is proposed to be sited on land allocated as a retail centre under policy R1 (m) of the DLA DPD 2008. This expressly defines (inter alia) out of town retail centres and states that policy CP22 of the TMBCS should be applied to development within such areas.
- 6.2 This policy requires any new retail development to maintain vitality and viability of existing retail centres, and to respect their role in the retail hierarchy. New retail provision can be accepted on out of town retail sites if there is sufficient capacity and a retail need is demonstrated that cannot be accommodated within or on the edge of a town, district or local centre.
- 6.3 The proportion of the works (the pods) falling within this area therefore wholly accords with the adopted development plan and is acceptable in terms of broad principles.
- 6.4 The extension to the retail park over the existing balancing pond is outside the area allocated for retail purposes under policy R1 (m) of the DLA DPD but still lies within the urban confines of Aylesford. Whilst not specifically allocated for a retail use it is located immediately adjacent to the existing retail centre and policy CP22 expressly states that sites which are well related to an existing retail area are preferred to those with no such relationship.
- 6.5 Furthermore, paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It is therefore necessary to assess the principle of enlarging the retail area.
- 6.6 Paragraph 86 of the NPPF states that *local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
- 6.7 Paragraph 87 goes on to state that *when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.*

- 6.8 Given the amount of retail floorspace proposed by the application, a Retail Impact Assessment has been undertaken. This assessment has been undertaken in respect of Maidstone Town Centre and the nearest centres within Tonbridge and Malling Borough. This assessment has concluded that there are no sequentially preferable sites which can accommodate the development proposed.
- 6.9 As the retail impact assessment has indicated that there are no other sequentially preferable sites available it is therefore considered that the proposed development is acceptable in principle given its location is well connected to the existing retail facilities of South Aylesford Retail Park and would accord with the overriding aims set out in paragraph 80.

Highway safety and parking provision:

- 6.10 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.
- 6.11 It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.12 Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.13 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
- 6.14 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.
- 6.15 Paragraph 110 goes on to state that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment

area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.16 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.17 A new access will be created on Lake Road to serve the additional car park and the service yard. The access has been designed to accommodate an articulated HGV passing a large car. The existing access will be converted to an exit only. KCC (H+T) have confirmed that these arrangements are acceptable in highway safety terms.

6.18 The proposal includes the provision of a further 142 car parking spaces to accommodate the increased demand arising from the additional units to be created. This number is in accordance with applicable Kent vehicle parking standards and is considered to be acceptable. Additional cycle parking is also to be provided in accordance with the adopted standards.

6.19 In terms of increased traffic generation arising from the development, analysis of current movements in and out of Quarry Wood generally appear to peak on Saturday between 2pm-3pm and weekdays between 4pm-5pm. In order to fully analyse the potential impact these peak figures have been combined with the County's A20 corridor modelling to assess the transport impacts. The potential number of trips associated with the additional floorspace has been estimated using TRICS and the capacity of the A20 London Road/Mills Road/Hall Road has been assessed against both observed 2017 traffic flows and Local Plan traffic flows. Both of these assessments were modelled on the existing junction layout and proposed junction layout. Modelling on the existing junction layout indicates that traffic queues would increase on Mills Road from a peak of 65 to 159 with the majority of traffic as a result of the new units 10A, 10B and 10C.

- 6.20 To mitigate against this traffic increase the applicants have proposed some realigning of Mills Road to increase junction capacity. The results of modelling these changes indicate that queues would be reduced to 46 vehicles. Whilst this is acceptable in considering this development in isolation, it has also been necessary to model the works against the draft Local Plan development strategy.
- 6.21 When factoring in potential 2031 traffic forecasts there is a need for more radical re-modelling of the highways network. To accommodate the additional traffic a number of infrastructure improvements are being proposed by KCC along the whole of the A20 London Road. As part of these works KCC is in the process of promoting the delivery of a new roundabout junction at the London Road/Mills Road/Hall Road junction, with enhanced bus and pedestrian facilities. This junction improvement has been fully designed and testing has shown that this would provide significant capacity improvements for the benefit of the A20 corridor overall. To facilitate the provision of the roundabout KCC requires land within the ownership of the Applicant. The Applicant is willing to work with KCC to deliver the roundabout through providing the necessary land, and is willing to accept a condition not to open proposed units 10A, 10B and 10C prior to the new roundabout being delivered. This is considered to be a reasonable level of control given that the highway works are, in part, required to mitigate the impact arising from this development, in addition to the wider benefits to the local highway network particularly when taking into account draft local plan allocations.
- 6.22 The proposals associated with this planning application would result in a material change in conditions on the local highway and transport network. By enabling the highway enhancements to be progressed these would mitigate against the future traffic growth and on this basis the development is considered acceptable in traffic and transport terms. Confirmation has been received from Highways England that the latest modelling undertaken ensures no objections to the scheme arise in terms of the strategic highway network subject to planning conditions.

Impact on character and appearance of the area:

- 6.23 Policy CP24 of the TMBCS and Policy SQ1 of the MDE DPD seeks to ensure that all development is well designed and respects the site and its surroundings. This policy is fully supported by paragraphs 127 and 130 of the NPPF 2019. The proposed buildings are designed to be in keeping with the general architectural style of the existing retail park. The new A1 units 10A, 10B and 10C are proposed to mirror the design of the existing terrace of units to which it would adjoin, featuring buff brick and white and silver metal cladding. Given the setting of these proposed units in an area lower than the adjacent Lake Road it is not considered that the additional built form would have a detrimental impact on the overall character and appearance of the area.
- 6.24 The A3 pod building (units 11A and 11B) to the A20 London Road frontage takes its design cues from the existing Nando's pod building on the site. The building is

proposed to be curved in plan form and would feature fully glazed active frontages to the road, existing retail park and the new public realm at the site entrance with vertical timber cladding detail. The pod building would also feature a rising roof curved roof to add interest and create a focal point at the entrance to the retail park. Whilst this building would have an active frontage onto the A20 London Road it is considered appropriate for the design to relate to the other retail premises rather than basing the design on the character of the residential properties to the north.

- 6.25 Both elements of the scheme will result in the removal of existing trees and vegetation. The creation of the A1 units 10A, 10B and 10C will result in the removal of a proportion of the densely-planted area of young trees and shrubs in the immediate vicinity of the existing pond. The nature and position of this vegetation means that they have little amenity value in the wider landscape setting of the area and therefore there would be no objections in principle to the loss.
- 6.26 The road improvements and the construction of the A3 pod building (units 11A and 11B) will result in the removal of the wooded stand of seventeen trees in the north-eastern part of the site adjoining London Road. These trees are covered by a woodland TPO. Whilst it is unfortunate that the works will result in the loss of the trees, the benefits of the scheme to the wider road network, pedestrian access and flood mitigation outweigh their loss.
- 6.27 The works do propose the provision of a high quality hard landscaped pedestrian area to enhance the public realm of the retail park. This type of landscaping interspersed with feature tree planting is appropriate given the wider setting of the retail park. The loss of the trees would be mitigated by the provision of replacement planting within appropriately-sized and specified tree pits within the proposed new hard surfacing of the pedestrian concourse, which would result in an overall enhancement to the general character of the area and the wider setting of the retail park itself. The specific details of such hard and soft landscaping can be controlled by condition
- 6.28 A 2.4m high acoustic boundary fence is proposed along the top of the bank on north western boundary of the site. The installation of this fence would require only minor removal of some understorey vegetation, and a small number of suppressed coppice stems. Due to the limited nature of the works proposed in this area it is considered that this will also not have a detrimental impact.

Impact on residential amenity:

- 6.29 Policy CP24 of the TMBCS sets out that development which by virtue of its design would be detrimental to the amenity of a settlement will not be permitted. This policy is supported by paragraph 180 of the NPPF which states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects on *inter alia* living conditions and the potential sensitivity of the wider area to impacts that could arise from the

development. In doing so they should... 'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'.

6.30 South Aylesford Retail Park is set to the east and at a lower level than the nearest residential properties located in Holtwood Avenue and Russett Close. The height of the proposed building works are such that they would not have a physical impact through a loss of light or privacy to any nearby dwellings.

6.31 The proposed retail units 10A, 10B and 10C will be serviced from the rear as an extension to the existing service yard. As the service yard is between the units and residential properties there is the potential for there to be issues of noise and disturbance from the operation of the yard on the houses. In order to mitigate the potential impacts the application proposes a 2.4m high acoustic fence to the top of the bank. Given the similarity between the proposed service yard extension it is considered appropriate to replicate the conditions on the existing retail park with regard to hours of operation, and provision of fixed plant. On this basis it is considered that that the implementation of the acoustic boundary fence combined with the imposition of conditions in line with the existing units will ensure that the works would not have any discernible impact on the aural amenity of the nearby residents.

6.32 Full details of lighting for both elements of the proposal have been provided with the submission. The details indicate that no lighting would overspill into the nearest residential properties. It is therefore considered that subject to the works being undertaken in accordance with the submitted details it is unlikely that the existing properties would be impacted by the proposed lighting.

Environmental Impacts:

6.33 Policy SQ4 of the MDE DPD states that development will only be permitted if the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity. This is further supported by paragraph 181 of the NPPF which states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

- 6.34 The north eastern corner of the site where the pod building is proposed is located within an AQMA that also covers the northern end of Mills Road and the A20 London Road corridor. As such, there is potential for air quality impacts to arise at sensitive locations within the AQMA as a result of additional road vehicle exhaust emissions associated with traffic generated by the site. An Air Quality Assessment has therefore been undertaken to quantify pollutant levels across the site, consider its suitability for the proposed end use and assess potential impacts as a result of the development. The assessment also has undertaken modelling works into the impact on the AQMA as a result of the highways improvements that are proposed to the London Road/Mills Road/Hall Road junction and the traffic generated by this development. The modelling results indicate that as the increase in traffic would be mitigated by the junction improvements the development would not have a significant impact on the air quality in the area and would not be considered to be a constraint to the granting of planning permission for the proposed development.
- 6.35 The site is located on a principal aquifer and therefore the construction of the development has the opportunity to lead to the pollution of controlled waters. Policy SQ5 of the MDE DPD seeks to ensure that development would not compromise the quality and supply of water. Paragraph 170 of the NPPF states that 'planning policies and decisions should contribute to and enhance the natural and local environment by inter alia: *e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.*
- 6.36 The development has been subject to a detailed risk assessment that has been reviewed by the EA. Whilst the ground conditions under the balancing pond are not known it is considered that the works in this area can be undertaken without the need for piling that may result in the transfer of contaminants into the groundwater. Foundation details can be controlled through planning condition and therefore on the basis of this assessment it is considered that, subject to the works being undertaken in accordance with details that can be controlled by condition, the works would not lead to groundwater pollution.
- 6.37 With regard to flood risk and drainage the proposal involves creating a deck over the existing balancing pond that is linked to the surface water drainage for the Quarry Wood Industrial Estate as a whole. Paragraph 163 of the NPPF requires that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 6.38 Kent County Council, as Lead Local Flood Authority, do have some reservations over the potential for the works to mean that it will not be possible to extend the pond if required. They are however satisfied with the principle of the development

and have confirmed that, subject to a condition requiring specific technical details, there would be no objections to the development over the balancing pond.

- 6.39 The southern side of the A20 in the vicinity of the new public access has a history of surface water flooding. The junction improvements will include enhanced highway drainage measures to overcome the pooling currently experienced on the carriageway. The public realm area between the proposed pod building and the existing Homebase store has been designed in such a way that, if required, underground surface water storage facilities can be incorporated into the works if deemed to be required in the detailed design of the new roundabout junction.
- 6.40 Policy NE3 of the MDE DPD seeks to retain habitats and wildlife links. The development in the area of the balancing pond would result in the loss of vegetation in this area. The existing vegetation has though been assessed for its ecological importance and it has been concluded that it is of little importance and the loss would represent an impact of very minor significance. It is therefore considered that the works would not conflict with this policy. Similarly Policy NE4 seeks, where possible, to protect existing woodland areas unless the need for development clearly outweighs any harm which may be caused to the ecological value of the woodland. The junction improvements will result in the loss of trees at the junction of Mills Road and London Road. It is considered though that the junction works are of strategic importance, in terms of mitigation for the development and for the overall long term functioning of the wider A20 corridor, and this benefit outweighs the loss of the trees.

Overall conclusions:

- 6.41 In light of the preceding assessment, it is considered that the development would enhance the retail park as a shopping destination whilst enabling necessary highway enhancements that would be a significant wider benefit. With the above assessment in mind, I consider that the proposal is acceptable in terms of policies CP22 and CP24 of the TMBCS, policy R1 (m) of the DLA DPD, SQ8 of the MDE DPD and the NPPF.
- 6.42 As such the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Other Technical Note dated 13.09.2019, Report Geotechnical Investigation dated 18.09.2019, Desk Study Assessment dated 18.09.2019, Letter dated 17.09.2019, Transport Assessment dated 18.10.2019, Site Plan 1290-P-100-G dated 21.10.2019, Site Plan 1290-P-101-G Unit 11 dated 21.10.2019, Proposed Floor Plans 1290-P-102-F dated 21.10.2019, Proposed Roof Plan 1290-P-103-E dated 21.10.2019, Proposed Elevations 1290-P-104-E dated 21.10.2019, Proposed Elevations 1290-P-105-E dated 21.10.2019, Section 1290-P-106-D dated 21.10.2019, Artist's Impression 1290-P-107-J dated 21.10.2019, Location

Plan 1290-X10-D dated 21.10.2019, Report N06-ADM Removal of amenity uses dated 21.10.2019, Proposed Plans 1290-P-111-D dated 25.04.2019, Proposed Roof Plan 1290-P-112-B Unit 10 dated 25.04.2019, Proposed Elevations 1290-P-113-A dated 25.04.2019, Proposed Elevations 1290-P-114-A dated 25.04.2019, Sections 1290-P-115-A dated 25.04.2019, Sections 1290-P-116-B dated 25.04.2019, Sections 1290-P-117-A dated 25.04.2019, Artist's Impression 1290-P-118-A dated 25.04.2019, Proposed Floor Plans 1290-P-120-A dated 25.04.2019, Drawing 1290-P-121 Acoustic fence dated 25.04.2019, Site Plan 1290-X11-A Unit 10 dated 25.04.2019, Site Plan 1290-X12-A Unit 11 dated 25.04.2019, Drainage Layout 200 REV A Overview dated 25.04.2019, Drainage Layout 201 REV A dated 25.04.2019, Drainage Layout 202 dated 25.04.2019, Drainage Layout 203 dated 25.04.2019, Drainage Layout 204 dated 25.04.2019, Drainage Layout 205 dated 25.04.2019, Lighting 5387-LTG-01 REV OPT dated 25.04.2019, Lighting 5387-LTG-01 REV P1 dated 25.04.2019, Design and Access Statement dated 25.04.2019, Drainage Statement dated 25.04.2019, Ecological Assessment dated 25.04.2019, Flood Risk Assessment PODS dated 25.04.2019, Flood Risk Assessment RETAIL dated 25.04.2019, Statement Structural Design dated 25.04.2019, Statement Retail dated 25.04.2019, Arboricultural Assessment dated 25.04.2019, Noise Assessment dated 25.04.2019, Details Data sheet dated 25.04.2019, Report Lighting issue 2 dated 25.04.2019, Statement Community Involvement dated 25.04.2019, Details Data sheet dated 25.04.2019, Travel Plan dated 25.04.2019, Planning Statement dated 26.07.2019, Air Quality Assessment dated 26.07.2019, Letter Final 26 July 2019 dated 26.07.2019, Plan 1290-HW-LP01 dated 05.11.2019, Plan 1290-HW-LP02 dated 05.11.2019,

Subject to:

- The applicant providing an undertaking to the Borough Council that the transfer of the land necessary to enable the wider off-site highway works will take place prior to the commencement of the development; and
 - The following conditions.
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3. No works shall be commenced on Units 10A, 10B and 10C or the adjacent parking area as detailed on drawing number 1290-P-100-G dated 21 October 2019 until the highways and roundabout works to be undertaken by Kent County Council and indicated on drawing no. 1290-HW-LP01 dated 5 November 2019 have been substantially completed.

Reason: The undertaking of the works without proposed highways improvements is likely to result in unacceptable traffic conditions in the surrounding area.

4. No works shall be commenced on Units 10A, 10B and 10C or the adjacent parking area as detailed on drawing number 1290-P-100-G dated 21 October 2019 until a Construction Management Plan, including details of the control of the movement of vehicles, anticipated period of construction, loss of parking during implementation, and dates for construction which avoids Christmas and other public/bank holidays and peak traffic times, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of ensuring the free flow of traffic within the parking area serving the retail park.

5. No trading shall take place other than between the hours of 08:00-22:00 Monday to Saturday and 08:30-20:00 on Sundays and Bank and Public Holidays.

Reason: To avoid unreasonable disturbance to nearby residential properties.

6. Deliveries of goods to the units shall be undertaken only between the hours of 0700-1800 Mondays to Saturdays with no deliveries on Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, with the exception of up to a total of 1,626sqm sales area within any of the approved retail units marked as Units 10A, 10B and 10B shown on approved drawing 1290-P-111-D dated 25 April 2019, no goods shall be sold without the prior written approval of the Local Planning Authority, other than the following:-

- o DIY home and garden improvement products, hardware,
- o Self-assembly and pre-assembled furniture,
- o Household furnishings and floor coverings,
- o Electrical goods,

- o Motor and cycle accessories, motor vehicles and cycles,
- o Food and drink (for consumption on the premises), and
- o Toys (including play equipment, baby equipment and products, sports goods and equipment, electronic games and equipment and other ancillary items associated with toys and children's entertainment

At no time shall more than 1% of the sales area of be used for the sale of alcohol based gift packs

Reason: To avoid harm to the viability and vitality of nearby shopping centres and in accordance with paragraph 85 of the National Planning Policy Framework

8. Prior to the first occupation of any unit hereby approved the applicant shall submit details to the Local Planning Authority of any ventilation systems required for the removal and treatment of cooking odours, drawing reference to the requirements and recommendations of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The acoustic details shall include full spectrum octave analysis for all proposed ventilation equipment, demonstrating that the combined noise from all of the equipment shall not exceed NR35 at the nearest noise sensitive premises/site boundary. The odour details shall include risk assessments for odour as detailed in Annex C of the DEFRA guidance.

Reason: In the interests of the amenities of nearby properties.

9. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of noise emitted from all fixed plant and machinery shall not exceed the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to as 4142:2014.

Reason: To protect the amenities of nearby residential properties

10. No public address system shall be installed nor operated outside the buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 180 of the National Planning Policy Framework.

11. External lighting shall be installed in full accordance with the external lighting statement dated 3 December 2018 and drawing number 5387-LTG-01 dated 25 April 2019. Details of any additional external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. Details to

be submitted shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 180 of the National Planning Policy Framework.

12. Before the development hereby approved is occupied a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. All planting comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

13. No works shall be commenced on Units 10A, 10B and 10C or the adjacent parking area as detailed on drawing number 1290-P-100-G dated 21 October 2019 until a Construction Management Plan, including details of the control of the movement of vehicles, anticipated period of construction, loss of parking during implementation, and dates for construction which avoids Christmas and other public/bank holidays and peak traffic times, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of ensuring the free flow of traffic within the parking area serving the retail park.

14. Units 10A, 10B and 10C as detailed on drawing number 1290-P-100-G dated 21 October 2019 shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space. 10% of the car parking shall include charging capability for electric cars.

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

15. The use of Units 10A, 10B and 10C shall not be commenced, nor these premises occupied, until the area shown on the approved drawing no. 1290-P-111-D received 25 April 2019 as loading and off-loading and turning space has been surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: To ensure that adequate servicing area is provided and maintained.

16. Accesses adjacent to the highway shall be constructed no steeper 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

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

17. Piling or any other foundation using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

18. No development of Units 10A, 10B and 10C, as detailed on drawing 1290-P-111-D received 25 April 2019 shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

A). A preliminary risk assessment which has identified:
all previous uses

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

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

C). Results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land

as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

D) Prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2019 (paragraph 178).

19. Following completion of the approved remediation strategy for Units 10A, 10B and 10C, as detailed on drawing 1290-P-111-D received 25 April 2019, and prior to the first occupation of this element of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2019 (paragraph 178).

20. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To prevent any discharges to ground that could cause pollution of groundwater, contrary to the requirements of the National Planning Policy Framework.

21. No development of Units 10A, 10B and 10C, as detailed on drawing 1290-P-111-D received 25 April 2019 shall take place until the impacts on the operation of the existing attenuation system are provided in detail and has been submitted to and

approved in writing by the local planning authority. The technical information shall demonstrate that:

- . sufficient volume is provided within the attenuation pond to serve the existing catchments and with consideration of the climate change factors.
- . the deck level is set such the flooding does not occur for the 1 in 100 year storm event.
- . appropriate and safe access is provided for maintenance to the attenuation basin.
- . soil stability is considered and safe-guarded during construction.

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

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

22. Units 10A, 10B and 10C as detailed on drawing number 1290-P-100-G dated 21 October 2019 shall not be occupied until details of shopping trolley storage and management and secure, covered cycle parking facilities have been submitted to and approved in writing by the local planning authority and have been provided. Thereafter these facilities shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land or in such a position as to preclude the use for their intended purpose.

Reason: Development without provision of adequate provision is likely to lead to unacceptable traffic hazards.

23. No surface water shall be discharged onto the Highway.

Reason: In the interests of highway safety.

Informatives

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
2. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCG) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

3. All highway works shall be undertaken via a 5278 agreement or agreements with this authority.
4. A scheme for parking restrictions on Lake Road shall be agreed before commencement to enable safe egress onto it. These measures shall be implemented via the County's 3rd Party Traffic Order procedure and be in place prior to opening.

Contact: Robin Gilbert

This page is intentionally left blank



Tonbridge & Malling Borough Council
Development Control
Gibson Building
Gibson Drive
Kings Hill
West Malling, Kent
ME19 4LZ

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 1st November 2019

Application - TM/19/00979/FL
Location - South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent
Proposal - Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works

Robin

Thank you for inviting me to comment on this application. This application seeks a flexible consent for retail units over the lake adjacent to Lake Road in Quarry Wood as follows: -

- Scenario 1 - A total of 4,877sqm Non-Food retail floorspace with 2,787sqm at ground and 2,090sqm (75%) of mezzanine floorspace, or
- Scenario 2 - A total of 3,948sqm of floorspace with 2,322sqm of Discount Food store space and a 1,626sqm of Non-Food retail floorspace including mezzanine.

Both scenarios propose a "pod" building for retail and cafe restaurant purposes with local amenity uses above. The new Class A1 / A3 pod would have a gross floor area of circa 419sqm.

Peak Activities/Analysis periods

Analysis of current movements into and out of Quarry Wood from Automatic Number Plate Recognition (ANPR) equipment, shows that the Saturday peak period is 2 – 3pm. Whilst not necessarily the highest level of weekday shopping activity at Quarry Wood, 4-5pm has been defined as that which in combination with A20 traffic flows would have the most impact. All peak Saturday TRICS analysis, regardless of the peak period obtained from it, has been input into the 2-3pm period evaluation. Subsequent analysis using the County's A20 corridor model has incorporated/combined 4 – 5pm development impacts with the model's 5 – 6pm traffic flows forecasts.

New, linked, diverted and pass by trips

Comparative and discretionary shopping create different types of trips; not necessarily all newly generated trips on the network, and the applicant's consultant has estimated for Quarry Wood the following proportions of these trips for the retail types proposed: -

| Assumed trip type breakdown by proposed uses at Quarry Wood | | | | | | |
|---|-----------------|--------------------|---------------------|--------------------|------------|--------------------|
| Trip type | Non-food retail | | Discount food store | | A1/A3 pods | |
| | weekday pm | Saturday afternoon | weekday pm | Saturday afternoon | weekday pm | Saturday afternoon |
| Diverted trips (from nearby food stores) | 0% | 0% | 30% | 30% | 0% | 0% |
| Linked trips (i.e. already in Quarry Wood) | 25% | 30% | 20% | 20% | 25% | 35% |
| Pass-by trips | 10% | 10% | 10% | 10% | 25% | 15% |
| New trips | 65% | 60% | 40% | 40% | 50% | 50% |

With regard to diverted trips, as part of the junction modelling, the applicant has assumed that 15% of trips would come from Sainsbury's and 15% of the trips would divert from Aldi at Hermitage Lane.

I consider that the proportions given above are reasonable.

Estimated traffic generation

From analysis of total traffic generation rates, using the TRICS database, and the proportions given above, the following predicted traffic generation numbers for the two scenarios are given below: -

| Predicted vehicular trips - Scenario 1 4,877sqm of non-food retail floorspace with 419sqm of A1/A3 pods | | | | |
|--|-----------------------|--------|-------------------------------|--------|
| Trip type | weekday pm 4 – 5pm | | Saturday afternoon 2 – 3pm | |
| | Arrive | Depart | Arrive | Depart |
| Diverted trips | 0 | 0 | 0 | 0 |
| Linked trips | 23 | 23 | 68 | 66 |
| Pass-by trips | 13 | 13 | 23 | 23 |
| New trips | 57 | 57 | 131 | 128 |
| Total | 94 | 93 | 223 | 216 |

| Predicted vehicular trips - Scenario 2 2,322sqm of discount food store and a 1,626sqm of non-food retail with 419sqm of A1/A3 pods | | | | |
|---|-----------------------|--------|-------------------------------|--------|
| Trip type | weekday pm 4 – 5pm | | Saturday afternoon 2 – 3pm | |
| | Arrive | Depart | Arrive | Depart |
| Diverted trips | 29 | 31 | 42 | 45 |
| Linked trips | 31 | 32 | 56 | 57 |
| Pass-by trips | 18 | 18 | 24 | 25 |
| New trips | 66 | 67 | 107 | 110 |
| Total | 144 | 148 | 229 | 237 |

In terms of new trips, Scenario 2, which includes the discount food store, has the biggest impact during the weekday pm peak hour. Scenario 1 which includes all non-food retail has the biggest impact for the Saturday peak period. Scenario 2 has therefore been used to assess future year pm peak hour analysis and Scenario 1 has been used to assess future Saturday afternoon analysis.

Existing Quarry Wood junction capacity

Computer simulation modelling (using LINSIG) of the Quarry Wood junction (in all scenarios and future years) has been undertaken without any detrimental adjustment to the strategic A20 corridor green times. Modelling shows that currently the junction operates at or near to capacity with Hall Road and Mills road suffering most at the pm peak period. Adding the development scenarios shows that queues will increase on Hall Road and Mills Road from 60 to 65 and 206 to 229 respectively. This is against a two-lane stacking capacity on Hall Road of 17 vehicles and a stacking capacity, north of the 5-arm roundabout, on Mills Road of 38 vehicles. For a Saturday, the capacity testing results show that queuing on Mills Road will increase from 65 to 159.

Applicant's proposed mitigation

By undertaking some minor civils works and narrowing the southbound entry lane width into Quarry Wood from the A20, the applicant's consultant has identified a stacking improvement for exiting Quarry Wood from Mills Road thereby improving capacity through a more efficient discharge at the signals (location plan drawing 1290-x10-d and tpp drawing 2015-2249-DWG-214 in the Transport Assessment demonstrate). The LINSIG simulation shows that this configuration results in queues on Hall Road and Mills Road of 38 and 121 respectively, in the pm peak period. Queues on Mills Road on a Saturday are reduced to 46 vehicles.

From these results I consider that these measures suitably mitigate the impact of the development proposals.

Future Local Plan Scenarios, A20 Corridor Study and Roundabout junction at Quarry Wood

The applicant has also undertaken 2031 pm peak period analyses using the County's A20 corridor study. There are various model scenarios for this namely: -

- 2031 pm do minimum – this includes committed developments
- 2031 pm do something – this includes the full (Reg 19) local plan allocations and infrastructure improvements

Forecasting has shown that with new Local Plan proposals for this area a radical solution to the Quarry Wood junction is required. Thanks to the size of this junction, studies have shown that a roundabout can be accommodated*, and testing shows that this offers significant benefits over the traffic signals. The roundabout proposal is included in the Borough's Infrastructure Delivery Plan, has £2.2 million of Local Growth Fund available and political approval/backing.

A summary of roundabout modelling results, using the ARCADY programme, is given below: -

| ARCADY results for roundabout junction layout Q=queue length in vehicles; RFC= Ratio of Flow to Capacity | | | | | | | | |
|---|-----------------------|-------|-----------|-------|-----------------------|-------|------------|-------|
| Scenario | Approach road | | | | | | | |
| | London Road from west | | Hall Road | | London Road from east | | Mills Road | |
| | Q | RFC | Q | RFC | Q | RFC | Q | RFC |
| 2017 pm observed | 6 | 0.845 | 2 | 0.607 | 4 | 0.753 | 4 | 0.770 |
| 2017 Saturday observed | 7 | 0.906 | 2 | 0.603 | 6 | 0.851 | 3 | 0.690 |
| 2031 pm do minimum | 7 | 0.880 | 2 | 0.540 | 2 | 0.590 | 5 | 0.790 |
| 2031 pm do minimum + this application | 11 | 0.940 | 2 | 0.590 | 2 | 0.590 | 6 | 0.840 |
| 2031 pm do something | 140 | 1.310 | 18 | 0.980 | 2 | 0.650 | 6 | 0.840 |
| 2031 pm do something + this application | 171 | 1.410 | 24 | 1.010 | 2 | 0.650 | 9 | 0.900 |

For this roundabout to be implemented, Crown Estates land (Quarry Wood land) is required. This is a small parcel adjacent to, but not conflicting with, the pod units proposed. It is noted that the applicant is willing to accept a condition to not open the proposed retail unit over the lake in advance of the proposed roundabout or similar (such as the applicant's proposed Mills Road widening scheme to improve stacking) coming forward.

Accessibility

Quarry Wood is accessible by bus, via bus stops adjacent, on the A20. The roundabout option described above includes pedestrian (Pelican) crossings on the A20 to the east and west maintaining pedestrian and bus accessibility. Westbound and eastbound bus stops are proposed on the western side. It should also be noted that through construction of the roundabout, the flooding issues that occur on the A20 at this point will be addressed.

Cycle parking

Cycle parking will be provided in accordance with standards. The applicant has also proposed that usage will be monitored to ensure that the supply meets demand.

Car parking

With this application an additional 14 service yard spaces are proposed and 112 customer spaces. This is commensurate with current ratios. It is not considered that this provision could constitute a severe impact on the surrounding roads or a discernible unacceptable impact on highway safety.

Conclusions

On behalf of this authority I write to confirm that I do not consider there are highway grounds to sustain a recommendation to refuse this application. I therefore recommend approval subject to the following conditions: -

- Retail units shall not open until traffic capacity mitigation measures are complete.

- A construction management plan shall be submitted for approval prior to commencement. This plan shall specify a construction programme which avoids Christmas and other public holidays and peak traffic times.
- All highway works shall be undertaken via a S278 agreement or agreements with this authority.
- A scheme for parking restrictions on Lake Road shall be agreed before commencement to enable safe egress onto it. These measures shall be implemented via the County's 3rd Party Traffic Order procedure and be in place prior to opening.
- Accesses adjacent to the highway shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- A contribution towards bus services shall be made via a S106 agreement. The contribution will be in proportion with traffic generation numbers, commensurate with contributions agreed for neighbouring developments affecting the A20.
- Provision of measures to prevent the discharge of surface water onto the highway prior to opening.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing. 10% of the car parking shall include charging capability for electric cars.
- Details of any shopping trolley storage and management shall be submitted prior to commencement.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Terry Drury
Senior Development Planner



Robin Gilbert
Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling, Kent
 ME19 4LZ

Flood and Water Management
 Invicta House
 Maidstone
 Kent
 ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2019/074920
Date: 29 August 2019

Application No: TM/19/00979/FL

Location: South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent

Proposal: Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works

Thank you for your consultation on the above referenced planning application.

The existing attenuation pond within the retail park constitutes a significant and major drainage asset. It is the only attenuation system provided for the entirety of the retail park (27.75ha). Its operation into the future must be protected and must not be constrained. Any ongoing operation must allow for maintenance activities.

The attenuation pond is underlain by the Hythe Formation (Ragstone) in which there is a risk of encountering loosely infilled features known as 'gulls'. This may lead to ground instability if these features are present and are inundated with water. Though the pond has been in place for a significant period of time, there remains an inherent risk associated with storage and infiltration of water in this strata. We require separation distance from building foundations for any infiltrating drainage measure to protect against any possible ground failure.

This local area, particularly the junction at London road (A20) has suffered from frequent highway flooding. This has been investigated and found to be associated with interruption of the drainage arrangement in the area. This is an ongoing issue which highlights the importance of ensuring that the drainage network operates given the extent of impermeable area and levels from the estate to the highway.

Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessments for the new retail units with the extension of the car parking facilities and have the following comments:

1. We highlight that a conservative infiltration rate of 1×10^{-6} m/s has been used to calculate the volume of the balancing pond for different storm scenarios. We would require that site specific infiltration is undertaken at the depth of the existing pond to get an accurate infiltration rate at the base. As mentioned within the technical note (29-11-16) should infiltration testing not be possible, then the monitoring of the

ponds level would be undertaken over a period of time in response to rainfall events.

2. In addition to infiltration testing, we would ask that a further assessment of the balancing pond is undertaken due to uncertainties in relation to its depth and subsequent attenuation volume. Within the technical report, it is noted that "Uncorroborated reports suggest that the base of the lake is significantly deeper than 14.000m AOD and historic plans showing that the top water level as 13.6m AOD.
3. Available storage has been calculated on assumptions in relation to pond depth and an assumed infiltration rate. A full volumetric balance needs to be completed. The report does not account for any evaporative losses which will also occur. Any assessment needs to be supported by evidenced data to ensure the degree of uncertainty is not significant given the importance of this drainage measure.
4. The accompanying Flood Risk Assessments for both parts of the application contain very little information in regards to pollution control. As part of the detailed design stage, we would expect to see demonstrated that surface water is managed appropriately. We would seek that any new drainage system complies with the required total treatment levels as detailed within Ciria Suds Manual (2015) Part E section 26 and is detailed within the future drainage strategy report.
5. At the full planning stage, we would usually expect to see supporting drainage calculations to demonstrate the drainage systems operation for varying storm events including 1,30 and 100 year events including climate change allowances of 20 and 40%. The current analysis utilises Microdrainage Source Control. This is not sufficient and we would expect the network to be modelled in the Simulation module.
6. The drainage system will be required to be modelled using FeH rainfall data. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest Drainage and Planning Policy Statement (June 2017).
7. The Drainage Strategy considers stability in relation to the foundations which will be constructed within the basin but does not address the feasibility of construction within either the suitability of underlying ground, the uncertainty in relation to actual depths of the pond, and the provision of alternative volume for surface water attenuation during construction.
8. The plans propose construction over the entirety the pond. Maintenance access must provided to ensure continued operation of the pond in to the future. The current design does not appear to allow access.

We strongly object to the proposal to build over the existing attenuation pond. Construction of foundations within proximity to an infiltration drainage measure would not usually be permitted. No consideration has been given to the soil stability issues or future maintenance. This development proposal may compromise an existing drainage measure which is of paramount importance; therefore information as submitted does not demonstrate that flood risk management will be protected and not impacted.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Daniel Hoare

Flood Risk Project Officer
Flood and Water Management



Robin Gilbert
Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling, Kent
 ME19 4LZ

Flood and Water Management
 Invicta House
 Maidstone
 Kent
 ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2019/074920
Date: 21 October 2019

Application No: TM/19/00979/FL

Location: South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent

Proposal: Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have received additional documents including a supporting technical note (19/09/2019) created in response to our previous consultation response outlining our concerns for this development.

We have reviewed this document in its entirety and note that the information contained within the documents is sufficient at this stage to remove our previous objections though we continue to have strong reservations about the proposal.

We have the following additional comments to make:

1. Clarkebond have highlighted infiltration testing is not feasible at this site and have therefore undertaken monitoring of the lake levels following rainfall events between March and September of this year. Analysis of these results indicate that the infiltration rate at the base of the lake varies but does appear to be significantly greater than the rate used to estimate the amount of storage required to accommodate flows from all parts of the industrial estate.

Whilst monitoring up to September indicates that adequate levels of storage appear to exist within the lake, we would advise that monitoring of rainfall and lake levels continues over the next few months during winter. This will give a considerably larger timescale for further analysis, particularly during the wetter months to reinforce that sufficient capacity is available within the lake even after taking account of volume loss as a result of piling.

2. We understand that maintenance access is to be provided underneath the car park. Full details have not been disclosed within the technical report as to how this would operate. Therefore as part of the detailed design stage we would ask that full

maintenance details are provided including access arrangements. There is a concern with respect to maintenance worker safety as well as general public safety.

3. Points 5 and 6 raised in our previous response (03/09/2019) requested for a simulation model of the drainage network for varying storm events up to the 100 year +40% climate change. We understand that the response from Clarkebond is any modelling of the wider catchment would be a large undertaking and would require surveying of the entire network. The applicant has also noted that the existing drainage system has been designed for superceded design criteria which would fail on current criteria.

The technical notes includes summary of calculations for a climate adjusted event and demonstrates a required volume of 26,673 cu. m, which could be accommodated if the water level is at 15.22 m or lower. It has not been demonstrated however that the climate adjusted event can be fully accommodated within the attenuation volume as the average water level has been measured at 14.78 m and as high as 15.75 m

We would emphasize that:

- (a) This attenuation pond serves a purpose which cannot be reduced in any way as it would potentially result in operational impacts on the existing drainage system and the drainage provided to the commercial users of the industrial park. We will require that there is some means of assessing the impact on the attenuation system and the existing drainage system.
 - (b) The construction of the piles will reduce the available volume and the parking deck will "cap" any available capacity at 20.3m. As this proposed development is occurring today, we need to consider the potential impacts of climate change in the future, irrespective of the design criteria in the upper system. Based on the information presented, there is a possibility that an extreme event will result in flooding of the car park or surrounding area.
 - (c) The proposed development will remove any ability to modify the existing attenuation system without extreme difficulty; therefore there needs to be a high degree of certainty that the proposed deck levels are appropriate and that the attenuation volume is sufficient and appropriate for the ongoing life-time of the existing development.
4. The applicant has provided greater detail on the construction method for piling. We would highlight that our concern is in relation to the possible creation of pathways into the Hythe Formation and the creation of solution features and this risk needs to be considered.

Should your authority be minded to grant permission for the above development, we would recommend the following condition is attached:

Condition:

Development shall not begin until the impacts on the operation of the existing attenuation system are provided in detail and has been submitted to (and approved in writing by) the local planning authority. The technical information shall demonstrate that:

- sufficient volume is provided within the attenuation pond to serve the existing catchments and with consideration of the climate change factors.
- the deck level is set such the flooding does not occur for the 1 in 100 year storm event.
- appropriate and safe access is provided for maintenance to the attenuation basin.
- soil stability is considered and safe-guarded during construction.

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

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Daniel Hoare

Flood Risk Project Officer
Flood and Water Management

From: [Bowie, David](#)
To: [Planning Applications](#)
Cc: [Planning SE](#); [Bown, Kevin](#); [Bradley, Alistair](#)
Subject: 19/00979/FL - South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent FAO Robin Gilbert
Date: 13 September 2019 14:20:38

| | |
|--------------------------------------|---|
| For attention of: | Robin Gilbert |
| Site: | South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent |
| Proposal: | Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works |
| Your Reference: | 19/00979/FL |
| Highways England's Reference: | n/a |

Dear Robin,

We have been made aware of the above mentioned application but do not appear to have been formally consulted.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the M20 in the vicinity of Aylesford.

Having quickly reviewed the Transport Assessment it is apparent that this application has the potential to impact upon the SRN and that this impact may not have been fully assessed. We require to undertake a more detailed assessment in order to determine if the proposals are likely to materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109) in this location and its vicinity and await formal consultation from yourself. When consulted we will require 21 days to provide our formal response.

Please note that this email does not constitute a formal recommendation from Highways England. We will provide a formal recommendation when we can be confident that the application is in its final form. In the meantime, we would ask that the authority does not determine the application (other than a refusal), ahead

of us responding to the formal consultation. In the event that the authority wishes to permit the application before this point, we would ask the authority to inform us so that we can provide substantive response based on the position at that known time.

In the meantime, should the applicant or you have any queries regarding this response please contact us at planningse@highwaysengland.co.uk.

Kind regards

David

David Bowie

Area 4 Spatial Planning Manager (Acting)

Tel: +44 (0) 7900 056130

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

Web: <http://www.highwaysengland.co.uk>

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Highways England Company Limited | General enquiries: 0300 123 5000
|National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,
Birmingham B32 1AF | [https://www.gov.uk/government/organisations/highways-](https://www.gov.uk/government/organisations/highways-england)
[england](http://www.highwaysengland.co.uk) | info@highwaysengland.co.uk

*Registered in England and Wales no 9346363 | Registered Office: Bridge House,
1 Walnut Tree Close, Guildford, Surrey GU1 4LZ*

Consider the environment. Please don't print this e-mail unless you really need to.

From: [Bowie, David](#)
To: [Planning Applications](#)
Cc: [Planning SE](#); Russell.Boorman@kent.gov.uk; [Andrew Murdoch](#); [Bradley, Alistair](#); [Bown, Kevin](#); Toni.Macey@atkinsglobal.com
Subject: 19/00979/FL - South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent FAO Robin Gilbert
Date: 01 November 2019 10:09:54

| | |
|--------------------------------------|---|
| For attention of: | Robin Gilbert |
| Site: | South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent |
| Proposal: | Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works |
| Your Reference: | 19/00979/FL |
| Highways England's Reference: | #8950 |

Dear Mr Gilbert,

Thank you for your letter dated 25 October 2019 regarding the above application which indicated a response was required no later than 11 November.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case M20 junction 5.

Highways England requests further clarity on the following issues and has provided comments below:

Comments:

Para 4.1 Numbers for scenario 2 do not add up to total provided.

Section 3 – Policy: No reference is made to either Highways England: *The Strategic Road Network – Planning for the Future* or the DfT Circular 02/13: *The Strategic Road Network and the Delivery of Sustainable Development*. Both of which would be relevant for this application.

Trip Generation

Para 5.2 – Trip rates have been calculated for weekend evening and Saturday afternoon peak hours, but not the AM Peak. Highways England recognises that retail parks do not typically open till about 10 or 11am, however staff movement and the bulk of deliveries tend to occur prior to these hours. Unless this has previously been agreed with KCC, please provide a reasonable justification for omitting this data. Highways England has not been consulted with regards to omitting this data and given the levels of movement and issues around congesting/slow moving traffic along both London Road and, in particular, Coldharbour Lane and the M20 J5 slip road any proposal which would add traffic during the AM peak hours should be included within the assessment. Our own TRICS assessment in the AM Peak period indicates that for scenario 2, the food discount store (which may be likely to open during these hours) would add an additional 47 movements at the site. Therefore, Highways England strongly recommends that the trip generation is recalculated to included AM Peak Hour data.

Para 5.3 Pass-By Trips. Discussion around diverted/linked and pass-by trips indicates that these would be higher whereas new trips on the network would be relatively low. However, this appears to be contradicted within Table 5.4; we are also unsure how the linked trip proportion has been calculated. Could the applicant please justify these figures and whether the proportions were agreed by KCC or Tonbridge and Malling prior to the TA being produced? Highways England would have expected higher percentages in line with the TRICS Research paper, *Pass-by and Diverted Trips*. Whilst some commentary on the proportions has been included in the TA, however no survey data was undertaken to evidence how these proportions were arrived at. Without the survey data from the nearby retail parks available, details of how their characteristics are similar to the proposed store we are unable to judge the appropriateness of using these linked trip proportions for this specific site. As such, without the additional information, we can only take a judgement using information that is evidenced.

Impact on M20 J5

Para 5.28 - The TA indicates that an additional two-way 83 Weekday PM movements and 156 SAT Peak period movements would be utilising London Rd E towards the M20 J5; the study does not look specifically at movement directly onto the SRN network at J5, but states that “should 1/3 of all new trips utilise this junction it would be an additional 12/14 additional trips during the Saturday afternoon traffic”. Typical traffic at the M20 J5 junction during the Saturday PM Peak indicates that there are few congestion issues. However, until the above issues have been resolved regarding trip generation and especially the omission of AM Peak hour data, and the proportion of pass-by/linked trips – Highways England is not able to validate these numbers. Additionally, without the inclusion of AM Peak hour data, it is considered that these numbers may be low.

Initial Conclusions

Having quickly reviewed the Transport Assessment it is apparent that this application has the potential to impact upon the SRN and that this impact may not have been fully assessed. We require to undertake a more detailed assessment

in order to determine if the proposals are likely to materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109) in this location and its vicinity and await formal consultation from yourself. When consulted we will require 21 days to provide our formal response.

Please note that this email does not constitute a formal recommendation from Highways England. We will provide a formal recommendation when we can be confident that the application is in its final form. In the meantime, we would ask that the authority does not determine the application (other than a refusal), ahead of us responding to the formal consultation. In the event that the authority wishes to permit the application before this point, we would ask the authority to inform us so that we can provide substantive response based on the position at that known time.

Kind regards,

David

David Bowie

Area 4 Spatial Planning Manager (Acting)

Tel: +44 (0) 7900 056130

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

Web: <http://www.highwaysengland.co.uk>

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Highways England Company Limited | General enquiries: 0300 123 5000
|National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,
Birmingham B32 1AF | [https://www.gov.uk/government/organisations/highways-](https://www.gov.uk/government/organisations/highways-england)
[england](http://www.highwaysengland.co.uk) | info@highwaysengland.co.uk

Registered in England and Wales no 9346363 | Registered Office: Bridge House,
1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

Consider the environment. Please don't print this e-mail unless you really need to.

| | |
|--------------------------------------|---|
| For attention of: | Robin Gilbert |
| Site: | South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent |
| Proposal: | Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works |
| Your Reference: | 19/00979/FL |
| Highways England's Reference: | 86415#8950 |

Dear Mr Gilbert,

Thank you for your letter dated 25 October 2019 regarding the above application which indicated a response was required no later than 11 November. Highways England has received further information from the Transport Consultant regarding our initial assessment provided on 1 November 2019, in the form of a *Response to Highways England Comments Note* (dated 1 November 2019).

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case M20 junction 5.

Having reviewed the comments provided in response to our initial query – please find comments below (Original comments in italics).

Comments:

Para 4.1 Numbers for scenario 2 do not add up to total provided. Thank you for clarifying, this matter is now closed.

Section 3 – Policy: No reference is made to either Highways England: The Strategic Road Network – Planning for the Future or the DfT Circular 02/13: The Strategic Road Network and the Delivery of Sustainable Development. Both of which would be relevant for this application. This has now been addressed and is closed.

Trip Generation

Para 5.2 – Trip rates have been calculated for weekend evening and Saturday afternoon peak hours, but not the AM Peak. Highways England recognises that retail parks do not typically open till about 10 or 11am, however staff movement and the bulk of deliveries tend to occur prior to these hours. Unless this has previously been agreed with KCC, please provide a reasonable justification for omitting this data. Highways England has not been consulted with regards to omitting this data and given the levels of movement and issues around congesting/slow moving traffic along both London Road and, in particular, Coldharbour Lane and the M20 J5 slip road any proposal which would add traffic during the AM peak hours should be included within the assessment. Our own TRICS assessment in the AM Peak period indicates that for scenario 2, the food discount store (which may be likely to open during these hours) would add an additional 47 movements at the site. Therefore, Highways England strongly recommends that the trip generation is recalculated to included AM Peak Hour data.

A further assessment of trip rates has been provided to include the AM Peak hour data for Saturday(08-09:00), which is assessed at an additional 88 two way movements. Highways England notes that within the submitted Technical Note, that Wednesday was included for the weekend analysis. This may have been in error and has the effect of artificially suppressing the average. However, having run an independent TRICS Assessment of the same category – that error would not have a significant impact upon the network. As such, Highways England considers that this matter is now resolved.

Para 5.3 Pass-By Trips. Discussion around diverted/linked and pass-by trips indicates that these would be higher whereas new trips on the network would be relatively low. However, this appears to be contradicted within Table 5.4; we are also unsure how the linked trip proportion has been calculated. Could the applicant please justify these figures and whether the proportions were agreed by KCC or Tonbridge and Malling prior to the TA being produced? Highways England would have expected higher percentages in line with the TRICS Research paper, Pass-by and Diverted Trips. Whilst some commentary on the proportions has been included in the TA, however no survey data was undertaken to evidence how these proportions were arrived at. Without the survey data from the nearby retail parks available, details of how their characteristics are similar to the proposed store we are unable to judge the appropriateness of using these linked trip proportions for this specific site. As such, without the additional information, we can only take a judgement using information that is evidenced.

While Highways England originally had concerns regarding the proportions assigned to diverted/linked trips and pass-by trips, the applicant has confirmed that these proportions were previously agreed with Kent County Council within their scoping meetings. As such, Highways England accepts the proposed proportions and does not have any further comments to add on this matter.

Impact on M20 J5

Para 5.28 - The TA indicates that an additional two-way 83 Weekday PM movements and 156 SAT Peak period movements would be utilising London Rd E

towards the M20 J5; the study does not look specifically at movement directly onto the SRN network at J5, but states that “should 1/3 of all new trips utilise this junction it would be an additional 12/14 additional trips during the Saturday afternoon traffic”. Typical traffic at the M20 J5 junction during the Saturday PM Peak indicates that there are few congestion issues. However, until the above issues have been resolved regarding trip generation and especially the omission of AM Peak hour data, and the proportion of pass-by/linked trips – Highways England is not able to validate these numbers. Additionally, without the inclusion of AM Peak hour data, it is considered that these numbers may be low.

While the Transport Consultant has indicated the location of several other supermarkets within the area as available alternatives closer to the trip origin, there are likely to be additional movements at the SRN at M20 J5 as a result of the proposed development. However, as indicated within the Transport Note, there is a consideration that these trips would already be on the network at this location. While traffic data taken from Google Traffic indicates that the highway network around M20 J5 is operating with congestion, the supporting LINSIG work also indicates that with development, Saturday queuing on Mills Road would likely increase from 65 to 159. However, Local Plan work has indicated that the Quarry Wood junction is to be developed into a roundabout which has been included within the Borough’s Infrastructure Delivery Plan. The applicant has also proposed a widening scheme at Mills Road. Highways England notes that Kent County Council Highways has requested a condition to be implemented that the proposed retail development over the lake not open in advance of the works, identified within either scheme above, coming forward. Highways England would accept that this condition would mitigate against any worsening of the future operation of the SRN in terms of safety or capacity in line with the tests set out within DfT C2/13 para’s 9 & 10 and MHCLG NPPF para 109.

Recommendation:

Accordingly, while Highways England do not necessarily agree with the evidence submitted, via our own assessment we consider that although the level of peak hour traffic movements onto M20 J5 junction may have a slight impact the reliability, operation or safety of the Strategic Road Network, provided appropriate conditions are attached to any planning permission, it will not be ‘severe’ (the tests set out in DfT C2/13 para’s 9 & 10 and DCLG NPPF para 109). As such, Highways England concurs with the recommendations of Kent County Council Highways with regards the need to impose highways related conditions on any grant of permission to application 19/00979/FL. Those of particular relevance to maintaining the safety and operational efficiency of the Strategic Road Network are as follows:

- Retail units shall not open until traffic capacity mitigation measures are complete and open to the public.
- A construction management plan shall be submitted for approval prior to commencement. This plan shall specify a construction programme which avoids Christmas and other public holidays and peak traffic times.
- A scheme for parking restrictions on Lake Road shall be agreed before commencement to enable safe egress onto it. These measures shall be implemented via the County’s 3rd Party Traffic Order procedure and be in place prior to opening.

- A contribution towards bus services shall be made via a S106 agreement. The contribution will in proportion with traffic generation numbers, commensurate with contributions agreed for neighbouring developments affecting the A20.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing. 10% of the car parking shall include charging capability for electric cars.

Please find attached a copy of our HEPR form to this effect.

Should you have any queries regarding our response, please do not hesitate to contact us and please forward our comments to the applicant who can contact Highways England at PlanningSE@highwaysengland.co.uk

Kind regards,

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate
Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ
Tel: +44 (0) 300 470 1046
Web: <http://www.highways.co.uk>

Safe roads, reliable journeys, informed travellers
Highways England: operating, maintaining and improving the strategic road network in England.

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Highways England Company Limited | General enquiries: 0300 123 5000
|National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,
Birmingham B32 1AF | [https://www.gov.uk/government/organisations/highways-](https://www.gov.uk/government/organisations/highways-england)
[england](http://www.highwaysengland.co.uk) | info@highwaysengland.co.uk

Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

Consider the environment. Please don't print this e-mail unless you really need to.



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director, South East)
Operations Directorate
South East Region
Highways England
PlanningSE@highwaysengland.co.uk

To: Tonbridge and Malling Borough Council (FAO Case Officer: Robin Gilbert)
planning.applications@tmbc.gov.uk

CC: growthandplanning@highwaysengland.co.uk

Council's Reference: 19/00979/FL

Location: South Aylesford Retail Park Quarry Wood Industrial Estate
Aylesford Kent

Proposal: Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works

Highways England Reference: 86415#8950

Referring to the planning application referenced above (consultation received 25 October 2019) in the vicinity of the M20 J5 (which forms part of the Strategic Road Network), notice is hereby given that Highways England's formal recommendation is that we:

~~a) offer no objection~~

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~

~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.¹

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England's formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i) informed Highways England; and
- ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dftrgsi.gov.uk.

| | |
|--|------------------------------------|
| Signature:  | Date: 07 November 2019 |
| Name: Kevin Bown | Position: Spatial Planning Manager |
| PlanningSE@highwaysengland.co.uk | |
| Highways England: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ | |

¹ Where relevant, further information will be provided within Annex A.

Annex A: Highways England Recommended Planning Conditions

Highways England concurs with the recommendations of Kent County Council Highways with regards the need to impose highways related conditions on any grant of permission to application 19/00979/FL. Those of particular relevance to maintaining the safety and operational efficiency of the Strategic Road Network are as follows:

- Retail units shall not open until traffic capacity mitigation measures are complete and open to the public.
- A construction management plan shall be submitted for approval prior to commencement. This plan shall specify a construction programme which avoids Christmas and other public holidays and peak traffic times.
- A scheme for parking restrictions on Lake Road shall be agreed before commencement to enable safe egress onto it. These measures shall be implemented via the County's 3rd Party Traffic Order procedure and be in place prior to opening.
- A contribution towards bus services shall be made via a S106 agreement. The contribution will in proportion with traffic generation numbers, commensurate with contributions agreed for neighbouring developments affecting the A20.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing. 10% of the car parking shall include charging capability for electric cars.

creating a better place



Tonbridge & Malling Borough Council
Development Control
Gibson Building Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Our ref: KT/2019/126001/01-L01
Your ref: 19/00979/FL
Date: 22 August 2019

Dear Sir/Madam

ERECTION OF NEW RETAIL UNITS, A "POD" BUILDING FOR RETAIL AND CAFE RESTAURANT PURPOSES WITH LOCAL AMENITY USES ABOVE, A NEW AREA OF PUBLIC REALM ALONG WITH ACCESS, CAR PARKING, SERVICING FACILITIES, LANDSCAPING AND ASSOCIATED WORKS

**SOUTH AYLESFORD RETAIL PARK QUARRY WOOD INDUSTRIAL ESTATE
AYLESFORD KENT**

Thank you for consulting the Environment Agency on the above. We object to this proposal for the reasons set out below.

Groundwater and Contaminated Land

We object to this development, as its planning application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. We therefore recommend that planning permission is refused.

Reason(s)

The previous use of the development site as a commercial/light industrial usage, and a drainage lagoon which receives effluents from a local industrial process site. Due to the potential need to break ground for the installation of foundations and drainage infrastructure, there is a possibility of disturbing historic contamination resulting from previous site activities.

This presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer.

As the planning application is not supported by an appropriate risk assessment, it does not meet the requirements set out in paragraphs 170 and 178 of the National Planning Policy Framework.

Overcoming our objection

The applicant should submit a preliminary risk assessment which includes a desk study, conceptual model and initial risk assessment. This information must

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency



demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures, if required.

We recommend that developers should:

- Follow the risk management framework provided [in Land Contamination: Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land](#) pages on gov.uk for more information

Land and Water

Furthermore, we also object as covering the lake may limit biological processes that will break down any pollutants that get into the surface water. Meaning that the lake underneath may become quite anoxic.

Similarly, the balancing pond may require regular desilting as silt and other materials settle out - they would have to ensure access was maintained to do this. As otherwise it could increase flood risk and there may be a build-up of pollutants and silt reducing the capacity of the balancing pond over time.

As Southern Water surface water drains go into this lake- it would be worth seeing if they have any objection to this proposal.

There is another discharge permit active that goes into this lake - P07863 for surface water discharge. The proposal should ensure that the construction would not impede the ability for this permit holder to discharge as per their permit.

The ecology surveys also did not carry out any fish surveys to determine whether fish are present in the lake.

Overcoming our objection

Please provide evidence that the construction will still enable access for maintenance of the balancing pond (e.g. de-silting) and provide evidence that covering the lake will not significantly affect flood risk or pollution to groundwater.

Please do not hesitate to contact me should you require any further information.

Yours faithfully

Ms Laura Edwards

Planning Advisor

Direct dial 02084749079

Direct e-mail KSLPLANNING@environment-agency.gov.uk

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency

creating a better place



Tonbridge & Malling Borough Council
Development Control
Gibson Building Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Our ref: KT/2019/126001/02-L01
Your ref: 19/00879/FL
Date: 30 September 2019

Dear Sir/Madam

Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works

South Aylesford Retail Park, Quarry Wood Industrial Estate, Aylesford Kent

Thank you for consulting us on the above. We withdraw our previous objection subject to the following conditions being applied to any planning permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Groundwater and Contaminated Land

The Clarkebond Technical Note (dated 07/08/19) states that there is information available on site contamination risk assessment in the form of a preliminary risk assessment. We are pleased to see that this assessment, the Phase 1 Preliminary Risk Assessment (Desk Study) [WB04 199/GR1/1, Clarkebond Ltd, December 2017], was uploaded to the Tonbridge and Malling Borough Council planning application website on 18/09/19 so that it could be reviewed.

Having now reviewed this document, we conclude that it has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the local planning authority before any site clean-up works are commenced.

The relevant planning conditions should not be discharged until such time as all relevant works are complete and a closure report submitted and approved by the local planning authority. Any construction on site should not commence until this approval has been granted.

Condition

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5BH
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency



writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Condition

No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

To ensure risks to groundwater within the underlying principal aquifer, from any historic contamination, are appropriately investigated, and if necessary, remediated, in line with the requirements of the National Planning Policy Framework.

Condition

Piling or any other foundation using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

**Drainage
Condition**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To prevent any discharges to ground that could cause pollution of groundwater, contrary to the requirements of the National Planning Policy Framework.

Land and Water

Issues from the previous proposal have been addressed in the 'Environment Agency Technical Note' document and Phase 1 Desk study report. Including that maintenance access to balancing pond will be maintained and Southern Water and other private discharge permits will not be affected by the development.

Please do not hesitate to contact us should you require any further information.

Yours faithfully

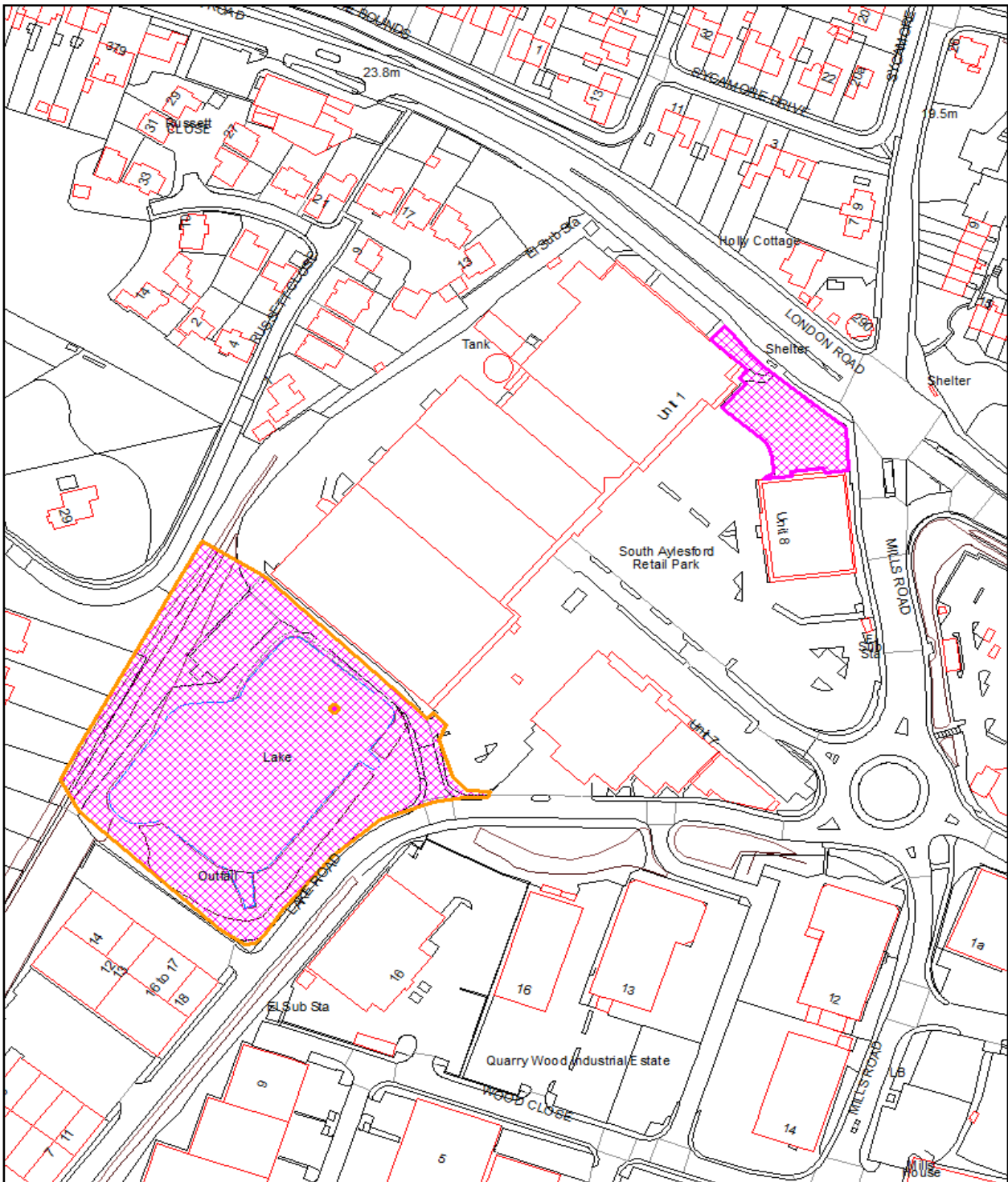
Ms Laura Edwards
Planning Advisor
Direct dial 02084749079
Direct e-mail KSLPLANNING@environment-agency.gov.uk

TM/19/00979/FL

South Aylesford Retail Park Quarry Wood Industrial Estate Aylesford Kent

Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



| | | |
|-------------------------------------|--|-------------------------|
| Aylesford Aylesford South | 14 June 2017 | TM/17/01595/OAEA |
| Proposal: | 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, a 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 | |
| Location: | Land South Of London Road And East Of Hermitage Lane Aylesford Kent | |
| Go to: | Recommendation | |

1. Description:

- 1.1 Members may recall that this application was the subject of an Information Report to the 31 January meeting of the Area 3 Planning Committee. That report is reproduced in Annex 1 of this report to avoid repetition and for completeness of information.
- 1.2 Planning permission is sought in outline form with all matters reserved for future consideration with the exception of access, which is to be determined at this stage. The proposed development comprises:
 - The erection of up to 840 dwellings (of which 40% would be affordable)
 - Alterations to the 'Poppyfields' roundabout to provide access to the site
 - A link road from the 'Poppyfields' roundabout running south west across the site to a new roundabout junction with Hermitage Lane
 - Land to be used for the provision of a new primary school.
 - Provision of a LEAP (Locally Equipped Area of Play)
 - Improvements to the Hermitage Lane junction with the London Road A20.
 - Provision of public open space within the site
 - Provision of a cycle land along the east side of Hermitage Lane from the junction of the London Road A20 to Barming railway station.
 - A green corridor would run through the site in a north west/south east alignment.

- 1.3 In addition, indicative plans which will guide the detailed design of the scheme (the reserved matters) in the event that outline planning permission is granted have been put forward as follows:
- 1.4 A Development Framework plan has been submitted that shows 4 housing development parcel areas providing areas of 9.81ha, 7.80 ha, 3.38ha and 1.05 ha. The parcel of land to be set aside for the provision of a new 2 form entry (2FE) primary school is 2ha in area, rectangular in shape and located at the south west corner of the site, adjacent to the proposed junction of the link road with Hermitage Lane.
- 1.5 It has been stated that the 'Green Infrastructure' within the site amount to 7.2ha in area (including the green corridor and site of the proposed NEAP). An attenuation pond is proposed in the North West corner of the site, joining onto the end of the green corridor. The NEAP is proposed within the centre of the green corridor of the site. The existing boundary trees and hedgerows located along the northern and southern boundaries of the site are to be retained and supplemented with additional planting.
- 1.6 The 840 dwellings proposed are to be provided at a density of 37.5dph. The buildings will comprise 2-5 bedroom dwellings, generally 6-15m wide and 5-12m deep that will not exceed 2.5 storeys in height. A mix of dwelling types are proposed, including a 60/40 market/affordable split. The design and appearance of the dwellings will include gable facades, chimneys, stone lintels and entrance canopies, with the use of red brick and render external finishes with timber and stone detailing.
- 1.7 Plan details have also been submitted showing a potential 3m wide cycle path on the north side of the A228 linking the site to the A228/Tower View roundabout. Walking and cycling routes and footpaths are proposed within the site that will connect to the public realm. Parking is to be provided in accordance with the adopted standards in the form of garages, carports, on-plot drives, undercroft parking, on-street and limited shared parking courts.
- 1.8 The development is EIA (Schedule 2) development and an Environmental Statement (ES) has been submitted in support of the application. The ES covers the following topics:
- Transport
 - Air Quality
 - Noise and vibration
 - Social- Economic
 - Landscape and Visual

1.9 In addition to the ES, the following documents have also been submitted in support of the application:

- Planning Statement,
- Design and Access Statement,
- Residential Travel Plan,
- Soil and Agricultural Quality report,
- Arboricultural Assessment,
- Phase 1 Desk Study (Contaminated land),
- Flood Risk Assessment,
- Drainage Report,
- Soil and irrigation report
- Mineral Resource Assessment,
- Ecological Assessment
- Viability Report

2. Reason for reporting to Committee:

2.1 Given the balance to be struck between diverging and significant material planning considerations.

3. The Site:

3.1 The site is triangular in shape and measures approx. 34 ha in area. It lies outside the settlement confines of Aylesford, on the east side of Hermitage Lane and south of the London Road A20. The Kent Police (Coldharbour) site and a traveller site adjoin the application site to the north. The main railway line adjoins the site to the south east and a warehouse distribution depot adjoins the site to the south.

3.2 Residential dwellings are located on the west side of Hermitage Lane opposite the application site, as well as a recent retails/food and drink development at the junction of the London Road A20. Further retail, food and drink and commercial properties are located further to the east of the site, accessed from Mills Road (South Aylesford retail Park and the Quarry Wood Industrial Estate).

3.3 The site was last used for horse grazing, laid to pasture with hedgerows and trees located around its boundaries.

4. Planning History (relevant):

TM/16/01967/FL Approved 21 September 2016

Change of use from agricultural to equestrian, the erection of a stable block with associated hard standing, fencing, vehicular access and access track

TM/16/03758/EAS screening opinion EIA 9 January 2017
C required

Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) regulations 2011: Proposed development for Outline planning permission for up to 841 residential dwellings, land for a primary school, land for a Doctors Surgery, a local centre, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Hermitage Lane and the A20 and associated ancillary works. All matters to be reserved with the exception of the main site access

TM/17/00942/EAS EIA opinion scoping 4 May 2017
P application

Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for the development of up to 865 dwellings, school, doctors surgery, link road, public open space and landscaping

5. Consultees:

DPHEH:

In the interests of completeness, and for ease of information, full representations received by Highways England and KCC (Highways and Transportation) are reproduced in full at Annexes 2 and 3 respectively. As such, these are not reproduced or summarised within the report itself. All other representations received are summarised below as follows:

5.1 Aylesford PC: Initial comments received:

5.1.1 Objects to the above application on the following grounds:-

(A) There is no need for this development unless it brings with it the much needed infrastructure improvements, particularly for the road network, which improves the current position for local residents rather than making it potentially worse as a result of the additional housing.

(B) Any development at this location is premature and unnecessary at this stage until there is a clear plan setting out the infrastructure improvements needed, particularly to the road network, to bring about the significant improvements needed to the road network within the Aylesford Parish and in particular Hermitage Lane along its whole length and the A20 including the access and egress from the Quarrywood Industrial Estate and the entry and exit from the Coldharbour Roundabout both from Aylesford and Maidstone.

(C) The proposal from the developer clearly shows that for the proposed Link Road to work it will be necessary for a number of other highway schemes to be completed, and currently some of these schemes are planned but for the rest there are no plans.

(D) There is no indication of any improvements to be made to the already very busy section of the A20 between the Poppy Fields Roundabout and the Coldharbour Roundabout.

(E) There appears to be no intention to develop the Link Road before work on the whole development commences.

(F) There appears to be no proposal to for the provision of a footway on the eastern side of Hermitage Lane from the termination of the footway starting at the A20 to the footway leading to Barming Railway Station

Subsequent comments:

5.1.2 **Aylesford PC:** upholds its original objections to this amended application and now has added concerns relating to the removal of a doctors' surgery provision. We reiterate that the transport infrastructure in this area is already overwhelmed. We note that the amended plans now include the provision of a footway on the eastern side of Hermitage and we have therefore removed our original comment at (F) from our objections.

5.2 **Ditton PC:** Objects to this application based on the following points:

5.2.1 It's felt the School's proposed location would be better suited being further into the development, as its current location is too close to Hermitage Lane. This will have an adverse effect on drop off and pick up times which will result in more cars being parked on Hermitage Lane and create too much extra traffic on an already over congested road. It was suggested double yellow lines on Hermitage Lane are required. The main thoroughfare/relief road is required to be of very high standard to cope with extra traffic and congestion in and out of the development. A Doctors surgery must be placed within this development.

5.3 **E Malling and Larkfield PC:** The parish council are commenting on this application as it is relevant to the additional areas of land, mostly greenfield sites,

being considered in the Local Plan Review. It would also have a big impact, if approved, on local traffic issues along the A20 corridor and Hermitage Lane.

5.3.1 The starting point is the existing approved Local Plan. The site is not allocated for residential development in that plan and forms part of the green fields seen as separating Maidstone from the built up area of the Medway Gap.

5.3.2 It is appreciated that the site is within part of a larger area being considered in the document "The Way Forward" to meet assessed housing need for another 6000 homes. However at the time of submitting these comments the draft plan has not yet been published and it would be wrong to approve this site in advance of the review of the plan being completed including public involvement.

5.3.3 Therefore in our view if the application was decided now it should be refused as contrary to the policies in the approved Local Plan and as premature.

5.3.4 From the point of view of the wider area the issue is traffic especially at the A20/Hermitage Lane junction, Hermitage Lane, Coldharbour roundabout and the access to the M20 at junction 5. Residents of the parish look to Maidstone as its main shopping area so use the M20 or A20 and there is also the question of access to Maidstone Hospital in Hermitage Lane.

5.3.5 We note the applicants accept "the existing local network is clearly under strain with significant queuing at some junction" We are aware KCC are shortly to carry out some works to improve, but not in our view, "solve" matters at the A20 Hermitage Lane junction. With the development already approved and taking place just over the border in Maidstone traffic flows along Hermitage Lane going to the A20 and M20 will increase. If the larger area suggested in the Local Plan for Tonbridge and Malling is released the situation without action to increase the capacity of the local road network would in our view become unsustainable and "severe".

5.3.6 One of the arguments for releasing land in the location is to provide for the possibility of improving the local road network including access to the A20 and M20 at junction 5. The council would not wish to see this land released so prejudicing a comprehensive approach. A "fill up the next field" piece meal approach here we think would have very serious consequences to the road network.

5.3.7 We note in effect the applicants argue their new road from Hermitage Lane to "Poppyfields" roundabout would offer new capacity. This is no doubt correct but we think there should be included in the Local Plan a clear strategy to both address the existing problems and accommodate additional development (if approved) in terms of the highway network. This should address the A20 Hermitage Lane junction, the access to the M20 junction 5, the capacity of the new road proposed and its design at junctions and issues such as parking at Barming Station, improved bus services and cycle/pedestrian routes.

5.3.8 The parish council realises work is being done on these matters and will make further comments as these emerge.

5.4 **Maidstone BC:** Raises the following objections:

5.4.1 The proposed development will substantially increase traffic movements to a level which would adversely impact upon the highway network beyond the capacity of the existing roads and junctions. This will result in significant harm and adverse highway conditions due to delays and queuing on the existing highway network within Maidstone and the wider local area. In particular the proposal will result in significant adverse impact upon the following junctions:

A26/Fountain Lane/Farleigh Lane

Hermitage Lane, St Andrews Road/Heath Road.

5.4.2 No mitigation or improvements to these junctions has been shown and no details provided as to whether or not any possible improvements works would actually meet the impacts of the development and more importantly whether they are actually deliverable given the constraints on this junctions.

5.4.3 The removal of the land for doctor's surgery is seen as retrospective step in meeting the healthcare needs of the future residents and wider area. Your Council will need to be satisfied that there is adequate off site healthcare facilities and/or contributions being provided to meet healthcare needs arising from this development.

The proposed development does not provide sufficient open space, semi natural open space, landscaped belts or woodland shaws to help soften the proposed development, enhance the visual character of the local area and prevent the coalescence of the Maidstone and Malling urban areas.

5.5 **KCC (SUDS):initial comments:**

5.5.1 We have no objection in principle to the application given the favourable infiltration rates present over much of the site. Whilst no layout is available given the outline nature of the planning application, we consider a drainage strategy will be deliverable for the site.

5.5.2 We would note the draining of much of the site to only two infiltration basins in the north western corner would not be best practice for proposals of this size and would introduce a single point of failure. This is in particular due to the ground conditions and the risks associated with concentrated discharges of surface water into the Hythe Formation from a large catchment areas.

5.5.3 The underlying strata is the Hythe Formation (Ragstone) in which there is a risk of encountering loosely infilled features known as 'gulls'. The installation of large

point infiltration areas or sources may lead to ground instability if these features are present and are inundated with water. There has historically been a high frequency of collapses occurring in the Hermitage Lane area due to these features being washed out from water leaks, soakaway discharges and other sources of water.

5.5.4 We would therefore strongly recommend that the detailed design aims to spread out the discharges of surface water across the development to help to minimise the residual risks of ground failure and therefore possible drainage system failure. This may be achieved with devices including individual plot soakaways, permeable driveways and car parking areas, swales, localised rain gardens and smaller strategic open infiltration features.

5.5.5 Should your authority be minded to grant permission for the development, we would recommend that [conditions] are attached

Subsequent comments:

5.5.6 We have no additional comments to make with respect to this application and would refer you to the advisory comments (dated 13 July 2017) which remain valid, although an additional condition is recommended that was not contained in the original response.

5.6 KCC (Economic Development):

5.6.1 KCC has assessed the implications of the proposal in terms of the delivery of its Education and Community Services (i.e. Libraries, Youth, Community Learning and Social Care), and it is of the opinion that the proposed development will have an additional impact, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Primary Education

5.6.2 The proposed development is forecast to generate up to 235 primary school pupils. The County Council does not forecast surplus places within existing schools being available and it will therefore be essential that new provision is incorporated within the development. The County Council is currently working with TMBC to identify the additional demand for school places that will be generated from development proposed in the emerging Local Plan, with the objective of ensuring the Plan incorporates sufficient provision for sustainable growth. This planning application has been submitted ahead of this work's conclusion.

5.6.3 The options included within the Borough's Regulation 18 Issues and Options consultation indicate that a significant amount of growth may take place in this part of the Borough. The County Council's response to this would be through the commissioning of strategic education provision; ensuring new schools are

sufficient in size and located within areas accessible to the greatest number of pupils.

- 5.6.4 It is requested that a primary school site of 2.9ha be transferred to the County Council at nil value and in accordance with the General Site Transfer Terms (set out in appendix 2). It is intended this will provide up to 3FE to meet the needs of this development and others likely to arise in the nearby area.
- 5.6.5 It is acknowledged that should this application be viewed in complete isolation, a smaller school (and therefore less land) would be required. However, for the proper sustainable provision of education in the area, the County Council as Local Education Authority considers strategic education provision on this site to be required and will seek to secure this within the Local Plan as it emerges.
- 5.6.6 The County Council should not suffer cost associated with providing provision in direct mitigation of development and as such, it is requested the land is transferred at nil value. However, it is recognised that the new school would provide provision for pupils generated by other developments, which will not forego land through the provision of a new school. The County Council would agree to seek land contributions from other contributing developments and the land value used in seeking those contributions should respect planning policy and the need to ensure development within the Borough is viable and deliverable.
- 5.6.7 A contribution of £4,535 per house and £1,134 per flat is requested towards the construction of the new primary school. The total required will be dependent on the final dwelling mix.

Secondary Education

- 5.6.8 The proposed development is forecast to generate up to 168 additional secondary school pupils. As with primary, the County Council does not forecast surplus places within existing secondary schools being available and will be required to create additional places in mitigation. A contribution of £2,360 per house and £590 per flat is requested towards the expansion of The Mailing School.

Community Services Requirements

- 5.6.9 The County Council has assessed the implications of the proposed development on its community services and sets out the required mitigation measures in the table below:

| | Per dwelling | Comment |
|--|--------------|---------|
|--|--------------|---------|

| | | |
|-------------------------------|--|--|
| Community learning and skills | £32.37 | Towards equipping the Community Services Area with IT and other learning resources. |
| Youth services | £13.47 | Towards equipment within the Community Services Area and to enable Youth workers to conduct outreach work within the community |
| Library bookstock | £49.00 | To serve the demand generated from new borrowers and provision of a library kiosk within the community services Area. |
| Community Services | The new community will generate significant demand on KCC delivered community services. Given the scale of the proposal, it is suitable for provision to be made within the development itself. KCC requests provision within a community building capable of accommodating two teaching areas or rooms of 50 square metres (Net Internal Area) with access, during hours of use, to kitchen facilities, lockable storage areas, toilets and disabled changing facilities, and which is accessible to the disabled and persons otherwise with impaired mobility. It is requested that a full specification be agreed with the County Council and included in the associated planning obligation. | |
| Social Care | <p>17 Wheelchair Adaptable homes to enable clients to live in their own homes.</p> <p>In addition, it is requested that consideration be given to providing a small block of 8-12 flats (with staff overnight/office provision) for those with learning difficulties as part of the on-site affordable homes delivery</p> | |

5.7 KCC (Gypsy and Traveller Unit): KCC have noted the main objection to be that the residents, it would seem, are unable to move their static caravans on and off site, which they do quite regularly. The size of a static caravan can be approx. 40ft long and obviously cannot go round corners easily. The Poppyfields roundabout and Hermitage Lane access would not be possible to navigate due to the road layout and the size of the static caravans.

5.8 KCC (Minerals and waste): The NPPF requires that development proposals should not be permitted within mineral safeguarding areas where they might constrain potential future use of the economic mineral resource. As such, the

policies within the Kent Minerals and Waste Local Plan 2013-30 (KWMLP) aim to prevent the sterilisation of Kent's potentially economic mineral assets.

- 5.8.1 This planning application site is within a minerals safeguarding area as defined by the Kent KWMLP; the safeguarded economic minerals being Limestone Hythe Formation (Kentish Ragstone) and Sandstone - Sandgate Formation. Policy OM 7 of the KWMLP sets out the circumstance in which planning applications for this type of development can be permitted, having regard to safeguarding requirements.
- 5.8.2 The potential mineral reserves for Ragstone (Hythe Formation) could be substantial, although this is not quantified by the consultant's report. Also, the use of the suggested large standoff margins is not necessarily justifiable where there is no immediately adjacent residential development (to the north and south). However, it is accepted that the Ragstone would be unlikely to be capable of extraction and subsequent restoration without adversely affecting the viability or deliverability of the non-minerals development. As this is a crustal geology, full exploitation of the winnable reserves as an act of prior extraction, as advocated by the adopted Plan, would result in delay to the non-minerals development and would probably have a substantial effect on its deliverability.
- 5.8.3 The current reserves of Ragstone are in excess of the adopted KWMLP requirements by a considerable margin (the current landbank of 25.8 million tonnes gives a 33 year landbank and the Plan requires 20.5mt) so there is also a case that the prior extracted reserves (quantity unknown) would be not be of sufficient quality to make extraction economically worthwhile. It appears that there may be some 0.3 metres of 'Solid Stone' overlain by 9 meters of Ragstone of variable quality, with a 4 metre horizon of 'Loose Rock and Stone'.
- 5.8.4 There is therefore sufficient evidence that Ragstone extraction at this location appears uneconomic, and so exemption criterion 1 of Policy OM 7, which states 'the mineral is not of economic value or does not exist' can be reasonably invoked.
- 5.8.5 The Sandgate Sands that outcrop on the site to a lesser degree appears to be present in only geologically academic quantities and thus can be said to be not economically present; again, criterion 1 of Policy OM 7 can be reasonably invoked.
- 5.8.6 The County Council, as Minerals Planning Authority for Kent, therefore raises no objection to the proposal.
- 5.8.7 In relation to waste management, the County Council's waste management facilities available to the Borough of Tonbridge and Mailing are close to their operating capacity and to accommodate the increased demand from growth, additional capacity will be required. KCC is currently undertaking forecasting, to identify this additional demand as well as identifying appropriate mitigation projects.

5.9 **KCC (Biodiversity):**

5.9.1 KCC would expect any planning application to follow the mitigation hierarchy described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance - avoiding adverse effects through good design;
- Mitigation - where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation - where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement - planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

5.9.2 The final design of the proposed development will need input from the applicant's ecologist to ensure the ecological interest can be retained on site and the site is designed to enhance biodiversity.

5.10 **KCC (Heritage Conservation):**

5.10.1 KCC Heritage Conservation has provided the following comments in relation to the Archaeological Desk-based Assessment (DBA) submitted with the planning application.

5.10.2 The DBA seems to have mis-located the site for the geology. According to KCC's data, the site does not lie on Chalk but on Hythe Beds and Sandgate Beds. The geology is important to understand in view of the potential for early prehistoric remains. Recent geo-archaeological works at Hermitage Quarry have focused on the Pleistocene deposits which can occur in ragstone deposits within Hythe Beds. As such, it is recommended that the DBA is revised to reflect the correct geology and therefore demonstrate an understanding of the potential for early prehistoric remains.

5.10.3 It would be preferable for the DBA to refer to the Historic Environment Record (HER) national numbering system rather than the MKE number.

5.10.4 The overall assessment of archaeology is rather limited. There is no detailed assessment of Palaeolithic remains, which should preferably refer to the importance of the discoveries along the Medway Valley, placing the nearby discoveries of Palaeolithic flints in their landscape context.

5.10.5 There is also very little mention of Bronze Age and Iron Age activity. There is a focus of activity relating to these periods to the south around the Maidstone

Hospital area. This later prehistoric activity could extend down towards the application site.

5.10.6 KCC Heritage Conservation does not agree with the assessment of Roman Period archaeology. There is no clear focus of Roman activity in Maidstone; but rather a spread of Roman villas along the river valleys. There are a few Roman villas at Maidstone and there are villas known at Snodland and Eccles to the north and a villa at East Mailing, a settlement to the west at Ditton and Roman cemeteries west and south.

5.10.7 In conclusion, the description of geology needs revising, along with the assessment of early prehistoric and Bronze Age, Iron Age and Roman potential.

5.10.8 In view of the potential for early prehistoric remains, it is recommended that there is a need for more detailed Palaeolithic assessment, preferably in the form of a review of geotechnical data. As this is an outline application, the applicant may wish to consider preliminary archaeological evaluation works to inform any detailed applications. KCC would recommend consideration of geo-archaeological test pitting and/or geophysical survey of the entire site. The results of this preliminary evaluation work would ensure any detailed mitigation for heritage is suitably informed.

5.10.9 In view of the general archaeological potential, there is a need for robust consideration of heritage and for a phased programme of archaeological works. It is recommended that a condition is placed on any planning permission issued to secure such a programme of works.

Further comments:

5.10.10 I note the submission of the revised archaeological DBA. The revisions are welcome and I am happy with the report now.

5.11 **NHS (CCG):** Our previous response detailed that the growth from this development could not be absorbed within existing general practice capacity and that re-location of an existing practice to a new site would need to be explored; including the option presented by the proposed development site.

5.11.1 This proposal will generate in excess of 1965 new patient registrations based on an average of 2.34 people per dwelling.

- The Aylesford Medical Centre is located less than 0.5 miles from the proposed development and would therefore be expected to be the practice where the majority of the new residents register for general medical services.
- The proposed development also falls within the current boundaries of Blackthorn Medical Centre and Bower Mount Medical Practice; the practices are approximately 1.7 miles and 2.2 miles from the proposed site.

- 5.11.2 At Aylesford Medical Practice the physical constraints of the existing site mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken.
- 5.11.3 The new patient registrations generated by this proposed development can only be met through the development of new premises for Aylesford Medical Centre in order to ensure sustainable general practice services.
- 5.11.4 It is however important to note that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice as it is not a resilient, safe, sustainable or attractive service model to commission new practices serving a small population; this is specifically in relation to workforce as locally and nationally there are significant pressures and challenges. The same principle applies to branch surgeries; practices are generally looking to expand service provision and existing premises to provide the most efficient operating model.
- 5.11.5 The CCG's Local Plan details that investment in new general practice premises would be considered where population growth would support a list of over 8000; this is however a guide and in some cases may still not be considered a viable list size.
- 5.11.6 In an area of significant growth a strategic approach is required to ensure plans will deliver resilient and sustainable general practice services for the area. To do this the CCG has been actively working with our groups of practices (clusters) to assess impacts of growth in an area and strategically define a set of priorities that provide an initial response to the growth. The output of this work is documented in the CCG's GP Estates Strategy that was approved by the CCG Governing Body in November 2018; this will now provide the framework for continued assessment of the priorities and development of plans to be considered through CCG governance. Options will include the pooling of S106 contributions to support plans where appropriate.
- 5.11.7 In addition, and from a wider strategic perspective, the CCG Governing Body has recently (August 2018) endorsed recommendations to further explore the establishment of three local care hubs and two mini hubs in the West Kent area for out of hospital services. The strategic case identifies the general locality of Maidstone for a hub along with the potential for a mini hub in the Aylesford area. This is a strategic piece of work that may, through the next phase and depending on specific site options, also identify opportunities for general practice to be co-located in a hub.
- 5.11.8 Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. From a general practice perspective it is not possible at this time, for the reasons detailed above, to set out a specific

project detailing exactly what will be built and where and when; we can however confirm that the project would relate to Aylesford Medical Centre.

5.11.9 Whilst the doctor's surgery has been removed from the current masterplan the CCG's position remains that the site could provide an option for consideration as part of wider strategic options development and appraisal; it would however need to respond to a need greater than the growth created by the development alone for the reasons stated above. Clearly this will be fully assessed once the planning decision is known and taken into account as part of the strategic planning that the CCG is undertaking.

Summary:

5.11.10 In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

5.11.11 The CCG has applied these tests in relation to this planning application and outlined the justifications above. The CCG is of the opinion that the proposal will have a direct impact on the delivery of general practice services which will require mitigation through either:

- The direct provision of land. The CCG is seeking the option for land to be safeguarded for a medical facility for an agreed period of time; we propose that this be discussed but could be a period of 2 years from commencement of development. Within this option the CCG is requesting that the safeguarded land be transferred to the NHS at nil cost and discussions to also take place regarding a wider option that also included the building of a facility or funding towards a facility on the safeguarded land.

The size of the medical facility, if occupied only by general practice, is estimated to be c700 sqm (GIA) or c1400 sqm (GIA) for a medical facility that included both mini-hub and general practice services; in either option provision for parking would also need to be included. This is estimated and further discussions would be needed to agree the size of any safeguarded land.

Identifying an area of land to be safeguarded for a period of time for a medical facility would provide a reasonable timescale for the NHS to continue to progress the work to assess future needs and requirements, formally assess options and be in a position to confirm whether the land would be utilised for a medical facility by the end of the agreed period.

- The payment of an appropriate financial contribution (index linked). If the land option is confirmed as not being required for a medical facility then the CCG would be seeking the financial contribution be paid at the end of the agreed safeguarding period in order to support the option for the medical facility that will be progressed. The contribution would be towards new general practice premises for Aylesford Medical Centre. This is calculated as £707,616

It is important to understand that general practice capacity would need to be created in advance of the full growth in population so that both the infrastructure and workforce are in place. The trigger for the financial contribution is set out as above for this reason.

5.11.12 Please note that general practice premises plans will be kept under review and may be subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

5.11.13 The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with CIL regulation 123 the CCG confirms that there would not be more than four other obligations towards the final project.

5.12 **EA:** We have reviewed the document 'Phase 1 Desk Study' by RLE (reference P16-217 V3 dated 8th June 2017). The study indicates that the site is in agricultural usage but there is evidence of unspecified fly-tipping both on site and at the boundary. Scrapped cars are also present nearby. The study recommends an intrusive ground investigation to assess the site's current ground contamination status.

5.12.1 We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed [relating to drainage and land contamination].

Further comments:

5.12.2 At this stage we have no objection to the submitted surface water drainage layout and outline plans. However, we would need to be consulted again as more detailed drainage plans are created using site investigation information/data. We would then provide further comment. Our position on this proposal is on the condition that the areas proposed for infiltration systems are proved to be free from contamination. A site investigation and contamination risk assessment will allow such areas to be identified.

5.12.3 We have reviewed the drainage strategy submitted in the Flood Risk Assessment (ref: SHF.1132.143.HY.R.005.A) dated August 2018. We do not object to the drainage strategy that has been proposed however we realise that this is an outline strategy which could change as the development progresses. Although we

do not object at this stage, we will need to be provided with further information at the detailed design stage when the locations of SuDs have been chosen. As infiltration based SuDs have been proposed we would need the following to be clarified during the detailed design stage to ensure groundwater is not put at unnecessary risk:

5.12.4 The following points should be considered wherever infiltration systems are proposed at the site:

- Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
- Only clean uncontaminated water should drain to the proposed infiltration system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration system and the water table.
- A series of shallow infiltration systems are preferable to deep bored systems, as deep bored systems can act as conduits for rapid transport of contaminants to groundwater

5.12.5 The points above should be clarified using information/data gathered from intrusive site investigation and should then inform the surface water drainage plans/strategy produced at the detailed design stage.

5.13 **Historic England:** No comments

5.14 **Natural England:** Natural England's comments in relation to this application are provided in the following sections.

5.14.1 Statutory nature conservation sites – no objection

5.14.2 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

5.14.3 Protected species: We have not assessed this application and associated documents for impacts on protected species.

5.14.4 Natural England has published [Standing Advice](#) on protected species.

5.14.5 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

5.14.6 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

5.14.7 The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

5.14.8 Green Infrastructure: The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

5.14.9 Local Sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

5.14.10 Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving*

biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

- 5.14.11 Landscape Enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- 5.14.12 Sites of Special Scientific Interest Impact Risk Zones: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.
- 5.15 **Kent Wildlife Trust**: We note the contents of the Ecological Appraisal. However, reference is made to specific species survey results in the evaluation section - for bats and breeding birds in particular- and yet the "raw" results of survey have not been provided. These need to be provided and The Borough Council should not make a planning application decision in the absence of this data. These results are vital to inform adequate on-site mitigation for lost habitats or species.
- 5.15.1 We note from the evaluation of breeding birds that there appears to be two skylark territories using this field, the loss of which no mitigation is suggested. The Borough Council needs to adequately mitigate for the loss of such farmland birds as a strategic matter in its Local Plan, where adequate mitigation cannot be provided on the application site.
- 5.15.2 Boundary features of hedgerow, scrub and mature trees should be retained wherever possible and where this is not possible any loss should be mitigated for in new native, local provenance planting. A lighting strategy should be submitted, supported by condition, in order to reduce impact upon bats, breeding birds and invertebrates, particularly at the boundary features.
- 5.15.3 If approved, this application should be accompanied by a condition requiring a detailed Mitigation Plan and a Conservation Management Plan to include both existing habitats and new areas of green infrastructure. Provision should be made for the Priority Species of Hedgehog with 13cm sq. holes in residential garden fencing, in order to facilitate movement across the development.

5.15.4 Effective functional green infrastructure will be key in this development, which effectively "infills" an existing green corridor from the River Medway through to open agricultural land to the South West. At the moment, detailed information is lacking and we look forward to receiving more detail on this at the reserved matters stage. The site is adjacent to the Biodiversity Opportunity Area of Greensand Heaths and Commons and this should be considered when designing new habitat areas.

5.15.5 Kent Wildlife Trust would like to submit a holding objection to this application, subject to the above recommendations being addressed.

5.16 **Southern Water:** The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

5.16.1 Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

5.16.2 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

5.16.3 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

5.16.4 Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

5.16.5 Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme

- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

5.16.6 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

5.16.7 The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

5.16.8 Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

5.16.9 We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water". Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

5.17 **Network Rail:** The developer should comply with the comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land [as set out in full in the response].

5.18 **Private Reps:** 126/OX/360R/0S. The representations raising objection do so for the following reasons:

- The local area is already heavily congested
- The development will overload the existing roads that are at capacity
- Ambulances will struggle to get to and from the hospital
- The construction traffic will cause additional congestion on local roads
- This is not a sustainable development
- Loss of wildlife
- Loss of Green, open land

- The junction of hermitage Lane and the London Road is poorly designed and leads to heavy congestion.
- The area needs now infrastructure such as a new bridge across the river, GP surgery, more school place before any more housing is built.
- Impacts upon air quality
- The developer has abandoned plans to provide a doctor's surgery in the amended scheme.
- The scheme could prejudice the future development of land to the west of Hermitage Lane

6. Determining Issues:

Principle of the development:

- 6.1 As Members are aware, the Council cannot currently demonstrate an up to date five year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (February 2019) must be applied. For decision taking 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.

- 6.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.

- 6.3 In terms of the principles of the development, policies CP6, CP11 and CP14 are the most important to the determination of this application, due to its specific locational characteristics outside, but close to the Malling Gap urban area. However as the development relates to the provision of housing, these policies are considered to be out of date, pursuant to footnote 7 of the NPPF because the LPA cannot demonstrate a 5 year supply of housing land at the moment. This has been repeatedly confirmed in decisions across the Borough.
- 6.4 With regard to the application of the presumption in favour of sustainable development, regard must first be had for whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 6) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in footnote 6 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that my assessment follows:

Locational characteristics and associated impacts:

- 6.5 Paragraph 78 of the NPPF advises that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Paragraph 79 then follows stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”.
- 6.6 Given that the site lies within the countryside as designated – and notwithstanding my earlier commentary concerning the application of policies CP 11, CP14 and CP6 of the TMBCS – and assessment of the development on this basis must take place.
- 6.7 The interpretation of isolated homes in the countryside has been clarified in the Court of Appeal judgment in Braintree DC v SSCLG [2018] EWCA Civ. 610. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. (para.31)
- 6.8 The site is immediately adjacent to the urban area of the Medway Gap and although Hermitage Lane intervenes I consider that the development would, provide a spatial expansion of this urban area. Furthermore, the confines of Maidstone are located less than 200m away to the east of the site. Given the scale of the development and its location, it would certainly not result in isolated dwellings being introduced within a rural area but would instead be a sustainable location for new dwellings to be located as a meaningful expansion of the existing

urban area. The development would not, therefore conflict with paragraph 79 of the NPPF.

- 6.9 Overall, given the very close proximity of the site to the Medway Gap and the physical characteristics of the site (the location of the railway line on the raised embankment along the south east corner of the site), I am of the view that the proposed development would not erode the identity of Medway Gap or Maidstone or harm the setting or character of these urban areas.
- 6.10 As such, in locational terms and having due regard to relevant case law and material planning considerations, I conclude that the development of this site for residential purposes in the manner proposed would not be harmful.

Character and pattern of development and impact upon visual amenities:

- 6.11 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments.
- 6.12 In particular, paragraph 127 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. Furthermore, paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 6.13 The Landscape and Visual (LV) section of the ES identifies two separate aspects to consider when assessing the landscape and visual effects of a development. These are:
- Assessment of landscape effects – assessing the effects on the landscape as resource in its own right and,
 - Assessment of visual effects: assessing the effects on specific views and on the general visual amenity experienced by people

- 6.14 With regard the former (Landscape effects) such matters as landscape designations, the landscape quality, scenic quality, rarity, recreational value and perceptual aspects and associations should to be considered.
- 6.15 The site is not the subject of any specific landscape designation. It's quality is typical of other open land in the wider locality; open, gently undulating grazing land (albeit for equine purposes) and which is enclosed by urbanising elements to the west and north (and further to the east on the opposite side of the railway line). The site is of limited scenic quality and its most notable features are the hedgerows and trees that stand along the boundaries of the site. Consequently, the landscape of the site is not considered to be rare or contain rare features or characteristics.
- 6.16 The site is not accessible for recreational purposes and does not contain any public rights of way. The site has no known cultural or historical associations.
- 6.17 The proposed development would, of course introduce a significant amount of built development into the site and this change from being undeveloped to developed will of course, alter the landscape of the site. The LV section of the ES acknowledges this change to the landscape and considers this to be a minor adverse impact in the longer term. However, it must be noted that the most significant features of the site (the existing boundary hedgerows and trees are to be retained as part of the development and 7ha of green infrastructure would be designed into the development included a green way running from the north west to the south east corner of the site, which will link footpaths and cycle ways around/through the site. As such, public access through the site will actually improve as a result of the development. The existing boundary planting is to be supplemented with additional planting that can be secured by a landscaping condition.
- 6.18 The other aspect of visual impact arises from how receptors will perceive the change in the landscape following the development. Those receptors who are most susceptible to a change in the local landscape include the residential properties that face onto the site and people engaged in outdoor recreation, whose attenuation is likely to be focused on the local landscape. People travelling along the local roads and rail routes are likely to be less susceptible to change as their focus is more likely to be on the journey, unless of course the journey involves a highly scenic landscape, which the application site does not form part of.
- 6.19 The site is visible to those residential properties that have a view across the site (e.g. those in White Post Wood Lane and Hermitage Lane to the west of the site). They will experience the greatest change in the landscape of the site as housing parcels will be located up to the western boundary of the site. However as there is ribbon development along this section of Hermitage Lane, these residents will perceive housing along the opposite side of the road in a similar fashion to their own.

- 6.20 Residents living on the north side of London Road will be less aware than those living in Hermitage Lane of the proposed development due to the separation from the site and that the built envelope is to be set back from the northern frontage of the site behind mature boundary screening. Any impact upon their perception of the landscape is likely to be minor.
- 6.21 Residents living within the Castor Park development (with Maidstone BC area) to the west of the site will not experience a notable change in the landscape resulting from the proposed development. This is due to the intervening railway line and boundary landscaping along it.
- 6.22 Views into the site from the local highway network and footpaths around the site would be limited and filtered by the existing boundary treatments which are to be supplemented under the proposed development.
- 6.23 Views from PROWs, including the Medway Valley Walk along the River Medway and from further afield at the top of Blue Bell Hill (North Downs Way) would be at best very limited. Indeed any views of the development would be seen from the elevated position of the North Downs Way in the context of the adjacent developed part of the Medway Gap urban area and the M20 motorway,
- 6.24 Although reserved for future consideration, the indicative plans provided show that the dwellings will be of a similar scale to those in the locality and the scheme has been designed to retain and manage the existing boundary treatments. A green corridor will be located within the site. Breaking up the expanse of the proposed built areas and additional landscaping is proposed to take place, including appropriate tree planting as the development plans take shape at the next (Reserved Matters) stage.
- 6.25 The two new accesses (off the Poppyfields roundabout and Hermitage Lane) and associated visibility splays would also intervene within the frontages which will require removal of some trees/hedgerow but I do not consider the visual impact of this to be significant, in the context of the development as a whole.
- 6.26 Similarly, the parameters provided indicate that the scheme would come forward in manner that would ensure residential amenities of existing and future residents would not be harmed. I do appreciate that the experience of surrounding land for existing residents would change through the development of this site but this does not automatically render it unacceptable in planning terms. On receipt of the relevant reserved matters, further consideration of the detail would be given and public consultation undertaken as part of that.
- 6.27 In all these respects, I consider that the development would come forward in an acceptable manner that would accord with the adopted development plan and the policies contained within the Framework.

Highway safety, capacity and parking provision:

- 6.28 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.
- 6.29 It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.30 Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
- 6.31 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.32 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
- 6.33 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. Paragraph 110 goes on to state that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 6.34 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.35 Two access points will be created to serve the development as a whole. One is from the Poppyfields roundabout located at the north eastern corner of the site and the existing access into the adjacent traveller site will be reconfigured as part of the changes to the highway. A new roundabout junction would be created with Hermitage Lane and the two junctions would be linked by a new through (spine) road. Details of the access with associated footpaths and splays have been provided on the submitted drawings. A Transport Assessment has also been submitted.
- 6.36 Members will note from Section 5 of this report and the attached Information Report that was presented to the January meeting of APC 3 that the local highway Authority (KCC H&T) and Highways England initially raised objections to the scheme because additional information was required to demonstrate the impacts of the development upon the local and strategic highway networks (most notably, the impacts upon Jct. 5 of the M20 and along the A20 London Road corridor and Hermitage Lane. The Council has been undertaking modelling of the A20 corridor between Jcts. 4 and 5 of the M20 as part of the evidence base feeding into the local plan process. This was undertaken in order to assess what the existing road and individual junctions' capacity was in the study area. This would help to inform what mitigation measures would be required for proposed residential development allocations in the south Aylesford area that would be included within the draft local plan. Additionally KCC confirmed that whilst improvements were being planned for some of the junctions along the A20 corridor, these had not been fully designed or funded at that time.
- 6.37 Over the course of the last two years a great of additional work has been undertaken by the Borough Council (primarily for the local plan process), KCC as local Highway Authority and the applicant in order to fully assess the impacts of the proposed development upon the highway network and to establish what mitigation measures would be necessary (and who would provide them) in order to make the development acceptable in highway safety terms.
- 6.38 A position has now been reached whereby both Highways England and KCC (H&T) have removed their objections to the proposed development. Highways England is now satisfied that the development would not cause unacceptable harm to the strategic highway network (Jct. 5 of the M20). With regard to the local road network, numerous different factors now enable KCC (H&T) to withdraw its earlier objections to the development. These are:

Poppyfields roundabout

- 6.39 This is to be improved by the applicant to facilitate access to the link road that access the proposed development. This is now considered to operate within capacity, taking into account the proposed development and the others allocated within the local plan for this part of the Borough.

A20/Hermitage Lane (and new link road)

- 6.40 The provision of the planned link road from the Poppyfields roundabout to Hermitage Lane will improve capacity for the A20/Hermitage Lane junction. Essentially this will provide an alternative route for traffic that currently has to use this junction. It is essential that the link road is provided a timely fashion, although regard must be had to need for a developer/landowner to achieve a return for this significant investment. It has been agreed that no more than 175 of the dwellings within the proposed development will be occupied prior to the completion and opening of the full link road and in any case, the link road will be completed within 5 years of the first house being occupied, (in the event that less than 175 dwellings are occupied in this period of time). A S106 planning obligation will be used to secure the provision of the link road

Coldharbour roundabout

- 6.41 An improvement scheme for the roundabout has now been agreed and planned for by KCC to increase its capacity and this will accommodate the additional capacity requirements generated by the proposed development and other development also planned for in the forthcoming local plan. The works to this junction are scheduled to be undertaken during 2020.

Mills Road/London Road/Hall Road junction (Quarry Wood)

- 6.42 As has been discussed in the previous item on this agenda, KCC has now designed a detailed scheme to improve the capacity of this junction and has funding secured for it but which does not cover the full cost of the works. The proposed development would, of course, create additional pressure on this junction. The developer has, therefore, agreed to make a financial contribution to fill the funding gap to enable the junction to be delivered. The improvements to this junction are scheduled to be completed during 2020. The contribution to be made by the landowner will be secured by a S106 planning obligation.

Other Highway matters

- 6.43 The developer will make a contribution towards a cycle lane along Hermitage Lane between London Road and Barming Railway Station to be provided, which will be secured by way of a S278 agreement between the developer and the local

highway authority. The applicant has also agreed that the landowner/developer will make a financial contribution towards the enhancement of bus services in the local area. These measures will ensure that future residents of the development will have the ability to make use of alternative transport methods other than the private motor car.

- 6.44 In addition, a Travel Plan has been submitted for the development. This provides an action plan that includes the production of residential travel packs, promoting car sharing and use of public transport to future residents. Secure cycling provision will also be provided as part of the development. I consider this to be acceptable for the development given its location.
- 6.45 It is noted that the development is considered to cause additional use of the junctions at the southern end of Hermitage Lane (Hermitage Lane/St Andrew's Road/Fountain Lane/Heath Road and A26/Fountain Lane/Farleigh Lane), which are currently over capacity. A scheme for the improvement of these junctions is still in the process of being designed by the Highway Authority. The measures to be undertaken by the applicant would provide future residents with alternative transport choices for access Maidstone, which would help to mitigate the impacts upon these junctions to a degree.
- 6.46 A condition can be imposed on any permission granted requiring layout plans to provide for car parking at a level that is in accordance with the adopted residential parking standards (Kent Design Guide Review: IGN3).
- 6.47 In strategic terms, HE has now confirmed through representations that the proposed development would not give rise to any severe impact on the strategic road network. This, of course takes into account the committed development in the local area (which is specified within the submitted ES) and the proposed local plan allocations in the locality.
- 6.48 In light of the above and taking into account the comprehensive range of infrastructure improvements to be undertaken either by the developer or the local Highway Authority (with the necessary contributions from the developer) I am satisfied that the development would not now result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 109-111 of the NPPF.

Ecology and biodiversity:

- 6.49 Policy NE2 of the MDE DPD requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.50 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate

mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

6.51 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.

6.52 These policies broadly accord with the policies of the NPPF. In particular, paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

6.53 An Ecological Appraisal report has been submitted in support of the application. The report advises that the site comprises a single, large, grassland field. Boundary vegetation is present along the perimeters of the field with a hedgerow to the west, scattered scrub to the north and mature tree belts and woodland to the south and east.

6.54 The site provides very limited opportunities to foraging and commuting bats, with bat activity overall limited to low numbers of common species utilising boundary features. The boundary hedgerows and trees have been found to be used by a low number of foraging bats. This habitat will be retained and enhanced under this proposal and additional habitat will be created within the site as part of a landscaping scheme.

6.55 In respect of breeding birds, the vast majority of breeding activity was found to be associated with boundary habitats. Other breeding bird activity was limited to the presence of 2 skylark territories within areas of grassland on site. The Kent Wildlife Trust has objected to the loss of the Sky Lark habitat and the applicant has sought to find appropriate mitigation in discussion with the KWT. However, no suitable relocation of habitat has been found, although an option is still being explored with West Malling Parish Council.

6.56 The development proposals would result in losses to those invertebrate species including the Hornet Robberfly, a rare species. These are, however, dependent on the presence of horse dung and so are present on site due to the current use of the site for keeping horses. Any change of use of land or development the site would inevitably result in the site not being suited for these species, including many forms of agriculture, which would not require a grant of planning permission. However it is considered that the development would enable the creation of

species-rich habitats and ensure new opportunities for invertebrate populations as a whole to be created, thereby seeking to remediate its impact upon invertebrates.

6.57 It is noted that Natural England has decided to offer no comments on the application. In doing so it makes the point that this does not mean that there are no impacts arising from the development on the natural environment, but rather that it is unlikely to result in significant impacts upon statutory designated nature sites or landscapes.

6.58 Whilst the development would displace two territories of nesting Skylarks within the site, given the proposed inclusion of 7ha of open space and the ability to consider landscaping as a Reserved Matter, I consider that opportunities exist to enhance the overall ecological value of the site.

6.59 I am therefore satisfied that the development would have a net positive effect on habitats and biodiversity on the site which would be an overt benefit arising from the development. The proposal therefore accords with local and national policy focused on maintaining and enhancing biodiversity.

6.60 These matters can all be reasonably secured by a combination of planning condition and/or obligation.

Best and most versatile land:

6.61 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will not be proposed in the LDF unless there is an overriding need, and

6.62 (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or

6.63 (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.

6.64 I am mindful that this policy relates to proposing sites for allocation within the LDF process rather than overtly setting out that it is intended to be applied for decision making purposes. However, it is clear from the preceding sections of this report that there is a clear need for additional housing within the Borough, and the development would make a significant contribution to redressing the existing shortfall. Furthermore the Soils and Agricultural Quality report submitted with this application advises that whilst the majority of the site is classified as grade 3a or 2, this is typical of the agricultural land in the wider area. It must also be considered that the land is not used for agricultural purposes but is instead used for equine purposes following a grant of planning permission in 2016. Therefore, the development would not result in the loss of actively farmed high quality agricultural land. The proposal would therefore not conflict with Policy CP9 of the TMBCS even if it were to be applied in this instance for such purposes.

Minerals:

- 6.65 The development would be undertaken on land that is safeguarded within the Kent Mineral and Waste Local Plan (Policy OL 7) for Kent Ragstone and Sandstone. However, KCC (Minerals and Waste) has confirmed that neither type of mineral is economically viable to extract; and the development would not undermine the supply of these minerals within the County. As such it is not objecting to the proposed development.

Potential land contamination:

- 6.66 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 6.67 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner
- 6.68 In terms of land contamination, the submitted Phase 1 Geo-Environmental Report is considered to adequately review the history and environmental setting of the site. It notes that the site has not been previously developed but there identifies some isolated pockets of potential sources of contamination. It recommends that an intrusive investigation be carried out to target those small potential sources of contamination.
- 6.69 The EA has agreed with this conclusion and considers that permission should only be granted subject to a number of conditions requiring appropriate site investigation and (where) appropriate remediation measures to take place. A number of conditions have therefore been recommended to be imposed on any permission granted, which are necessary.

Flooding and surface water management:

- 6.70 KCC (Flood and Water Management) have advised that it has no objection in principle to the development but is concerned with the use of a single large

infiltration feature serving the majority of the development (the SUDS pond in the north west corner of the site). Due to the underlying conditions (the Hythe Formation), there is a risk of encountering loosely infilled features known as 'gulls' and that the installation of large point infiltration areas or sources may lead to ground instability if these features are present and are inundated with water. It notes that there has been a high frequency of collapses in the Hermitage Lane area.

- 6.71 A detailed sustainable surface water drainage scheme has therefore been recommended that should also determine the potential instability risks associated with infiltration drainage into the mentioned deposits. Conditions have been advised which are entirely appropriate.
- 6.72 Southern Water have advised that it cannot accommodate the needs of the proposed development, without the development providing additional local infrastructure. The development would increase flows into wastewater sewerage systems and as a result, there would be an increased risk of flooding in and around the local area foul water for the development can be provided to this mains sewer. I am therefore satisfied that, with the suggested conditions, the development would accord with paragraph 178 of the NPPF.

Noise:

- 6.73 Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 6.74 A Noise Assessment has been submitted as part of the ES, in support of the application. The report details the measurement of the noise climate present at the site, compares this with appropriate standards and offers advice on the attenuation measures that could be implemented to secure an acceptable environment. The report concludes that the main sources of noise to future occupiers of the development are from traffic using the major roads in the vicinity and from the railway. Appropriate glazing and trickle ventilators to mitigate any noise impact to dwellings. Further the detailed site design will need to take into account other necessary mitigation measures for noise sensitive premises. A condition can added to secure these requirements. The proposal therefore accords with paragraph 180 of the NPPF.

Air quality:

- 6.75 Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from

individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

6.76 An AQMA lies along the A20 corridor immediately to the north of the North West corner of the application site. A consultant was appointed to review the air quality section of the submitted ES and following the submission of additional information requested by the consultant, he found the submission to be robust and air quality impacts to be acceptable subject to the submission of a construction management plan, which can be secured by a condition.

6.77 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's appointed consultant, I am satisfied that the air quality effects of the development would not be significant. The development therefore accords with paragraph 181 of the NPPF.

The Draft Local Plan:

6.78 The site is part of an area that is proposed to form part of a strategic allocation site (South Aylesford) for approx.1000 dwellings and key infrastructure including a 2 FE entry primary school, new link road between the A20 London Road and Hermitage Lane, contributions towards the improvement of the A20/Hall Road/Mills Road junction as set out within policy LP 28 the draft local plan which was submitted to the Secretary of State for examination on 23 January 2019.

6.79 Under paragraph 48 of the NPPF, a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies and (3) the degree of consistency of the relevant policies with the NPPF.

6.80 Paragraph 49 then advises that this, when taken in the context of the NPPF and "in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

6.81 Of course, in this case, the proposed development would take place on the majority of the land the subject of the proposed local plan allocation, would include a quantum of residential dwellings commensurate with policy LP28 and now includes the provision of the necessary infrastructure required to mitigate the impacts of the development. Consequently, the proposed development complies with the requirements of policy LP28 in any event.

6.82 Whilst the development comprised with this proposed policy, only limited weight can be attributed to this as the policy and the local plan as a whole has yet to be examined and as such this cannot be determinative at this stage.

Planning Obligations:

6.83 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

(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

6.84 Paragraph 56 of the NPPF reflects this statutory requirement.

6.85 In addition to the matters set out above within the report concerning specific obligations that would be expected to come forward as part of this scheme, I address the following.

6.86 The scheme proposes to provide 40% of the total number of dwellings (up to 840) as affordable housing, which would be 336 residential units. The scheme therefore accords with Policy CP17 of the TMBCS. The approval of the specific size, type and tenure of affordable housing and implementation of the provision can be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need. The applicant is agreeable to this provision, which is reflected in the draft s106 obligation.

6.87 Policy OS3 of the MDE DPD required all developments of 5 units or more (net) to provide an open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The indicative plans show that the development would incorporate a Neighbourhood Equipped Area for Play in the centre of the site, located within the green corridor (amenity space) and natural green space in the form of the retained and managed woodland area. After taking this on-site provision into account, it has been determined that a financial contribution towards off-site open space provision is sought in this case. Again, this can be secured through s106 obligation.

- 6.88 The development generates a need to for 235 additional primary school places that cannot be accommodated within local schools. The size of primary schools are considered in terms of form entry (FE) with a one FE school accommodating 210 pupil places. This would be too small to accommodate the need generated by the proposed development and so the applicant has agreed to set aside land for the construction of a 2 form entry (2FE) primary school within the site. KCC Economic Development has advised that in addition to this, a contribution will also need to be made towards the cost of actually building the school and this will be secured through a s106 planning obligation. However as a 2 FE primary school is larger in terms of land take than that necessary to accommodate the need generated by the proposed development, it will be necessary for other residential developments within the area that also generate a need for primary school places to make a contribution for primary land provision as they will not need to find land within their sites to accommodate a primary school. Such contributions will be returned to the developer/landowner of the site the subject of this application to compensate them for providing all of the land necessary to accommodate a 2FE primary school.
- 6.89 KCC has also advised that in order to mitigate the additional impact that the development would have on delivery of its community services, the payment of an appropriate financial contribution is required. This includes contributions for secondary education, library book stock and youth services. Projects to which these contributions would be put towards have been outlined in the representations received and summarised at paragraph 5.6.9 of this report. It has also sought the on-site provision of a community building, capable of accommodating two teaching areas together with kitchen and toilet facilities. No information, however, has been provided as to the intended purpose of this building and how this would be specifically required as a direct consequence of the proposed development. As such I do not consider that this request meets the three tests set out in section 122 of the CIL Regulations (as amended) and I do not consider that this request for provision be sought.
- 6.90 NHS CCG have advised that the proposal will generate approximately 1965 new patient registrations based on an average of 2.34 per dwelling and that this would have implications on the delivery of general practice services in the Aylesford area. Therefore, mitigation is required through either the safeguarding of land for set amount of time for a new medical facility or, if the land is found not to be necessary in this location, the payment of an appropriate financial contribution towards new GP premises for Aylesford Medical Centre. The applicant is agreeable to these requests and has included provisions within the draft s106 planning obligation.
- 6.91 These obligations, along with that also required for highways improvements, would ensure that the effects of the development would be adequately mitigated, and that these would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Planning balance and overall conclusions:

- 6.92 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 6.93 In terms of the benefits, the proposed development would provide 840 new dwellings which would assist in addressing the Borough's shortfall in housing supply. It would also provide 40% affordable housing with a mix of size and tenures which would contribute to addressing a recognised need for affordable housing in the Borough.
- 6.94 The proposal would not harm the local environment but would in fact provide net benefits to biodiversity.
- 6.95 The development would result in the provision of a new primary school. Whilst this would normally be considered as being a requirement to mitigate the impact of the development, the provision of the 2FE primary School in this case would provide more places than is actually required by the proposed development and will, therefore be a benefit to the wider community.
- 6.96 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 6.97 It is therefore recommended that outline planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out throughout this report and various planning conditions to ensure that the development comes forward in an acceptable, high quality fashion.

7. Recommendation:

- 7.1 **Grant outline planning permission**, as detailed in the following: Ecological Assessment dated 23.01.2018, Report dated 23.01.2018, Master Plan 7429-L-05 B dated 08.08.2018, Environmental Statement amended appendix 7.1-7.4 dated 06.04.2018, Environmental Statement amended chapter 7 dated 06.04.2018, Other supplementary information dated 06.04.2018, Drawing 7429-L-03 N dated 08.08.2018, Master Plan 7429-L-04 C dated 08.08.2018, Environmental Statement Addendum dated 08.08.2018, Flood Risk Assessment dated 08.08.2018, Arboricultural Survey dated 08.08.2018, Design and Access Statement dated 08.08.2018, Planning Statement dated 13.06.2017, Archaeological Assessment dated 10.08.2017, Letter dated 13.06.2017, Location Plan 7429-L-01 A dated 13.06.2017, Master Plan 7429-L-05 GI dated

13.06.2017, Sustainability Report SOCIO-ECONOMIC dated 13.06.2017, Plan 4964-00-19- B dated 13.06.2017, Plan 4964-00-16 Rev A, Ecological Assessment dated 13.06.2017, Soil Report dated 13.06.2017, Desk Study Assessment PHASE 1 dated 13.06.2017, Plan 7429-L-03 I dated 13.06.2017, Other FOUL DRAINAGE ANALYSIS dated 13.06.2017, Other STATEMENT OF COMMUNITY INVOLVEME dated 13.06.2017, Topographical Survey TOPO_01_2D dated 13.06.2017, Topographical Survey TOPO_02_2D dated 13.06.2017, Topographical Survey TOPO_03_2D dated 13.06.2017, Topographical Survey TOPO_04_2D dated 13.06.2017, Environmental Assessment dated 13.06.2017, Transport Statement dated 13.06.2017, Travel Plan dated 13.06.2017, Other NON TECHNICAL SUMMARY dated 13.06.2017, Drawing caravan out dated 23.07.2019, Report FOUL DRAINAGE ANALYSIS dated 30.06.2017, Letter odour letter dated 18.02.2019, Other Air quality response dated 18.02.2019, Email dated 05.08.2019, Report Walkover briefing note dated 05.08.2019, Email dated 23.07.2019, Drawing caravan in dated 23.07.2019, Email dated 02.07.2019, Report technical note dated 02.07.2019, Email dated 01.07.2019, Report technical note dated 01.07.2019,;

Subject to:

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision and enhancement and health provision;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards off-site highway junction improvements, public transport, the provision of education facilities and community services

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 21 May 2020, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions
1. Approval of details of the layout and appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement and the following plans:

- o Development Framework - Drawing no. 7429-L-03 N
- o Proposed Site Access Arrangements – Drawing nos. 4964-00-16 A and 4964-00-19B
- o Potential Pedestrian/Cycle Link – Drawing no. 7429 –L-04 C

Reason: To ensure that the parameters of the development proposed are followed.

5. Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the phasing of the construction of the development including the means of access, layout of buildings, car parking and servicing arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

Reason: In the interests of highway safety and the amenity of the locality,

6. A scheme for the improved pedestrian/cycle path linking the development to Barming Station shall be submitted to the Local Planning Authority for approval after consultation with Kent County Council. It shall be accompanied by a Stage 1 safety audit and shall detail any necessary associated works. The approved scheme shall be implemented prior to first occupation of the development and retained and maintained at all times thereafter.

Reason: To provide appropriate access and connectivity to the site and in the interests of highway safety.

7. None of the dwellings within any phase of the development shall be occupied until the works to improve the following road junctions have been completed by the local highway authority.

- Coldharbour roundabout on the A20 London Road (the junction with the spur road to junction 5 of the M20), and;
- the junction of the A20 London Road/Mills Road/Hall Road

Reason: In order to ensure the local highway network can adequately accommodate the traffic generated by the development hereby approved.

8. No dwellings within any phase of the development shall be occupied until the junction of the access road with the Poppyfields Roundabout has been completed in accordance with the details shown on drawing no. 4964-00-16 A.

Reason: In the interests of highway safety

9. The details submitted in pursuance of Condition 1 shall show land, reserved for parking. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area.

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

10. No development above the ground in a particular phase shall take place until a plan showing the proposed finished floor level of the new dwellings and finished ground levels of the site in relation to the existing levels of the site in that particular phase and adjoining land have been submitted for the written approval of the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

11. No development above ground in a particular phase shall commence until details and samples of all materials to be used externally on the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

12. No development shall commence until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent

damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

13. No development of any phase of the development (or part thereof) shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the particular phase of development (or part thereof) will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the particular phase of development (or part thereof) cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of each phase of the development (or part thereof) the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme of works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

14. Following completion of the approved remediation method statement for each phase of the development (or part thereof), and prior to the first occupation of the relevant phase a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR

11. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place within any phase of the development (or part thereof) such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

15. Prior to the commencement of any piling or other ground penetration type of foundations that are necessary for any building within any phase of the development, details of the piling techniques or foundations design to be used for those buildings shall be submitted to the Local Planning Authority for its approval together with details of any measures that are considered to be necessary to mitigate against noise disturbance and groundwater contamination. The development shall be undertaken in accordance with the details so approved.

Reason: In order to prevent contamination of ground water and to protect the aural amenity of neighbouring residential properties.

17. None of the dwellings within any phase of the development shall be occupied until any necessary noise mitigation measures have been incorporated into those dwellings, the details of which have first been submitted to and approved by the Local planning Authority.

Reason: In the interests of the aural amenity of the future occupiers of the development.

18. No development shall take place until the details required by Condition 1 have been submitted that demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within each phase of the proposed development layout. Each phase of development should aim to control and discharge surface water as close as is reasonably practicable to its source.

Reason: To demonstrate that the principles of sustainable drainage are incorporated into the layout of the proposed development and to promote best practice for the inclusion of sustainable drainage features.

19. Development shall not begin until a detailed sustainable surface water drainage scheme for each phase, compliant with the complete drainage strategy as approved under the Condition 1 above for the development site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants

resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

20. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

A description of the drainage system and its key components

A general arrangement plan with the location of drainage measures and critical features clearly marked

An approximate timetable for the implementation of the drainage system

Details of the future maintenance requirements of each drainage or SuDS

component, and the frequency of such inspections and maintenance activities

Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

21. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in Construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

22. No development shall take place until a strategy detailing the proposed means of foul waste disposal and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

23. No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

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

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the NPPF.

25. Prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;

- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;

- Procedures for notifying local residents as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

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

Reason in order that the development is managed in a way to minimise harm to the amenities of local residents.

Informatives

- 1 It is recommended that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmhc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Matthew Broome

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

1st response received 10.07.2017

Thank you for your letter dated 29 June 2017 regarding the above application requesting a response by 27 July 2017.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the M20 around Maidstone, especially in the vicinity of Junction 5.

Having assessed the submitted Transport Assessment, our initial comments are as follows:

1. The proposed link road will require changes to the access to the Police Site that Highways England Traffic Officers use, which could result in an increase in delay accessing / existing the site. We will liaise with TO Colleagues to establish their views.
2. In addition to committed developments, TEMPRO growth factors ("adjusted for the committed development") have been applied to 2016 traffic flows for the 2030 scenarios. We have been unable to identify these rates within the Transport Assessment. **We require this information to be provided to enable us to assess their appropriateness.**
3. As per DfT guidance, traffic surveys should be carried out during a 'neutral', or representative, month avoiding main and local holiday periods, local school holidays and half terms, and other abnormal traffic periods. National experience is that the following Monday to Thursdays can be neutral:
 - late March and April – excluding the weeks before and after Easter;
 - May - excluding the Thursday before and all of the week of each Bank Holiday;
 - June;
 - September – excluding school holidays or return to school weeks;
 - all of October; and
 - all of November – provided adequate lighting is available.

Base traffic surveys were undertaken in July 2016, which is not a neutral month. Typically the last few weeks of School Term Time are not 'typical', with students having completed exams (e.g. GCSEs and A Levels) not being required to attend. This assertion is supported within the Transport Assessment, which makes reference to the survey data requiring factoring up to ensure consistency with the AMEY 'A20 Corridor – Ashton Way to Coldharbour Roundabout Study' (2016).

We therefore require evidence that the day of the surveys represented an average (typical / neutral) day at the M20 Junction 5. This could potentially be in the form of a review of Webtris data, comparing Peak Hour traffic volumes in July 2016 (and particularly on the day of the junction counts) to the equivalent in neutral 2016 months.

4. We have also noted that the Traffic Surveys were dated Tuesday 06 July 2016; 06 July 2016 was a Wednesday. **We therefore also require clarification on the date of the surveys (Tuesday 05 or Wednesday 06 or some other day/date entirely).**
5. The modelling results, subject to clarification on the above, currently indicate that the existing Coldharbour Lane Roundabout cannot accommodate the proposed development. With the

existing layout, queues on Coldharbour Lane are predicted to block back onto the M20 Junction 5 in the AM Peak.

Whilst it is noted that the KCC scheme tested will accommodate the proposed development, it cannot be taken as certain that the KCC scheme will proceed in this form (it is our understanding that the scheme is not yet fully designed, agreed or funded), or be guaranteed that it will be implemented prior to this application, if permitted, being constructed. **As such, we require confirmation that this application would provide the mitigation if it were to proceed in advance/ in the absence of the KCC scheme.**

This is not only important from the viewpoint of maintaining the safety, reliability and operational efficiency of the SRN for road users, but also in terms of our Traffic Officers being able to access the M20 24/7/365 from their Coldharbour base (shared with Kent Police) to the south of M20J5, but also our operations, stewardship and maintenance crews being able to gain 24/7/365 access to the M20 from their depot located in Coldharbour Lane to the north of M20J5.

6. The modelling results, subject to clarification on the above, currently indicate that the existing M20 Junction 5 cannot accommodate the proposed development. With the existing layout, queues are predicted to significantly increase on the M20 East off-slip.

While it is noted that the signalisation scheme tested will accommodate the proposed development, it cannot be taken as certain that the scheme will be implemented prior to this application, if permitted, being constructed. **As such, we require confirmation of what mitigation this application would provide if it were to proceed in advance/ in the absence of the M20 Junction 5 scheme.**

I look forward to receiving additional information in due course.

In the meantime, we would ask that the authority does not determine the application (other than a refusal) ahead of us receiving and responding to the required information. In the event that the authority wishes to permit the application before this point, we would ask the authority to inform us so that we can provide a substantive response based the position as known at that time.

2nd response received 24.11.2017

We received from Mr Weeks an e-mail dated 07 November 2017 which included a Technical Note 'In Response to Highways and Transportation Comments Raised by Kent County Council and Highways England' (undated).

You will recall that Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the M20 around Maidstone, especially in the vicinity of Junction 5.

We assessed the originally submitted Transport Assessment, identifying a number of key issues.

Having now assessed the Technical Note, we have updated the original comments below in red:

1. The proposed link road will require changes to the access to the Police Site that Highways England Traffic Officers use, which could result in an increase in delay accessing / existing the site. We will liaise with TO Colleagues to establish their views.

The response from Traffic Officer colleagues is that any delay egressing Coldharbour outstation from the Kent Police site is a major concern. We suspect Kent Police may hold a

similar view and should be directly consulted. Although, unlike the Police, Traffic Officers are not a Cat 1 responder urgency is required when responding to an incident especially if it is graded as immediate by the RCC. While typically our units are parked up at strategic locations on the network and would deploy from there; there may be occasions when a unit will be deployed direct from the outstation especially at changeover times. Coldharbour is also a major operations hub whenever Operation Stack is implemented.

Therefore we require a sensitivity test to assess any additional time delays for vehicle deployment exiting onto/via the new link road. Any delay could be the difference between reaching incidents in time or not.

In addition to committed developments, TEMPRO growth factors ("adjusted for the committed development") have been applied to 2016 traffic flows for the 2030 scenarios. We have been unable to identify these rates within the Transport Assessment. **We require this information to be provided to enable us to assess their appropriateness.**

The Technical Note does not specify TEMPRO assumptions, therefore we have been unable to replicate the analysis. We require this information to be provided to enable us to assess their appropriateness. With regard to committed developments, the TA stated that *"It should be noted that an updated list was recently received which is currently being analysed. It is not anticipated the changes will make a material difference to the analysis but if any changes are relevant an Addendum to the Transport Assessment will be issued."* Details of the changes are required as well as a clarification of impacts.

Base traffic surveys were undertaken in July 2016, which is not a neutral month. **We therefore require evidence that the day of the surveys represented an average (typical / neutral) day at the M20 Junction 5.** This could potentially be in the form of a review of Webtris data, comparing Peak Hour traffic volumes in July 2016 (and particularly on the day of the junction counts) to the equivalent in neutral 2016 months.

A initial high level review of Webtris appears to show that the July surveys do not accord with Webtris data from the equivalent day(s). Assessment of a neutral day (Feb 3rd to align with the A20 study) suggest that the factors used to adjust the July survey data are not representative of typical traffic on the slip roads. This could be due to differing proportion of turning movements between the two periods within which a 'flat factor' applied uniformly cannot account for. We require evidence that factored turning counts are representative of a neutral day at this junction as a high level review of Webtris data suggests that it isn't.

For clarity it would also be useful if peak periods are specified.

We have also noted that the Traffic Surveys were dated Tuesday 06 July 2016; 06 July 2016 was a Wednesday. **We therefore also require clarification on the date of the surveys (Tuesday 05 or Wednesday 06 or some other day/date entirely).**

See response to 3. above, for transparency this survey date needs to be clarified.

The modelling results, subject to clarification on the above, currently indicate that the existing Coldharbour Lane Roundabout cannot accommodate the proposed development. With the existing layout, queues on Coldharbour Lane are predicted to block back onto the M20 Junction 5 in the AM Peak.

Whilst it is noted that the KCC scheme tested will accommodate the proposed development, it cannot be taken as certain that the KCC scheme will proceed in this form (it is our understanding that the scheme is not yet fully designed, agreed or funded), or be guaranteed that it will be implemented prior to this application, if permitted, being constructed. **As such, we require confirmation that this application would provide the mitigation if it were to proceed in advance/ in the absence of the KCC scheme.**

Based on the evidence provided, no mitigation scheme has been identified that has been guaranteed to be constructed prior to the development being occupied. We require confirmation that this application would provide either: a scheme that will mitigate the development impacts; a commitment to fund the identified scheme within the timescales; or agreement to a condition that limits the occupancy of the development until a satisfactory scheme has been implemented.

To reiterate the response we provided to the TA, this is not only important from the viewpoint of maintaining the safety, reliability and operational efficiency of the SRN for road users, but also in terms of our Traffic Officers being able to access the M20 24/7/365 from their Coldharbour base (shared with Kent Police) to the south of M20J5, but also our operations, stewardship and maintenance crews being able to gain 24/7/365 access to the M20 from their depot located in Coldharbour Lane to the north of M20J5.

The modelling results, subject to clarification on the above, currently indicate that the existing M20 Junction 5 cannot accommodate the proposed development. With the existing layout, queues are predicted to significantly increase on the M20 East off-slip.

While it is noted that the signalisation scheme tested will accommodate the proposed development, it cannot be taken as certain that the scheme will be implemented prior to this application, if permitted, being constructed. **As such, we require confirmation of what mitigation this application would provide if it were to proceed in advance/ in the absence of the M20 Junction 5 scheme.**

As above, we require confirmation of what mitigation this application would provide if it were to proceed in advance/ in the absence of the M20 Junction 5 scheme.

I look forward to receiving additional information in due course.

You will note that we have copied this email to the authority (and KCC Highways) and recommend that they do not determine the application (other than a refusal) ahead of us receiving and responding to the required information. In the event that the authority wishes to permit the application before this point, we would ask the authority to inform us so that we can provide a substantive response based the position as known at that time.

3rd response received 27.03.19

My records show that on the 24th November 2017, Highways England advised the council (as planning authority) that the supporting transport evidence to the above mentioned planning application was insufficient to enable us to provide a final substantive response. Accordingly, Highways England requested that the council refrain from determining this application until the additional information requested was available for consideration and response. I am now contacting you for an update

on this matter as it has been a while since we have received any communication on this application.

Highways England is concerned with this application in that it has the potential to impact on the safe and efficient operation of the SRN, in this case the M20 Junction 5.

4th (and final) response received 07.08.2019

As you will be aware we have been working with the applicant for the above application to agree evidence regarding the impact the proposals would have on the Strategic Road Network. We are now in a position to be able to provide our final response of 'No Objection'.

You will also recall that Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the M20J5 in the vicinity of Aylesford; and in this particular case, the impact on the ability of the Highways England Traffic Officer Depot at Coldharbour Lane to carry out their roles and responsibilities on the SRN.

We have assessed the submitted documentation and when combined with our own information, we have concluded that the proposed development, if permitted, will be unlikely to materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/13, particularly paragraphs 9 & 10, and MHCLG NPPF, particularly para 109).

However, we would request that an informative be attached to any permission requiring Kent County Highways to consult with Highways England regarding the final proposed designs of any road layout affecting the access/egress to and operation of the Coldharbour Traffic Officers Depot.

We wanted to be able to provide our final position as soon as possible. Therefore at this time please find attached our HEPR response form of 'No Objection'. We will synthesize the many correspondence exchanges and provide a paper providing more details about how we reached this position in due course.

This page is intentionally left blank

1st response received 25.07.2017

Sustainability

The application site is located within walking/cycling distance of Barming Railway Station. Whilst footways and cycleways are proposed within the application site, there is no continuous pedestrian cycle route proposed to the station.

Additionally, Maidstone Hospital and the proposed Oakwood Park area would provide employment and education facilities for future residents of the development, so a route to link these areas to the application site would be beneficial. The provision of a footway/ cycleway along the eastern side of Hermitage Lane would address this.

Links to the existing footways and cycleways on the A20 will also be required. These links should include crossing facilities on Hermitage Lane to allow safe access to the Quarry Wood industrial and retail area and to the retail site on Hermitage Lane, and safe crossings on the A20 to link with existing facilities.

Public transport

For a development of this scale and at this location, it is important that efficient and frequent bus services are available to residents. It is requested that the bus operators for this area are contacted to ensure that any additional provision, diversions or contributions can be secured, should planning permission be granted.

The Public Transport team at KCC has been contacted in relation to the proposed scheme and any further comments will be provided in due course. It is likely that a new direct and efficient service will be required from the site to link in with the Croudace development to the south of this site and into the Allington area of Maidstone. It is understood that there are existing S 106 contributions from the Croudace site towards such a service.

Access

For the new link road (7.3m wide) proposed between Hermitage Lane and the A201 Poppyfields roundabout, works are proposed to enlarge the roundabout. This will require a Stage 1 Safety Audit to be undertaken.

The proposed new roundabout junction off Hermitage Lane to access the link road should be located and designed to allow access to future potential development on the East Mailing research land and the rear of Quarry Wood industrial estate, and will also require a Stage 1 Safety Audit.

The proposed revised access to the Kent Police HQ and the caravan park served from a priority junction off the new link road will require a Stage 1 Safety Audit, as will the four additional priority junctions proposed off the link road to serve the proposed residential development.

Base traffic flows

Traffic surveys were completed in July 2016 and were factored up to reflect the results of the Amey traffic surveys which were completed in February 2016. Details of the factor used are required.

It would also be useful if the surveyed flows (July 2016) could be provided as a separate figure and included in the traffic flow diagrams for both AM and PM peaks, in order that the adjustment can be seen. Additionally, clarification is required for the date of the survey (the 6.7.16 date was a Wednesday and not a Tuesday as stated). It is noted that the traffic flows from the new retail development have been added to the surveyed traffic and these have been taken from the associated Transport Assessment. However, survey data is available that would provide more accurate information on this.

Growth

Tempo factors are used to establish 2030 traffic flows. Details are requested of the factors used and the adjustment made for committed development. It would be useful if the 2030 base flows without committed development could be shown for both AM and PM peaks as a separate figure included in the traffic flow diagrams.

Trip rates

Trip rates have been established using TRICs (appendix 1). School trips have not been included in the assessment as it is asserted that the majority of trips would be internal, from the residents of the proposed 840 homes. However, a new school of up to 3 Form Entry (FE) would attract a level of external trips and these should be included in the assessment.

Traffic distribution is based on national census journey to work statistics. Distribution diagrams showing the existing network and the future distribution with the proposed new infrastructure are required.

The redistribution of traffic arising from the link road is based on the origin-destination information taken from the Amey report for the A20 Corridor Study. Assumptions are:

- i) Hermitage Lane (s) to A20 (e)
- ii) Cold harbour Lane to Hermitage Lane - 40% via A20/Hermitage Lane 60% via A20 link road.

As this planning application has been submitted before the adoption of TMBC's new Local Plan, the VISUM model cannot be used to assess the distribution and the

resultant impact. Advice is being sought on whether the distribution proposed is appropriate, as it will influence the resulting capacity assessment.

Detailed KCC Highways and Transportation comments are provided against the capacity assessments completed for 2030 traffic with development and new infrastructure, at Appendix 1.

In conclusion, additional information is required in order to satisfy KCC Highways and Transportation that this development proposal will not add to congestion and delay across a sensitive highway network, in close proximity to emergency access routes to Maidstone Hospital, and is in line with the criteria set out at paragraph 32 of the National Planning Policy Framework (NPPF).

A number of improvement schemes are being progressed by the County Council on the local highway network, additionally the applicant is proposing a further relief road through the site. In advance of these improvements and in the absence of the further information requested, the County Council would wish to raise a strong highways objection to the proposed development.

Once the additional information is received, KCC will review and provide additional comments. As Local Highway Authority, the County Council would welcome further engagement with the Borough Council and applicant on the above matters.

Public Rights of Way

The site is currently unaffected by any recorded Public Rights of Way. However, two Public Rights of Way join Hermitage Lane to the west of the site; Public Footpath MR485, which connects with the road where the new roundabout is proposed and Public Bridleway MR484, which joins the road just south of Whitepost Wood Lane.

It would be beneficial to non-motorised vehicle travel if connections are made from these two paths through the site to connect with the A20 south of Coldharbour Lane. In particular, a traffic free route created to bridleway status along the southern boundary of the proposal site would improve connectivity for equestrians, cyclists and pedestrians to and from bridleway MR484, which then leads into the Quarry Wood Industrial Estate.

A footpath link from such a route to connect with public footpath MR485 would provide a more direct alternative for pedestrian users. It would also be of benefit to secure funding towards the improvement of the two existing Public Rights of Way continuing westwards to the Industrial Estate, in order to mitigate the extra traffic that would be generated from a housing development of this size.

Second response received 08.12.2017

Introduction:

The application is for outline permission with all matters reserved except for access and comprises a development of 840 homes with a Dr surgery, primary school and day nursery.

The application includes a new link road between the 20/20 Poppyfields roundabout and Hermitage Lane, with a new roundabout junction onto Hermitage Lane. Additionally amendments are proposed to the access to Kent Police HQ and the caravan site. Also included is the proposal to transfer land from the development site to KCC Highways in order to allow future junction improvements if required.

Sustainability

Pedestrian and Cycle Links

Hermitage Lane

A 3m wide pedestrian/cycleway is to be provided along the Hermitage Lane site frontage and continuing to Barming Railway Station entrance. Details are required of the highway boundary on the section of the route which is not included in the applicant's land.

Details/plans are required of the pedestrian/cycleway to the south of the station to provide a link to the hospital, Oakwood Park and that to be provided by the Croudace development.

To the west along London Road - It is proposed to continue the pedestrian/cycleway along Hermitage Lane to the junction with the A20 where a crossing facility on Hermitage Lane would be provided. Please provide plans with a stage 1 safety audit. The capacity assessment for the junction should include the pedestrian crossing facility.

To the east along London Road - Pedestrian and cycle facilities are proposed at the Poppyfields roundabout to allow links with existing pedestrian/cycle network. Details are required at this stage as this may affect the capacity assessment.

2.2 Public Transport

Further discussion with my colleagues in the public transport team has confirmed that a contribution of the same proportion as provided by the nearby Croudace site would be reasonable and proportionate. The amount is £91 0 per dwelling and this would provide for a suitable service to Maidstone Town Centre and possibly some loaded connect cards.

3.0 Traffic Impact

3.1 New link and Junctions

A safety audit has been received in respect of the new junctions onto the A20/Poppyfields roundabout and onto Hermitage Lane. The safety audit recommendations include improved pedestrian and cycle facilities at the roundabout junctions and additional crossing facilities at the roundabouts and on Hermitage Lane. As these measures are likely to have an impact on capacity it is considered that they be incorporated in to the design and assessed at this stage.

Confirmation is required that the new link road between the A20 and Hermitage Lane would be provided prior to occupation of the development should permission be granted.

3.2 Base Traffic Flows

The July 2016 traffic flows have been adjusted to reflect the higher February 2016 traffic data collected by Amey. However a NMU video survey of M20 Junction 5 is available for 22.4.17 to 26.4.17 and a JTC for Poppyfields roundabout for 11.9.16 and these could be used to validate the traffic data used in the assessment.

3.3 Growth Rates

Further evidence is needed of how the growth factor has been calculated. Committed development has been removed from the TEMPRO growth and applied separately. Further details showing the methodology is required.

3.4 Trip Rates

Residential trip rates have been established using TRICs

| | Trip Rates | | Trips | |
|-------|------------|-------|-------|-----|
| | Arr | Dep | Arr | Dep |
| AM Pk | 0.132 | 0.388 | 111 | 326 |
| PM Pk | 0.314 | 0.193 | 264 | 162 |

School trip rates are derived from TRICs

| | Arr | Dep | Arr | Dep |
|-------|-------|-------|-----|-----|
| Am pk | 0.267 | 0.203 | 56 | 42 |
| Pm pk | 0.034 | 0.062 | 7 | 13 |

The assessment submitted includes the provision of a one form entry school within the development site and although this would fit with a development of 840 homes, my understanding is that the education authority would require a two form entry school on this site. Therefore additional trips would be generated from outside of the development site and this should be included in the capacity assessment.

3.5 Capacity Analysis

J1. A20/St Laurence Avenue/access link road - Poppyfields Roundabout

The design for the Poppyfields roundabout has been adjusted to provide additional capacity and the capacity results should be amended to reflect the revised values.

The capacity assessment indicates that with modifications to the Poppyfields roundabout there would be sufficient capacity to accommodate the development traffic with the link road to Hermitage Lane in place.

A comparison of the capacity assessment results is outlined below. An additional assessment was completed altering the distribution to provide a sensitivity test. RFC is ratio of flow to capacity where a value of over 1.0 is over capacity and ideally the value would be under 0.85.

| AM Peak | 2030 no improvements, no link - no dev | | 2030 with improvements and link – with development | | 2030 with improvements and link with dev and adjusted distribution | |
|-----------------|--|-------|--|-------|--|-------|
| | Max RFC | Queue | Max RFC | Queue | Max RFC | Queue |
| St Laurence Ave | 0.41 | 0.7 | 0.33 | 0.5 | 0.28 | 0.4 |
| A20 East | 0.98 | 20.3 | 0.83 | 4.7 | 0.77 | 3.2 |
| Access/link | 0.03 | 0 | 0.63 | 1.7 | 0.5 | 1.0 |
| A20 west | 0.74 | 2.9 | 0.93 | 11.9 | 0.85 | 5.3 |

| PM Peak | 2030 no improvements, no link - no dev | | 2030 with improvements and link – with development | | 2030 with improvements and link with dev and adjusted distribution | |
|-----------------|--|-------|--|-------|--|-------|
| | Max RFC | Queue | Max RFC | Queue | Max RFC | Queue |
| St Laurence Ave | 1.22 | 71.1 | 0.83 | 4.6 | 0.79 | 3.5 |
| A20 East | 0.79 | 3.6 | 0.66 | 1.9 | 0.63 | 1.7 |
| Access/link | 0.04 | 0 | 0.61 | 1.5 | 0.45 | 0.8 |
| A20 west | 0.62 | 1.6 | 0.73 | 2.7 | 0.70 | 2.3 |

J2. A20/Coldharbour Roundabout

Linsig has been used to complete the capacity assessment for the A20 Coldharbour junction and the results indicate that the junction in its present form will be over capacity in 2030 both with and without the development. A comparison of the capacity results is tabled below with DoS being degree of saturation. A degree of saturation over 100% is over capacity and ideally the degree of saturation would be under 85%. PRC refers to practical reserve capacity.

| AM Peak | | 2030 no link no improvements - no dev | | 2030 with link, no improvements – with dev | | 2030 with link no improvements - with dev and adjusted distribution | |
|-------------------|------|---------------------------------------|-------|--|-------|---|-------|
| AM Peak | Lane | DoS% | Queue | DoS% | Queue | DoS% | Queue |
| A20 west | 1 | 102.8 | 54.9 | 97.2 | 26.7 | 99.6 | 35.0 |
| | 2 | 45.6 | 5.8 | 49.7 | 6.5 | 44.1 | 5.7 |
| Coldharbour Lane | 1 | 83.4 | 16.9 | 121.4 | 194.0 | 106.3 | 81.6 |
| | 2+3 | 95.2 | 28.3 | 56.8 | 3.4 | 69.7 | 6.6 |
| A20 east | 1 | 765.6 | 11.4 | 40.5 | 5.0 | 44.9 | 5.8 |
| | 2+3 | 89.3 | 15.6 | 102.7 | 57.0 | 101.4 | 46.2 |
| Cycle time (secs) | | 65 | | 65 | | 65 | |
| PRC% | | -14.2 | | -34.9 | | -18.1 | |

| PM Peak | | 2030 no link no improvements - no dev | | 2030 with link, no improvements – with dev | | 2030 with link no improvements - with dev and adjusted distribution | |
|-------------------|------|---------------------------------------|-------|--|-------|---|-------|
| AM Peak | Lane | DoS% | Queue | DoS% | Queue | DoS% | Queue |
| A20 west | 1 | 115.6 | 140.6 | 102.6 | 44.4 | 119.8 | 132.5 |
| | 2 | 48.0 | 6.2 | 54.2 | 7.6 | 54.2 | 7.6 |
| Coldharbour Lane | 1 | 70.1 | 11.2 | 94.5 | 27.0 | 88.2 | 20.1 |
| | 2+3 | 67.3 | 7.6 | 45.7 | 2.8 | 51.1 | 3.3 |
| A20 east | 1 | 52.8 | 7.2 | 36.3 | 4.2 | 36.3 | 4.2 |
| | 2+3 | 77.8 | 11.6 | 101.6 | 52.6 | 89.8 | 20.2 |
| Cycle time (secs) | | 65 | | 65 | | 65 | |
| PRC% | | -28.4 | | -14.1 | | -33.1 | |

LGF funding has been secured for improvements to this junction although the design is not yet complete. The improvement scheme would need to accommodate development traffic and would be required prior to development. Work is underway to identify an improvement scheme however no preferred option has been identified at the present time.

J3. A20|Hermitage Lane

Linsig has been used to model this signalised junction. The results indicate that the new link road will improve the operation of the junction. The predicted practical reserve capacity (PRC) with the link and with the development is 7.8% In the AM peak and 18.7% in the PM peak.

| AM Peak | Lane | 2030 no link no improvements - no dev | | 2030 with link, no improvements – with dev | | 2030 with link no improvements - with dev and adjusted distribution | |
|-----------------|------|---------------------------------------|-------|--|-------|---|-------|
| | | DoS % | Queue | DoS % | Queue | DoS% | Queue |
| A20 east | 1 | 133.4 | 224.7 | 41.6 | 0.4 | 72.3 | 6.8 |
| | 2 | 83.2 | 21.0 | 83.2 | 21.0 | 83.2 | 21.0 |
| | 3 | 82.8 | 20.9 | 82.8 | 20.9 | 82.8 | 20.9 |
| Hermitage Lane | 1 | 49.4 | 8.8 | 55.8 | 10.5 | 55.8 | 10.5 |
| | 2 | 82.9 | 14.8 | 46.7 | 4.3 | 74.8 | 7.8 |
| | 3 | 82.7 | 14.6 | 46.7 | 4.3 | 74.5 | 7.5 |
| A20 west | 1 | 46.1 | 11.8 | 39.0 | 8.3 | 39.0 | 8.3 |
| | 2+3 | 63.4 | 13.2 | 55.3 | 7.4 | 55.3 | 7.4 |
| Preston Hall | 1 | 17.3 | 2.4 | 28.8 | 2.8 | 28.8 | 2.8 |
| Cycle time secs | | 125 | | 125 | | 125 | |
| PRC% | | -48.3 | | 7.8 | | 7.8 | |

| PM Peak | Lane | 2030 no link no improvements - no dev | | 2030 with link, no improvements – with dev | | 2030 with link no improvements - with dev and adjusted distribution | |
|-----------------|------|---------------------------------------|-------|--|-------|---|-------|
| | | DoS % | Queue | DoS % | Queue | DoS% | Queue |
| A20 east | 1 | 67.2 | 4.8 | 22.1 | 0.1 | 33.8 | 0.3 |
| | 2 | 87.8 | 21.4 | 75.8 | 18.1 | 77.4 | 18.4 |
| | 3 | 87.3 | 21.0 | 75.2 | 17.7 | 76.7 | 18.2 |
| Hermitage Lane | 1 | 48.8 | 9.1 | 58.4 | 11.0 | 57.3 | 10.9 |
| | 2 | 87.3 | 16.8 | 49.4 | 4.6 | 76.3 | 8.6 |
| | 3 | 87.1 | 16.8 | 49.0 | 4.5 | 76.3 | 8.6 |
| A20 west | 1 | 52.1 | 14.0 | 43.6 | 9.7 | 44.5 | 10.3 |
| | 2+3 | 66.4 | 16.7 | 58.1 | 9.6 | 59.3 | 10.7 |
| Preston Hall | 1 | 19.5 | 2.8 | 33.4 | 3.3 | 30.5 | 3.2 |
| Cycle time secs | | 125 | | 125 | | 125 | |
| PRC% | | 2.6 | | 18.7 | | 16.3 | |

J4. M20 In 5

Arcady results indicate that the junction will have capacity problems on the M20 east arm in 2030 both with and without development. LGF funding has been secured for improvements to this junction. The improvement scheme would need to accommodate development traffic and would be required prior to development. Work is underway to identify an improvement scheme however no preferred option has been identified at the present time.

J5. Hermitage Lane/St Andrew's Road/Fountain Lane/Heath Road

Linsig results indicate that with development the PRe at this junction will reduce from 18.6% to 10% during the AM peak and from 21.3% to 11.9% in the PM peak. This junction suffers from congestion and queuing which blocks back from Fountain Lane. The addition of the development traffic would add to these capacity issues. LGF funding has been secured for some limited improvements to this junction. The improvement scheme would need to accommodate development traffic and would be required prior to development. Work is underway to identify an improvement scheme however no preferred option has been identified at the present time.

J6. A26/Fountain Lane/Farleigh Lane

The Linsig report indicates that this junction would have capacity issues in 2030 both with and without the development. The addition of the development traffic would add to what is already an over capacity junction. PRC at the junction for 2030 would be reduced from -23.4% without development to -32.8% with development during the AM peak and for the PM peak the PRC would reduce from -14.9% without development to -25.5% with development. LGF funding has been secured for some limited improvements to this junction. The improvement scheme would need to accommodate development traffic and would be required prior to development. Work is underway to identify an improvement scheme however no preferred option has been identified at the present time.

J7. A20/Mills Road/Hall Road (Quarry Wood) junction

The results of the Linsig capacity assessment indicate that the junction will have capacity issues in 2030 without development. This will be exasperated with the addition of the development traffic as shown in the results below:

| AM Peak | Lane | 2030 no link no improvements - no dev | | 2030 with link, no improvements – with dev | | 2030 with link no improvements - with dev and additional link to Quarry Wood + EMR land dev. | |
|-----------------|------|---------------------------------------|-------|--|-------|--|-------|
| | | DoS % | Queue | DoS % | Queue | DoS% | Queue |
| A20 west | 1 | 93.8 | 18.7 | 92.6 | 18.4 | 86.6 | 16.3 |
| | 2 | 93.1 | 17.2 | 91.8 | 16.9 | 85.4 | 14.9 |
| | 3 | 64.9 | 6.9 | 64.9 | 6.9 | 61.3 | 6.7 |
| Hall Road | 1 | 60.7 | 10.4 | 62.5 | 10.6 | 58.9 | 10.2 |
| | 2 | 93.9 | 22.4 | 96.7 | 24.6 | 91.2 | 20.9 |
| A20 east | 1 | 58.4 | 9.5 | 58.0 | 9.3 | 0 | 0 |
| | 2 | 93.0 | 22.9 | 98.6 | 29.8 | 92.2 | 24.2 |
| | 3+4 | 94.8 | 15.3 | 94.8 | 15.3 | 89.6 | 13.3 |
| Mills Road | 1+2 | 95.6 | 15.0 | 95.6 | 15.0 | 92.8 | 9.5 |
| | 3 | 89.6 | 10.6 | 89.6 | 10.6 | 0 | 0 |
| Cycle time secs | | 125 | | 125 | | 125 | |
| PRC% | | -6.2 | | -9.6 | | -3.1 | |

A20/Mills Road/Hall Road junction pm peak

| PM Peak | Lane | 2030 no link no improvements - no dev | | 2030 with link, no improvements – with dev | | 2030 with link no improvements - with dev and additional link to Quarry Wood + EMR land dev. | |
|-----------------|------|---------------------------------------|-------|--|-------|--|-------|
| | | DoS % | Queue | DoS % | Queue | DoS% | Queue |
| A20 west | 1 | 75.9 | 11.5 | 78.3 | 12.4 | 68.4 | 11.4 |
| | 2 | 74.3 | 10.4 | 76.6 | 11.3 | 66.5 | 10.2 |
| | 3 | 59.1 | 5.8 | 59.1 | 5.8 | 52.5 | 5.5 |
| Hall Road | 1 | 106.2 | 26.0 | 112.1 | 32.7 | 96.1 | 17.0 |
| | 2 | 86.9 | 11.6 | 91.7 | 12.8 | 78.6 | 10.2 |
| A20 east | 1 | 38.5 | 3.4 | 38.3 | 3.2 | 0 | 0 |
| | 2 | 111.6 | 58.8 | 112.1 | 62.3 | 98.1 | 31.5 |
| | 3+4 | 111.6 | 33.1 | 111.6 | 32.0 | 99.2 | 19.3 |
| Mills Road | 1+2 | 111.8 | 70.0 | 111.8 | 70.0 | 98.2 | 21.1 |
| | 3 | 110.9 | 51.6 | 110.9 | 51.6 | 0 | 0 |
| Cycle time secs | | 125 | | 125 | | 125 | |
| PRC% | | -24.3 | | -24.6 | | -10.2 | |

This area is included in a Visum strategic transport model and whilst the report is not finalised, the preliminary modelling outputs indicate that the junction would operate over capacity in both peak periods in the do minimum scenario for 2031 with committed development traffic. The addition of the development traffic in the 'do something' scenario further reduces capacity and adds to queues and delays.

An addition scenario is being modelled assuming a new link road between the Quarry Wood industrial estate and Hermitage Lane and with a development on the East Mailing Research land. The preliminary results indicate that the provision of the link road with the housing development would not provide relief to the A20/Mills Road/Hall Road junction. I must add, however that the A20 Visum modelling outputs are draft and will not be finalised until late January 2018.

The capacity issues at this junction are a cause for concern and it is noted that some design work has been undertaken to investigate a solution. I would recommend that further information be provided on this as an improvement scheme for this junction would be of benefit to this development and to future potential development in this area. It may be possible to pool contributions for the delivery of such an improvement scheme.

J8. Hermitage Lane/ Aldi access

The proposed new link road will improve capacity at this junction.

J9. Hermitage Lane/Link Road

The modelling for this proposed roundabout junction indicates that there would be sufficient capacity to accommodate the development traffic in 2030.

J10. Hermitage Lane/Tesco Access junction

The Linsig results indicate that there would be some worsening of capacity of this junction in the with development scenario with practical reserve capacity reduced from 22.8% to 13.5% in the AM Peak and from 1.2% to -1.0 in the PM Peak.

J11. Hermitage Lane/Croudace site on land east of Hermitage Lane

The Linsig results indicate that the junction would operate within capacity with the development in 2030.

4.0 Financial Contributions

Should an application be granted financial contribution would be appropriate for the bus service provision as mentioned previously in para. 2.2. Contributions for improvements to the junctions may be appropriate if deliverable schemes are identified which can mitigate the impacts of the development. The level of 5.0

5.0 Conclusion

There are some areas where additional information is required as identified above.

The traffic generated by the development is at a level that would significantly add to existing capacity issues resulting in further delays and queuing on the existing highway network. Although some highway improvements are proposed by the provision of the link road between Hermitage Lane and the Poppyfields roundabout the delivery of further highway improvements are required at the following junctions and prior to occupation of the development:

A20 Coldharbour Lane

M20 Junction 5

Hermitage Lane/St Andrews Road/Heath Road

A26/Fountains Lane

A20/Mills Road/Hall Road

Schemes for these junction improvements are being progressed and as the designs are identified, evaluated and costed it will be possible to discuss further how the applicant may contribute towards the delivery of the schemes to mitigate the impact of this development. Unfortunately I cannot be sure at the present time that improvements schemes to these junctions can mitigate the impact of this development proposal or indeed that the improvements are deliverable and therefore I would wish to maintain my holding objection relating to this application until this information is available.

Further consideration will be given when further information is provided to satisfy the concerns raised.

Third response dated 05.10.2018

Introduction

The application is for outline permission with all matters reserved except for access and comprises a development of 840 homes with a Dr surgery, primary school and day nursery. The application includes a new link road between the 20/20 Poppyfields roundabout and Hermitage Lane, with a new roundabout junction onto Hermitage Lane. Additionally, amendments are proposed to the access to Kent Police HQ and the caravan site. Also included is the proposal to transfer land from the development site to KCC Highways to allow future junction improvements if required.

Sustainability

Pedestrian and Cycle Links

A 3m wide pedestrian/cycleway is to be provided along the Hermitage Lane site frontage and continuing to Barming Railway Station entrance as shown in principle on Drawing number 4964-00-29. It is proposed to continue the pedestrian/cycleway along Hermitage Lane to the junction with the A20 where a crossing facility on Hermitage Lane would be provided.

To the east along London Road - Pedestrian and cycle facilities are proposed at the Poppyfields roundabout and links with existing pedestrian/cycle network.

The pedestrian/cycleway and pedestrian and cycle crossing points are required to be provided via a section 278 Agreement details to be agreed with KCC Highways.

Public Transport

A contribution of amount of £910 per dwelling is required for a suitable bus service between the site and Maidstone Town Centre all details to be agreed with KCC Public Transport team.

Capacity Analysis

KCC commissioned a VISUM transport model of the A20 and surrounding area to assess the effects of the Tonbridge & Malling Local Plan development strategy. The work included capacity assessments at key junctions for the end of the Local Plan period at 2031. The results can be used to identify where capacity problems are likely and where mitigation is required.

M20 Jn 5

The capacity assessments indicate that there will be sufficient capacity at this junction in 2031 with development. Mitigation is therefore not required at this this junction.

A20/St Laurence Avenue/access link road - Poppyfields Roundabout

The capacity assessment indicates that with modifications, the roundabout will have sufficient capacity to accommodate the development traffic in 2031 with the link road to Hermitage Lane in place. Improvements to the roundabout are required as shown in principle on drawing number 4964-00-16A to be provided via a Section 278 Agreement prior to 1st occupation.

A20/Coldharbour Roundabout

The junction is currently over capacity and a planned improvements scheme is programmed by KCC Highways for delivery in 2020. Funding is secured however there are land issues which at the time of writing remain unresolved and may affect deliverability. The improvements to the roundabout are required prior to 1st occupation.

A20/Hermitage Lane

The junction of A20/Hermitage Lane is over capacity. The proposed link road between the A20 and Hermitage Lane provides mitigation to this junction and due to the scale of the capacity issues it is essential that the full link road is delivered at an early stage of development. The applicant intends to provide the link road prior to occupation of the 251st unit, however the traffic generated by this level of development is likely to result in significant queues and delays in this area until the link road is opened. I would suggest that the link road is provided earlier in the phasing, prior to the occupation of the 101 unit.

A20/Mills Road/Hall Road

The junction is currently over capacity. KCC Highways are currently working on an improvement scheme for which funding is required from the Local Growth Fund (LGF) and from the applicant. The LGF funding is not yet secured and the scheme requires 3rd party land for which agreement has not been formally received. The applicant has agreed to provide £1.3m which is the difference between the LGF fund and the cost of the scheme, however this will not be available until the occupation of the 421st dwelling.

Hermitage Lane/St Andrew's Road/Fountain Lane/Heath Road and A26/Fountain Lane/Farleigh Lane

KCC Highways are working on a scheme to deliver improvements to these junctions as they are expected to operate over capacity in the future year.

Conclusion

It has been identified that the traffic generated by the development is at a level that would add significantly to existing capacity issues resulting in further delays and queuing on the existing highway network.

The applicant is able to provide mitigation in part and this includes improved pedestrian/cycleways, funding for a bus service, improvements to Poppyfields roundabout, a link road through the site which would relieve the A20/Hermitage Lane junction and a financial contribution of £1.3m towards the A20/Mills Road/Hall Road improvement scheme. However, the local highway network is currently over capacity and the applicant is not intending to deliver the link road until the occupation of the 251st dwelling. This will result in additional queuing and delays at the A20/Hermitage Lane junction in the interim period which will be some years. I /would ask that consideration be given to the link road being delivered and opened at an earlier stage in the phasing.

There are several highway improvements schemes being progressed by KCC which, if delivered, would improve capacity at the junctions of A20/Coldharbour Lane, A20/Mills Road/Hall Road and the junctions to the south of Hermitage Lane and provide mitigation for this development. However, the deliverability of these schemes is not assured as there are funding and/or land issues which are not resolved. KCC Highways are working to resolve these issues and bring forward the highway improvement schemes but until these issues are resolved I would wish to maintain my holding objection relating to this application.

Further consideration will be given when further information is available to satisfy the concerns raised.

Final comments received 23.09.2019

A significant amount of information has been provided to inform of the impact of this development proposal on the highway. This information has been reviewed by KCC Highways with detailed comments previously provided.

The site is included in the Tonbridge and Malling draft Local Plan and the application includes a new link road between Hermitage Lane and the A20 at Poppyfields roundabout. This link road will reduce congestion at the junction of A20/Hermitage Lane by providing an alternative route to the A20 and the M20.

Access

Access is proposed from the new link road and initially improvements will be made to the Poppyfields roundabout in order that access can be made to the development. The link road will be open to traffic following the occupation of no more than 175 dwellings. A Technical Note has been provided which assesses the impact of this level of development on the existing highway network and the assessment indicates that there would be no significant impact on the local junctions. This assumes that the programmed improvements have been implemented to the Coldharbour roundabout.

Sustainability

Improvements to pedestrian and cycle infrastructure are proposed which link the development to Barming Station and the A20 as shown in principle on drawing number 4964-00-29. Additionally, contributions are to be made towards bus services to allow a fast and frequent service to Maidstone Centre.

Impact

Comprehensive modelling and assessments of the highway network have been completed. A VISUM model has been developed for the A20 corridor which includes M20 junctions 4 and 5. This has been used to assess the impact of the Local Plan development strategy. Individual key junctions have been assessed for the 2031 future year with and without the Local Plan development.

M20 Jn 5

The junction has been assessed and mitigating measures are not required to this junction. Furthermore, Highways England have indicated that the proposed development, if permitted, will be unlikely to materially affect the safety, reliability and / or operation of the strategic road network. They also confirm that they do not wish to raise objection to this application.

A20/St Laurence Avenue/access link Road (Poppyfields Roundabout)

The improvements to the roundabout will be provided by the developer and will allow the connection to the new link road. The roundabout is expected to operate within capacity in 2031 with the Local Plan development included.

A20/Hermitage Lane

The capacity assessment in respect of this junction indicates that the provision of the link road between Hermitage Lane and the A20 improves capacity as the new link road provides an alternative route to the A20 and M20 from Hermitage Lane.

Coldharbour Roundabout

KCC Major Projects have programmed the delivery of a roundabout improvement scheme. Funding is secured from SELEP and existing S106 pooled contributions. Third party land is required, and this has been agreed. The scheme is programmed to commence construction April 2020 in line with the completion of SMART motorway. The improved roundabout scheme is expected to operate within capacity in 2031 with the Local Plan development included.

A20/Mills Road/Hall Road

KCC Major Projects have programmed the delivery of a roundabout improvement scheme. Funding towards the scheme has been secured from SELEP and the developer is willing to contribute in order that the full costs of the scheme can be met. Third party land is needed to deliver the proposed scheme and the landowner has agreed to this although the agreement is yet to be signed. The detailed design will be completed November 2019 and will be programmed for delivery with the A20 Coldharbour Roundabout scheme starting April 2020. The proposed roundabout scheme will significantly improve capacity at the junction.

Hermitage Lane/St Andrew's Road/Fountain Lane/Heath Road and A26/Fountain Lane/Farleigh Lane

The development of the Whitepost Field site is expected generate approximately 95 additional vehicle trips in the peak hours at the junctions south of Hermitage Lane and this is an increase of between 4 and 5%. A comprehensive package of sustainable transport measures is included with the application's mitigation measures and this will provide future residents with a choice of travel options and will help to reduce the number of car trips.

The junctions to the south of Hermitage Lane are over capacity and therefore the traffic generated by the development is considered to be a material impact. Improvement solutions to the junctions are currently being designed and third-party land is being negotiated. It is likely that additional funding will be required in order that a longer-term solution to the junctions can be delivered. With this in mind contributions to the junction improvement scheme are required.

Conclusion

Additional information and progress have been made which address the concerns previously raised and I am sufficiently confident that adequate mitigating measures and contributions towards planned improvements can be provided to make this development acceptable in terms of highway impact. I therefore confirm that I do not wish to raise objection subject to the following conditions:

1. No development shall commence until the planned improvements, being delivered by KCC Highways, are substantially completed to the junctions of A20/Coldharbour roundabout and A20/Mills Road/ Hall Road.
2. No occupation of development until the improvement to the junction of A20/ St Laurence Avenue/access link Road (Poppyfields Roundabout) are completed. These works to be provided by the developer as shown in principle on Drawing number 4964-00-16 A in accordance with a S278 Agreement. All details to be agreed with KCC Highways.
3. No more than 175 dwellings shall be occupied until the Link Road and associated roundabout on Hermitage Lane have been completed. The Link Road and associated roundabout shall be completed within 3 years of the first occupation of any dwelling.
4. Prior to 1st occupation of the development footway/cycleway improvements are required along Hermitage Lane between the A20 and Barming Station and linking to that provided by the Croudace development on the south side of the railway station. This is shown in principle on Drawing Number 4964-00-28 and should be provided under a S278 Agreement, all details to be agreed with KCC Highways.
5. Additional pedestrian crossing facilities are required on both Hermitage Lane and on the new Link Road. To be provided prior to 1st occupation under a S278 Agreement details of which to be agreed with KCC Highways.
6. A financial contribution of £910 per dwelling is required towards bus service enhancements/bus infrastructure and or bus journey time improvements in order to encourage sustainable travel.
7. A financial contribution of £1.3m is required towards improvement to key junctions along the A20 and / or the B2173 corridors, namely A20/Mills Road/Hall Road and /or A26/Fountain Lane and Hermitage Lane/Heath Road/ Fountain Lane/St. Andrews Road.
8. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

9. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

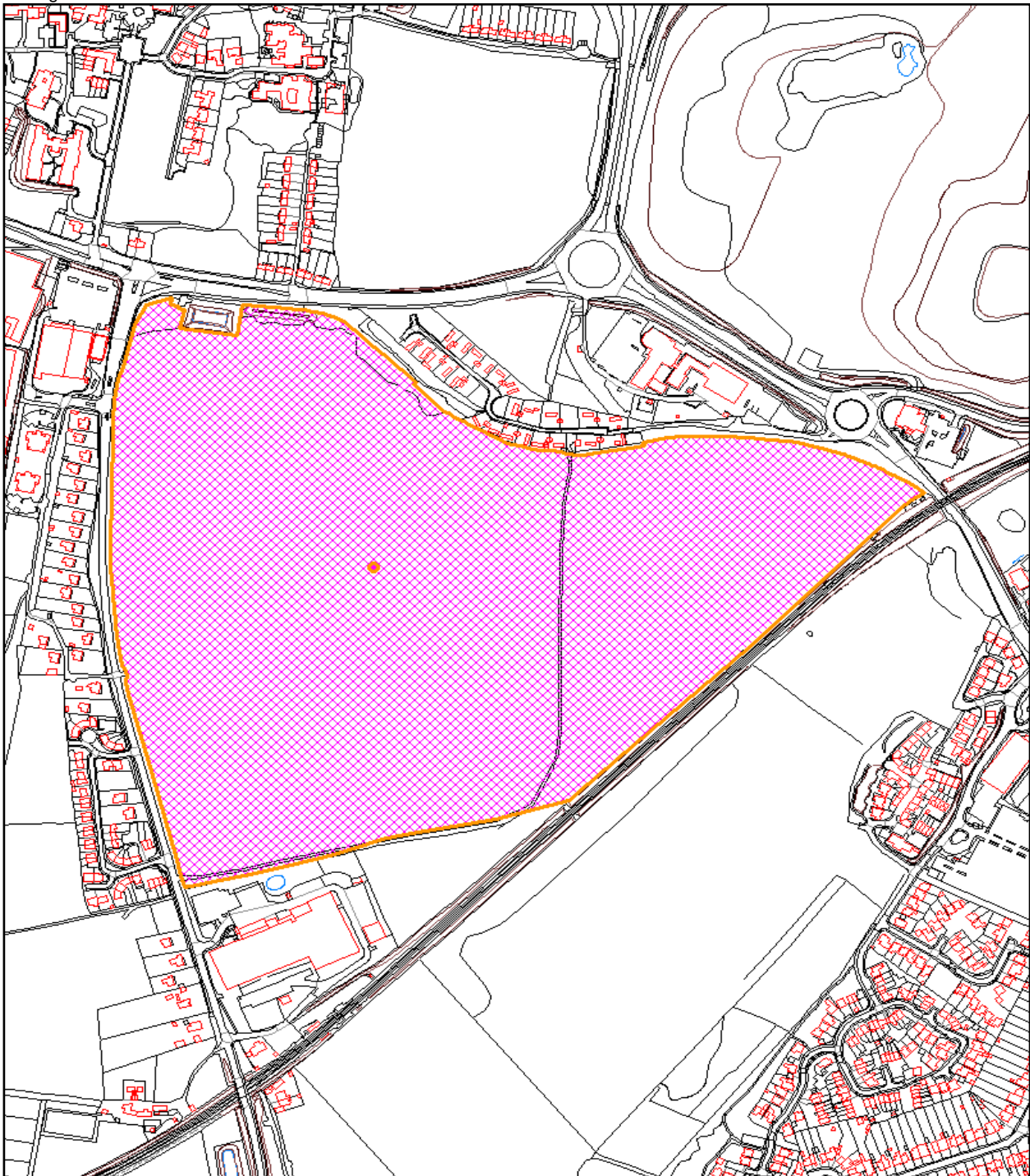
This page is intentionally left blank

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

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

**East Malling &
Larkfield**
East Malling

20 December 2018

**TM/18/03008/OA
TM/18/03042/LB**

Proposal: (A) TM/18/03008/OA: Outline Application: Development of the site to provide up to 110 dwellings (Use Class C3) and the site access arrangement. All other matters reserved for future consideration

(B) TM/18/03042/LB: Listed Building Application: Proposed partial demolition of a section of curtilage listed boundary wall to allow for a new vehicular, pedestrian and cycle access in connection with an outline planning application (Ref: TM/18/03008/OA) for residential development at land to the east of New Road

Location: Development Site East Of Clare Park Estate New Road East Malling West Malling Kent

Go to: [Recommendation](#)

Description:

Application (A):

- 1.2 Outline planning permission is sought for up to 110 dwellings with vehicular access to be created from New Road. All other matters are reserved for future consideration.
- 1.3 A series of illustrative masterplans have been provided setting out how a development of this nature and quantum could be laid out within the site. An illustrative mix of housing has been submitted and comprises 1, 2, 3, and 4 bedroom houses with a number of 1 and 2 bedroom apartments as set out in the table below. This will result in a density of 17 dwellings per hectare.

| Dwelling Type | Percentage |
|---------------------------|------------|
| 1-bed flat | 10% |
| 2-bed flat | 6% |
| 2-bed terraced house | 10% |
| 3-bed terraced house | 11% |
| 3-bed semi-detached house | 5% |

| | |
|----------------------|------|
| 3-bed detached house | 5% |
| 4-bed detached house | 45% |
| 5-bed detached house | 8% |
| Total | 100% |

- 1.4 The illustrative Masterplans have been designed to provide at least 1 vehicle parking space for the 1 bedroom units with 2 vehicle parking spaces for the larger units, as well as visitor parking.
- 1.5 Areas of public open space are also shown on the indicative plans including informal open space in the north associated with the attenuation pond, a centrally located Local Area of Play (LAP) and three Locally Equipped Areas of Play (LEAP). There is also provision indicated for new cycle ways and footpaths.
- 1.6 The proposed development was screened under TM/18/02557/EASC in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and found not to comprise EIA development. This does not mean however that the environmental impacts of the proposal will not be fully assessed and are done so later in this report.

Application (B):

- 1.7 The wall forms the boundary to the former parkland associated with Bradbourne House. Bradbourne House is a grade I listed building and the wall forms a curtilage listed structure. The intention is to demolish part of the wall to create a new carriageway access to serve the residential development. The proposal would result in the removal of 23m of wall, with 6.9m either side to be rebuilt as inward curves to provide the necessary visibility splays. Given that these works would provide the access to serve the residential development, with access being a matter for consideration in full at this stage rather than reserved for future consideration, it is considered necessary to report both applications in the form of a single report.

2. Reason for reporting to Committee:

- 2.1 Due to the balance which needs to be made between diverging and significant policy considerations.

3. The Site:

- 3.1 The site lies within the countryside, outside the defined settlement confines of East Malling. It comprises 6.6 hectares and was formerly used for agricultural research purposes. The site is part of the wider East Malling Research Trust and comprises

open fields and mature trees. The site is generally level with a gentle slope. For clarity the trees do not benefit from any designated or individual protection.

- 3.2 The site lies within the historic parkland associated with Bradbourne House. Bradbourne House lies to the north east of the application site, set within a CA. It is a Grade I listed building described in the listing details (inter alia) as a country house set in a landscaped park, dating from 1713-1715, on the site of a Tudor house.
- 3.3 To the north of Bradbourne House lie the stable block and barns, also set within the CA. These are Grade II listed buildings and described in the listing details (inter alia) as stable-block and barns dating from 1713-15.
- 3.4 To the south of the application site lies St James the Great Church. This is a Grade I listed building described in the listing details (inter alia) as dating from the C12 and C14, and rebuilt circa 1450-1500. There are a number of other Grade II listed buildings clustered around the junction of the High Street/New Road and Mill Street which fall within the CA to the south of the application site.
- 3.5 The listed wall runs parallel to New Road forming the south western boundary of the former parkland associated with Bradbourne House. The wall lies to the east of New Road. The northern section of the wall comprises ragstone with red brick coping. The wall has been interrupted by the new access road serving Bradbourne Fields. At the north a similar ragstone wall also lies to the west of New Road which reappears again further south.
- 3.6 Further south, the wall becomes red brick with a burnt brick header bond. The wall later deviates from the parallel alignment with New Road to create a small landscaped area of amenity space. The wall then continues in ragstone with a red brick coping with an area of brick infill at the existing layby. Continuing south the wall is brick with an opening to serve the small cluster of dwellings formerly associated with the EMT.

4. Planning History (relevant):

TM/18/02557/EASC screening opinion EIA 15 November 2018
not required
Request for Screening Opinion under the Town and Country Planning
(Environmental Impact Assessment) Regulations 2011: Residential development
for up to 110 dwellings (Use Class C3) with car parking, cycle parking,
landscaping and public realm works

5. Consultees:

Application (A)

5.1 PC:

Representation received 18 February 2019

- 5.1.1 This application is for a new housing site included in the draft Local Plan submitted to the Planning Inspectorate.
- 5.1.2 It has been the subject of local consultations including with the parish council who have been concerned about its impact on Grade II (*sic*) Bradbourne House with its surrounding designated Conservation area and the separate area covenanted to the National Trust under the separate scheme of in effect statutory covenants which they were granted. In addition at the southern end the site is close to the East Malling Village Conservation area and particularly the area around St James the Great Church and Court Lodge. There is also the local feature of the long wall along the entire length of New Road from its junction with the A20 up to the village and which marked the boundary of the former Twisden estate. This feature would have probably come into being when a park was created and what was the “new” road established. (DPHEH: Bradbourne House is a Grade I listed building)
- 5.1.3 The impact of the application on these heritage assets is a crucial consideration and in respect of the wall we would refer to our separate comments in respect of the breach of the wall required to access the proposed housing site which has required a Listed Building application.
- 5.1.4 Against this background the Parish Council would have preferred this site remain a “green field” one but we have had to take into account its inclusion in the draft Plan; current National Planning Policies laid down by central Government especially “housing targets” , and the fact the Borough Council does not have a 5 year supply as required by Government.
- 5.1.5 We have also taken into account the changes that have taken place since the initial plans were first published. These include moving the access northwards and the reduction in the number of homes proposed. We feel the latter means that it is easier to mitigate the impact of the development on the Heritage Assets. We also think it is important that a decision be taken locally, and this is most important, that appropriate conditions and legal agreements can be achieved. We are also mindful of the Trustees intention to use the generated funds to continue research on the site as well as upgrading facilities and maintenance of Bradbourne house itself.
- 5.1.6 We therefore wish to raise NO OBJECTION to the principle of the development SUBJECT to the number of dwellings being limited to 110 dwellings but would raise the issues that follow.
- 5.1.7 For us the most important issue is that the new development should fit into its surroundings which includes reducing the impact on Bradbourne House and its Conservation Area as well as the village one at the southern end.
- 5.1.8 Adequate landscaping conditions will therefore be crucial including:

- a) The trees alongside the wall should be retained by the New Road Road save for the one trees(?) we understand will be required to be removed for the new access.
- b) The copse area at the northern end of the site is important to the setting of Bradbourne House and its surrounds. We take the point about the position in Winter when deciduous trees have lost their leaves. We await to see the perspectives we understand are to be provided.
- c) Where there is further planting it should be native trees so as to soften the site into the landscape including when viewed from Clare Park estate.....see page 111 of the Medway Gap Character Areas supplementary Planning Document adopted in February 2012.
- d) Landscaping should be maintained for the longest possible period under the planning conditions such as 20-25years.
- e) Tree Preservation Orders should be considered to supplement the protection given by the Conservation area and the area currently covered close to the A20 boundary.
- f) And there should be a condition to make sure during construction there is adequate clearance of the trees and their roots.

5.1.9 Views from and to East Malling Church. We strongly agree with the view that the view of the church from Bradbourne and vice versa is very important. It is important as it contributes to the local sense of place for East Malling and which can be seen also from the church Tower as the relationship between the two when the Twisdens held the estate.

5.1.10 We note and support the idea of a detailed Landscape assessment as suggested by the East Malling Conservation Group.

5.1.11 The new Road Wall. We realise the Listed Building application is needed as the wall is not listed separately but as part of the curtilage of Bradbourne House with its Historic surrounding garden and former parkland. When this land is separated off it is arguable this protection for the wall will cease. This may lead to pressure for new residents to create more access points to New Road or problems about its future maintenance so to address this point we would ask consideration be given to a boundary treatment condition which includes the retention of the wall. And a condition prohibiting making new openings without specific consent. We are aware such a condition exists in respect of sites along the A20 imposed to deter vehicles being parked for access to the then new homes and to keep a free flow of traffic. Ideally of course the wall should be separately listed but the northern parts of ragstone seem to be older but we cannot see amongst all the documents submitted any assessment of the brick sections as to the likely date of construction based on the type of brick for example.

5.1.12 New access to New Road. We realise the works within the highway will be covered by a separate section 278 Agreement with KCC but we ask that dropped kerbs be provided across the new entrance so that people including those with buggies and the disabled using the existing New Road pavement can easily cross

it. In addition this is also required to cross New Road itself. More comments on this will be submitted.

5.1.13 Bus shelter. There is mention of the possible need to re-locate one of the existing bus shelters which were provided by TMBC. These are used by the existing residents of Clare Park estate opposite and BEFORE any relocation takes place there should be consultation please with this Parish Council.

5.1.14 Archaeological Issues. The desk based report is noted and the mention of a trial archaeological trenches across the site. We would ask for a condition to this effect and a watching brief. The present position of New Road is the result of a diversion and it is understood that the previous road ran from East Malling closer to Bradbourne house to emerge on the London Road opposite its junction with New Hythe Lane. It would seem from the 1706 Isaac Gostling Map of the Manor of East Malling that the road may have crossed this site. There is a reference to a highway stopped up for Roger Twisden in 1741. Ref Q/RH/1/3Y at Archives but they do not seem to have the Order.

5.1.15 Ditton stream runs under New Road from the west from Clare Lake through the Research and Bradbourne House grounds on its way to Ditton and the River Medway. It is part of the main river system over which the Environment Agency have some powers. There should be arrangements or conditions to prevent any “run off” from the new roads on the development site that would pollute the stream. We note there is a flood plan associated with the stream and that it runs to the north outside the application site. There are however ditches which run into it including the one running down by the wall from East Malling village (see below). We consider the Ditton stream is a local feature and is also of ecological importance.

5.1.16 The East Malling Stream. This runs from Gilletts Hole south of the railway down the side of Rocks Road then in the back gardens of the High Street houses to emerge in public view at the ancient “Dip Hole” in Church Walk. Here it divides so one arm runs across in pipes to outside the King and Queen and once ran in a ditch beside New Road down to join the Ditton Stream at Watermeadow now the Chapman Way area. The other arm runs through the garden of Court Lodge then entering Research land and then down in a ditch close to the wall but inside the Research lands down to Ditton stream. This course runs through the application site and where the new access road will be sited so its existence needs to be taken into account there to provide adequate parking. The amount of flow depends on rainfall. The “western” part now runs under the pavement on the western side of New Road placed there when the stream was piped in the 1950s by KCC.

5.1.17 Flooding issues. There has been regular flooding of New Road north of its junctions with Chapman Way which has continued this year on a regular basis. This recently has been the subject of complaints to KCC who by email of 29th

January 2019 told us they had “dug out the head wall that goes into the pond inside of the Bradbourne House land”. They said “both culverts” are working but “not to full capacity”. A report was promised but so far not received.

5.1.18 We note the Ardent report on the Flood Assessment and Drainage Strategy. The KCC letter of 29.11.208 records flooding incidence from 2009 to 2017 but that is not factually correct as it has occurred since 2017 and up to the present date. We also note the report does not record the incidence when the Ditton stream flooded parts of the Chapman Way area when it “broke through” and the Environment Agency was involved as well as KCC. We think some of the flooding along New Road was the East Malling Stream also breaking out and not just blocked road drains. There was a flow down the left hand side of New Road in the gutter including opposite the proposed new junction. There was also an incident when the occupants of one of the former research New Road houses broke into the pipe carrying the stream down within the previous Research boundary at that point and this seemed to cause flooding in Church Walk.

5.1.19 We appreciate some of these systems are outside the application site but as a minimum we would ask appropriate steps are taken so the new site does not worsen the position or cause any pollution of existing watercourses. We have noted the Environment Agencies response but do not fully understand it.

5.1.20 We would ask the street lighting of the new development be low level and with the “down pointing” lights.

5.1.21 A20/New Road junction. We are aware of the proposals by KCC to ease the junctions along the A20 including the traffic lit junction of New Road and London Road. There are considerable pedestrian movements here and matters are complicated in terms of layout by the junction with Bradbourne Park Road including the extra central island which may be removed to increase capacity within the highway limits. We support sensible changes to this junction but taking into account the needs of pedestrians and here too the existence of the ragstone walls. We note from the traffic forecasts submitted with this application that movements are expected to be north to this junction with fewer south through East Malling village. We await the KCC response to this application and if they seek a contribution.

5.1.22 Street Naming. Not a planning matter but we would ask that we be involved in this process. We would wish to see a name with a local connection. Hatton has been suggested to us.

Representation received 25 February 2019

5.1.23 These are further detailed comments on the access. The access seems to be about the location of a 40mph speed limit sign (which would need re-positioning). To the south a surfaced path emerges from Lime Crescent with a barrier. A proper dropped kerb is needed by the barrier and one on the side of New Road where there is none at present. It is likely though pedestrian movements from the

site will involve crossing New Road in the vicinity of the Beech Road junction, with its bus stops, and access to the Malling School. Consideration needs to be given to making a safe crossing point possibly with lights.

Representation received 7 August 2019

- 5.1.24 East Malling and Larkfield have noted the amended layout and junction improvements and make no comment. When street names are being considered the Parish Council would like some input please. Could you please inform whoever will be dealing with this aspect please?

[DPHEH: Members will be aware that this is not a material planning consideration and it is for the PC and developer to liaise directly over such matters in the event that planning permission is granted at the appropriate juncture]

5.2 KCC (H+T)

Representation received 27 August 2019

- 5.2.1 Following my response of 22 January 2019 further work has been undertaken by this authority and the applicant, relevant to this application.

[DPHEH: Previous comments related to a different site]

- 5.2.2 A20 transport model (Visum) runs have been undertaken regarding revised Local Plan scenarios. This information has been shared with the applicant's transport consultant so that more accurate/up to date reflections of the impact of this proposal have been determined and reported.

- 5.2.3 The applicant has also agreed to undertake a larger, more comprehensive junction improvement scheme at the junction of New Road East Malling with the A20. This again is in line with work undertaken by this authority and is illustratively shown on Ardent drawing 182600-016 Rev A, uploaded on the portal on 16 July.

- 5.2.4 Through discussion, the applicant has also agreed to implement this scheme prior to occupation of any dwellings. These works will need to be implemented via a S278 agreement with this authority.

- 5.2.5 Consistent with other applications, the applicant has also agreed to make contributions to the wider A20 corridor improvement measures and to make contributions for new public transport enhancements comprising new connectivity and/or infrastructure. These funds will need to be incorporated into a S106 agreement. As is customary it is expected that any approval notice to this outline application would not be issued until the terms and details of a full S106 agreement, covering a range of subjects is signed and sealed.

- 5.2.6 On behalf of this authority I recommend approval to this application subject to the following conditions:

- Completion of a S106 agreement covering the issues described above.
- Implementation of improvements to the A20/New Road, East Malling junction via a S278 agreement with this authority, prior to occupation of any dwellings.
- Submission of a reserved matters application of details within the site to cover parking and highway standards. The reserved matters application should also cover an implementation proposal which considers a programme between any temporary arrangements and the permanent access.

5.2.7 It should be noted that implementation of the proposed new permanent access will require the applicant to enter into another S278 agreement with this authority. I consider that there should be no occupation within the development until the new permanent access with full visibility splays is available.

5.3 EA: No objection subject to planning conditions.

5.4 KCC (LLFA): Generally satisfied subject to the following advisories:

5.4.1 We are aware of shallow ground water levels in the vicinity of the site and would advise for the applicant to undertake Ground Investigation works at suitable locations so as to demonstrate that the proposals will not be at risk from ground water egress.

5.4.2 The presence of a culverted watercourse along the western boundary is acknowledged and blockages within this culvert have led to a number of instances of flooding affecting the local area. Investigations undertaken by KCC suggested that the culvert can be affected by the buildup of scale and the condition of the majority of the culvert has not been determined.

5.4.3 Our Drainage and Planning Policy Statement notes that 'When considering the development/redevelopment of any site, existing ordinary watercourses should be identified and accommodated within any drainage strategy and site masterplan. They should be preferably retained as an open feature within a designated corridor, and ideally retained within public open space'.

5.4.4 We would strongly recommend daylighting of the culvert is promoted at the reserved matters stage. This will significantly ease the maintenance requirements of the culvert as well as reducing flood risk to the development itself and elsewhere.

5.4.5 The section of pipe from the outfall of the pond to the watercourse appears to be outside of the red line boundary and we will require for the applicant to demonstrate that suitable arrangements are in place for the crossing of 3rd party land in its perpetuity.

5.4.6 Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures).

5.5 SWS: (extract) Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests that a relevant planning condition is applied.

5.6 Historic England (HE):

Representation received 22 January 2019

5.6.1 Bradbourne House is an extremely impressive house dating to the 16th century but with the largest phase of works dating to 1713-15. It is characterised by the quality, regularity and symmetry of its early 18th century facades. It retains part of its landscaped garden, including an ornamental lake and the ragstone park boundary. These form the conservation area, focussed around the house. Its wider parkland setting has been largely lost due to its reuse for orchards by the East Malling Trust in the 20th century.

5.6.2 This outline application is for the development of the site to provide up to 110 dwellings. We provided pre-application on this site to the East Malling Trust on 8 October 2018 and did not object to the principle of developing the land on site C, although we raised some concern regarding the low level of harm caused by constructing houses, particularly in the northern part of the site.

5.6.3 Site C lies within the historic parkland of Bradbourne House and can be glimpsed from the gardens of the house. The relationship between the house and its surroundings was designed so that the house could benefit from rural views across the park towards the church. These uninterrupted long views have been compromised considerably by the repurposing of the park as orchards for the East Malling Trust in the 20th century, and the relationship between the house and park has been lost in this process. Nevertheless, the orchards do help us understand that Bradbourne House was built as a country residence because they sustain the

rural setting the house always had and thus they do still contribute to its significance.

5.6.4 Consequently, we think that constructing houses on site C would cause a low level of harm to Bradbourne House's significance and its conservation area because it is likely that new development would be visible from Bradbourne House and its immediate garden, which is the focal point of the conservation area. This would harm an appreciation of its primary function as a country house at the centre of a large rural estate and would be located on land which was historically associated with Bradbourne House as former parkland. It would also cause a low level of harm to the character and appearance of the conservation area as the development is within its immediate setting and would remove part of its rural context.

5.6.5 In our pre-application advice we also stated that new development would likely be more visible from the house and immediate gardens in winter, and that a views assessment should be carried out as part of a planning application to assess the impact, including winter and summer visualisations. An LVIA is included in the application but this does not include wireframes indicating maximum height and extent of development. We think this is essential to understand whether the harm has been minimised in line with the requirements of Paragraph 190. We highlighted a need for a landscape buffer between the developable area and Bradbourne House during pre-application discussions. However, without more detail in the LVIA we cannot assess whether the developable land as shown on the 'Parkside Parameter Plan: Developable Area' drawing has adequately addressed our concerns about visual impact and would lead to development which meets the requirements of Paragraph 190. We also note that while an LVIA has been submitted this was carried out in September, so does not include an assessment of the impact during winter. The LVIA states that the construction of housing would have a medium level of change with an adverse effect on Bradbourne House in LVA terms, which we agree with. However, winter and summer visualisations have not been submitted as part of this outline application to fully assess the harm, and we remain concerned about the level of visibility and the low level of harm it would cause to Bradbourne House. We think an updated LVIA should also include winter and summer visualisations.

5.6.6 Once an updated LVIA has been submitted we would be pleased to provide further advice on whether we think the harm is adequately minimised. That notwithstanding, when your Council is satisfied that the harm caused by the proposal has been sufficiently minimised in line with paragraph 190, then paragraph 194 applies. This states that any harm to a designated heritage asset, including a conservation area, should require a clear and convincing justification, while paragraph 196 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the local authority should weigh this harm against the public benefits of the proposal. Your Council will need to decide how to weight the public benefits of providing new

housing which contributes to your need. When considering this application, your council will also want to consider whether the development makes a positive contribution to the local character and distinctiveness of the area as per paragraph 192. If your Council is minded to approve the application we think the conditions relating to landscaping, layout and the design of the development will be critical to ensure that harm is further minimised at the reserved matters stage. While we are content to defer to the advice of your in-house Conservation staff regarding the detailed wording of these conditions, we request that Historic England is consulted again on these matters in any future application for reserved matters.

5.6.7 Recommendation: Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 194 and 196 of the NPPF.

Representation received 21 May 2019

5.6.8 In our previous letter dated 23 January 2019 for this application we requested winter visualisations of the proposals to fully assess the level of harm caused to Bradbourne House and its conservation area through changes to its setting and the visibility of the site from Bradbourne House.

5.6.9 Winter visualisations with wireframes have now been provided for three key views at years 0, 5 and 15. These have been based on the indicative layout as shown in the previously submitted parameter plans.

5.6.10 We note that the applicant's design intention is to create a semi-permeable visual barrier between the park and new development by arranging informal tree clumps so that they appear to merge to form a continuous edge of the park when viewed from the church or Bradbourne House. This is to ensure that the historic western boundary remains legible. We are unsure how successful this would be and how understandable the historic boundary would be given that there would be houses built between the historic park boundary and the new semi-permeable visual barrier.

5.6.11 This notwithstanding, we note that the wireframes make it clear that there would be some harm to Bradbourne House and its conservation area caused by the development as it stands. This is because it would remove some of the parkland character which forms part of the setting of the house and conservation area. This is the case in both views 2 and 3 where the construction of houses and addition of a semi-permeable barrier of trees are visible from the terraced area and garden immediately adjacent to Bradbourne House. We question whether the design of the parameter plan could be re-evaluated to further minimise the harm caused as per paragraph 190 of the NPPF. We think that it may be possible to achieve this through removing some of the housing plots to the north so that the houses do not intrude as much on the setting of the house and conservation area.

5.6.12 These concerns notwithstanding, when your Council is satisfied that the harm caused by the proposal has been sufficiently minimised in line with paragraph 190, then paragraph 194 applies. This states that any harm to a designated heritage asset, including a conservation area, should require a clear and convincing justification, while paragraph 196 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the local authority should weigh this harm against the public benefits of the proposal. Your Council will need to decide how to weight the public benefits of providing new housing which contributes to your need. When considering this application, your council will also want to consider whether the development makes a positive contribution to the local character and distinctiveness of the area as per paragraph 192. If your Council is minded to approve the application we think the conditions relating to landscaping, layout and the design of the development will be critical to ensure that harm is further minimised at the reserved matters stage. While we are content to defer to the advice of your in-house Conservation staff regarding the detailed wording of these conditions, we request that Historic England is consulted again on these matters in any future application for reserved matters.

5.6.13 Recommendation: Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 194 and 196 of the NPPF.

5.6.14 In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Representation received 1 August 2019

5.6.15 On the basis of the information available to date, we are able to conclude that the amended parameter plan would reduce harm to the significance of Bradbourne House and to the conservation area as suggested in our letter of 21 May 2019. Your Council will need to decide if this is sufficient to meet the requirements of Paragraph 190 and whether any remaining harm has clear and convincing justification in line with Paragraph 194 before weighing the harm to the significance of designated heritage against the public benefits in the manner set out in Paragraph 196. We also recommend seeking the view of your own specialist conservation advisor before reaching a view on this application.

Representation received 17 September 2019

5.6.16 We refer you to our last letter of 1 August 2019, in which we stated that the amendments to the parameter plan would reduce harm to the significance of Bradbourne House and to the conservation area. We continue to think that this is the case with the updated plans.

5.7 KCC (Heritage):

5.7.1 The site of the application lies in an archaeologically sensitive area for multi-period remains and remnants of the formal grounds associated with Bradbourne House. Prehistoric and Roman remains have been located in the general area including a Roman settlement and cemetery to the north east. There are few indications of significant later activity until the post medieval period when an 18th century estate map suggests a landscaped carriageway running north to south serving Bradbourne House.

5.7.2 The site seems to have been utilised for orchards during the later 19th and 20th centuries which could have had an impact on the post medieval archaeology and historic landscape features.

5.7.3 The site does lie immediately adjacent to part of the existing recognised historic parkland of Bradbourne House. The impact of this scheme on the parkland both in terms of setting and direct impact, needs to be carefully considered. Sympathetic design should be part of this scheme and the proposed development should include clear heritage enhancement measures for the parkland.

5.8 The application is supported by an Archaeological Desk based Assessment and a Heritage Statement. Both provide reasonable description of the heritage assets but I do not entirely agree with the conclusions of the DBA. Archaeological issues can be addressed through condition and I recommend the following condition is placed on any forthcoming consent.

5.9 KCC (Economic Development): Contributions sought as follows:

- Primary Education - £4535 per house and £1134 per flat towards phase 1 of a new Aylesford Primary School
- Primary Land - £3208.18 per house and £802.05 towards land acquisition for a new Aylesford Primary School
- Secondary Education - £4115 per house and 1029 per flat Aylesford School enhancement of teaching space
- Community Learning – total of 3582.64 towards Aylesford School Adult Education Centre, additional equipment for new learners
- Youth – total of £1481.73 towards Aylesford Youth Club

- Libraries – total of £5542.55 towards Larkfield Library enhancement and additional bookstock for the new borrowers
- Social Care – total of £6149 towards the Aylesford Priory changing place facility
- 1 wheelchair adaptable home as part of the on-site affordable homes delivery

5.10 KFRS: The means of access is considered satisfactory

5.11 Kent Police: Welcome further discussions with the applicant regarding Crime Prevention through Environmental Design

5.12 CCG: A contribution of £92,664 is sought towards refurbishment, reconfiguration and/or extension at Thornhills Medical Centre, Watlington Surgery and/or West Malling Group Practice.

5.13 KWT: No response

5.14 NE: No comment/objection

5.15 National Trust: I can confirm that the Trust is not proposing to make any representations in respect of this application.

5.16 EP:

Representation received 21 January 2019

5.16.1 This site forms part of the wider East Malling Research facility, and as such is identified as potentially contaminated land. It is not known what kind of chemicals, if any, have been used on this site in association with the agricultural research activities. There is also a historic landfill site on the North West boundary of the site. I would therefore recommend the following conditions.

Representation received 24 January 2019

5.16.2 The Applicant has submitted a Noise Assessment carried out by their consultant Ardent Consulting Engineers (their ref 182600-09, dated December 2018). The report details measurements of site noise levels taken at two representative locations at the proposed site. The report has compared these with maximum levels cited in BS8233:2014 and given recommendation as to construction type/specification to ensure that suitable internal levels will be achieved. I would concur with the information.

5.16.3 The report does not, however, appear to have specifically considered the 'windows partially open' scenario, and whether additional ventilation is required. This issue is referred to in the notes accompanying Table 4 in para 7.7.2 of BS8233:2014, and that if the levels stated can only be achieved with windows

closed, then consideration needs to be given to the provision of a satisfactory alternative means of ventilation. The Assessment does make reference at Para 6.13 to the fact that acoustically speaking Passive Trickle Ventilators will be adequate. However, such ventilators are not good for decent ventilation rates. We should therefore be looking for either:

- a) Some form of whole property mechanical ventilation system with heat exchange; or
- b) Individual room ventilation units that will give controllable levels of mechanical ventilation at satisfactory rates whilst maintaining acoustic integrity.

5.16.4 I do not believe that all properties within this proposal will require this, it likely to affect properties fronting onto New Road and may be a matter for which additional, more specific information can be provided at the full application stage.

5.16.5 The Assessment has also considered the effect of the additional traffic generated by the proposal upon the wider environment and assessed this, taking into account projected traffic increases to 2031. The report calculates that the noise increase due to traffic from the proposed development would be approximately 0.3dB, which is considerably below the commonly accepted minimum detectable change of 3dB.

5.16.6 The Assessment has also briefly considered construction noise, but as this is for an Outline Application, no specifics are available for consideration. If felt necessary, the Applicant could seek a Section 61 Prior Consent under the Control of Pollution Act 1974 from the Council. I do, however, believe that there is an error in Table 5.2 and that the '>' cited should be '<'. Clarification should be sought from the applicant.

5.16.7 In conclusion, I do not consider that noise will be a limiting factor on this Outline application, but that additional information will be required once the layout has been finalised.

Representation received 7 August 2019

5.16.8 Air Quality: Providing developers stick to their plans on EV charging no further comments to be made on the application.

5.16.9 Noise: I do not believe that there is anything in the recently submitted documents that would impact upon my earlier comments. I thus have no additional comments to make.

5.17 Leisure Services: If full offsite contribution were to be required a total financial contribution of £1,332,399 would be sought.

[DPHEH: The application proposes onsite open space and play area provision. This issue is discussed later in the report]

5.18 Private Reps: 3+ site + press notices: 2X/24R/0S. Objections raised on the following grounds:

- Increased traffic resulting in reduced highway safety and increased congestion. Queues will remain the same.
- No evidence of traffic survey. Done in school holidays. Traffic modelling does not take account of Bradbourne Park Road and can therefore not be understood. Lack of accident data.
- Insufficient parking.
- Lack of public transport.
- Difficult for emergency access.
- No suitable pedestrian or cycle route.
- No details of speed restrictions or surveys. Markings not shown on the junction plans.
- Not sustainable development. Concern about Ditton being urban. Cumulative impact of total development.
- Existing schools and healthcare facilities oversubscribed, no new schools.
- Increased noise, air and light pollution.
- Issues relating to surface water and foul water disposal. Localised flooding. No update on flooding issues.
- Set a precedent for other development.
- No local benefits.
- Development too dense. Lack of open space.
- Need to protect heritage assets. Impact on LB, Bradbourne House. Need for archaeological assessment. Visual impact. Needs to be sensitive to the area. Access needs to be minimum to preserve the LB.
- Loss of trees and the need for environmental protection. Need for a detailed Landscape Impact Assessment.
- Need to extend deadlines.
- There is a National Trust covenant to protect Bradbourne House.

- Disruption during construction.

Application (B)

5.19 PC:

Representation received 15 February 2019

5.19.1 These comments relate solely to the proposed demolition of a section of the brick wall forming the boundary between the proposed Parkside development and New Road. Detailed comments on the main application will follow separately.

5.19.2 This wall forms part of the historic wall of the former Bradbourne estate of the Twisden family who lived at Bradbourne House. It runs behind the buildings on the A20 including Wealden Hall and then southwards along the complete length of New Road itself up to the village of East Malling. It continues at the back of the village green and forms the boundary between what is now the “Research” site and Court Lodge and Church. This boundary would seem to date from the diversion of the road from Larkfield to East Malling to its present position instead of its former course close to Bradbourne House and hence its name “New Road”. The sections to the north are ragstone though parts have been rebuilt particularly when the entrance to serve the “Larkfield Bank” site now Bradbourne Park Road was made. There is also a line of trees behind the wall as viewed from New Road.

5.19.3 It should also be noted that opposite this proposed access is the eastern wall boundary of the former park that surrounded Clare House once the home of the Wigans. These two features are an important part of the local street scene and make an important “entrance” from the north to the historic heart of East Malling village with its Conservation Area status. And it should be recorded such estate walls are a feature of the local area especially within East Malling and ragstone walls in particular.

5.19.4 When the original plans were produced it was proposed that access should be via the existing access just north of the village green on the edge of the Conservation area and the parish council felt this was unsuitable including on traffic grounds. It suggested an access on the site of the former “Blue Door” near to the junction of Chapman Way be considered. It understands this was done by the applicants (for which we are grateful) but was ruled out on its impact upon the trees at this location and upon the setting of Bradbourne House with its own designated Conservation area and on the edge of the National Trust covenants. I understand after considering other locations this access now proposed is put forward as raising no objection in principle from KCC as Highway authority and affecting what appears to be a less historic section of wall.

5.19.5 Given this the Parish Council stance is that it wishes to see the minimum length of wall affected and it notes it has been suggested that if the speed limit were reduced to 30mph this could result in a reduction in the need for a site line to meet

KCC/highway guidelines. We understand this may not be the case but would appreciate specific confirmation of the position. The sculpting of the wall also means a longer length is affected. Anything which could be done to ameliorate this would be appreciated and we would ask that consideration be given to “turning” the wall into the new road entrance as was done previously at Bradbourne Park Road to the north.

5.19.6 We would ask that there be a condition that in doing work to the wall the removed bricks be used and so the work matches the existing length of wall

5.19.7 We would also ask that any permission should only be given if it is granted at the same time as the main application. We would not wish to see this application allowing the wall to be removed as a separate operation given its status as part of the curtilage of the current Bradbourne House and its former parkland. We note this is a point made by the Conservation Group.

Representation received 29 April 2019

5.19.8 Whilst the Parish Council felt this access to the Parkside site should be further North utilizing the existing bricked up gateway it is with reservation that the proposal be accepted with the following conditions:-

5.19.9 No more than one tree to be removed in order to accommodate the access.

5.19.10 The curvature of the new wall should replicate the curvature of the entrance to Bradbourne House. With a brick pier terminating it at the footpath end. Similar again to Bradbourne House.

5.19.11 There should be no planting in front of the wall at all. This is in a Conservation Area and should respect that fact with the whole area in front of the wall being tarmac footpath. This is the entrance to the village and must be seen as such not the entrance to a designer development.

5.19.12 It is believed the radius of the new section could be smaller in order that it would reduce the amount of demolition of the existing wall. It seems that the proposal is sized to allow for 103 metres visibility splay. When KCC Sight Stopping Distance for a 40mph road is specified as 65 metres (see KCC Highways comments in planning application TM/18/01106. This would negate the need to move the existing bus shelter. 5. It is also suggested that the developer should create a dropped kerb adjacent to the bus stop in addition to the one shown to the south of the entrance which is adjacent to the footpath exiting Lime Crescent by the Village Hall.

5.20 Historic England:

Representation received 23 January 2019

- 5.21 Bradbourne House is an extremely impressive house dating to the 16th century but with the largest phase of works dating to 1713-15. It is characterised by the quality, regularity and symmetry of its early 18th century facades. It retains part of its landscaped garden, including an ornamental lake and the ragstone park boundary. The boundary wall, which is curtilage listed, has been greatly rebuilt in sections along New Road, with the majority of the original wall lying to the north, closest to the house. It nevertheless has historic value as it is evidence of the historic extent of the park surrounding Bradbourne House.
- 5.22 We provided pre-application advice for the outline development applications for sites B and C on 8 October 2018 to the East Malling Trust. During this process it became clear that the access to the new estate from New Road would entail a new opening through the park wall to allow sufficient and safe vehicle access. We commented at the time that we thought this would cause a low level of harm. This is because it would compromise the integrity of the wall in a limited way by creating a new opening which did not exist historically. However, we think that it is justified and the harm is minimised by situating the opening in an area of wall which has already been altered and rebuilt in different materials over the centuries.
- 5.23 We therefore do not wish to raise any concerns regarding this application. We think that the harm has been minimised, as per paragraph 190 of the NPPF, by keeping the new opening to a minimum. We also think that the low level of harm caused is justified in order to provide safe and sufficient vehicular access to the proposed associated development site, as per paragraph 194.
- 5.24 Recommendation: Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 190 and 194.

Representations received 1 May 2019

- 5.24.1 Thank you for your letter of 26 April 2019 regarding further information on the above application for listed building consent. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.
- 5.24.2 It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.
- 5.25 KCC (H+T) The development proposal does not meet the criteria to warrant involvement from the Highway Authority.

[DPHEH: These comments relate to the listed building application only]

5.26 Private Reps: Site + press notices: 4X/2R/0S. Objections raised on the following grounds:

- This application should only be approved if TM/18/03008/OA is approved.
- Wall already eroded by Bradbourne Park housing estate.
- A traffic study is needed to assess the necessary sight lines and speed limit to reduce the impact on the fabric of the wall.
- Requested longer consultation times.
- No justification for the demolition, substantial harm the listed building and therefore contrary to paragraph 195 of the NPPF.
- Pedestrian access to the southern access.
- Cumulative effect of the removal and sculpting of the wall will seriously impact on the appearance of the listed wall and the overall width should be reduced.
- To reduce the amount of wall removal to achieve the required site lines the speed limit should be reduced to 30/20mph.
- Move the gap north to the 'Blue Gate'.
- The loss of the wall is contrary to the NPPF, harmful to the grade I listed building and should be refused.

6. Determining Issues:

Principle of development:

- 6.1 The LPA is required to determine planning applications in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. The Development Plan currently in force comprises the TMBCS (September 2007), the DLA DPD (April 2008), the MDE DPD (April 2010) and the saved policies of the TMBLP. The policies contained within the NPPF and the guidance contained within the associated NPPG are material considerations.
- 6.2 The site lies to the north of the confines of East Malling village, and to the east of the urban settlement, within the countryside. Policy CP14 of the TMBCS seeks to restrict development in the countryside and whilst it includes circumstances where development can be acceptable, the introduction of up to 110 dwellings does not fall within one of the exceptions listed. The proposal is therefore contrary to this development plan policy. However, TMBC cannot presently demonstrate a five year supply of housing and in this context CP14 has been confirmed by recent

appeal decisions to be out of date and cannot therefore provide any justification to resist the development in terms of broad principles.

6.3 In the absence of a 5 year housing supply the presumption in favour of sustainable development must be applied. For decision taking, this is set out at paragraph 11 of the NPPF as follows:

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 within 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.

6.4 Dealing firstly with paragraph 11 d) (i), Footnote 6 of the NPPF provides a closed list of those restrictive policies that relate to protected areas and assets of particular importance. Designated heritage assets are specifically referenced. The western boundary of the application site comprises a curtilage listed wall and the site falls within the former parkland associated with Bradbourne House, a Grade I listed building. In addition, St James the Great Church lies to the south and both listed buildings are sited within CAs. It is therefore necessary to assess the application with regard to the relevant policies of the NPPF that protect heritage assets in order to determine, in the first instance, whether there is a clear reason to refuse the proposed development.

Impact designated heritage assets and their settings:

6.5 There is a statutory duty on decision-makers to have special regard to the desirability of preserving listed buildings and their settings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.6 Similarly, section 72 of the Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of these areas, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 6.7 Paragraph 189 of the NPPF requires LPAs, in determining applications to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.8 Paragraph 190 of the NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.9 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.10 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.11 Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.12 Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

6.13 Paragraph 196 requires that when a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.14 The NPPG provides additional guidance. It makes it clear that the significance of a heritage asset derives not only from its physical presence but also from its setting. The guidance requires potential harm to designated heritage assets to be categorised as either substantial (which includes total loss) or less than substantial harm, in order to determine which of the policy tests should be applied. However, within the category of “less than substantial harm” it is accepted in case law that a decision maker must take a view as a matter of planning judgement as to the level of harm within that category.

6.15 It is vital therefore to identify the relevant heritage assets; identify the settings of the relevant heritage assets; and determine whether the proposal will result in substantial harm or less than substantial harm, and if less than substantial harm the level of that less than substantial harm. Further guidance on such matters can be found in the NPPF and Historic England’s The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017.

- 6.16 Historic England's guidance recommends a series of steps to ensure good decision making and these are applied in turn below as part of my detailed assessment.

Step 1: Identify which heritage assets and their settings are affected

- 6.17 Significance (for heritage policy) is defined in the NPPF glossary as - "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."
- 6.18 The setting of a heritage asset is defined in the NPPF glossary as – "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."
- 6.19 In light of the above, the relevant significant heritage assets are identified as Bradbourne House (Grade I listed), the former stable and barn to the north of Bradbourne House (Grade II listed), St James the Great Church (Grade I listed), the curtilage listed wall, and the associated Bradbourne East Malling and East Malling Village Conservation Areas.

Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

- 6.20 In terms of the settings of these heritage assets, it is a matter of planning judgement as to the continued significance of the former parkland in terms of the wider setting of Bradbourne House. The CA surrounds Bradbourne House and its associated Grade II listed outbuildings. It can reasonably be concluded that the CA was so designated as to reflect the extent of the historic setting of Bradbourne House and its associated outbuildings. However the application site lies within the former parkland associated with Bradbourne House.
- 6.21 HE has commented that Bradbourne House is an extremely impressive house dating from the 16th century. The house is characterised by the quality, regularity and symmetry of its early 18th century facades. It retains part of its landscaped garden, including an ornamental lake and the ragstone park boundary but its wider parkland setting has been largely lost due to its reuse for orchards by the East Malling Trust in the 20th century.
- 6.22 It can therefore be concluded that the functional relationship between Bradbourne House and its wider parkland has been eroded over time. Bradbourne House now operates as the HQ of the EMT and a conference and wedding venue. The associated outbuildings have been converted to commercial uses and ancillary parking areas created. Whilst the outbuildings contribute to the immediate setting

of Bradbourne House, owing to their siting to the north of the House there is no direct visual relationship between these buildings and the proposed development. Notwithstanding, the former parkland is still discernible and delineated to the south west by the existing ragstone and brick wall. I therefore conclude that whilst a functional separation may have occurred, the views from Bradbourne House to the boundary wall form part of its setting and also that of the CA in which the House is set. However, the contribution made by the application site to these listed buildings has been much eroded and in my view it now makes a very limited contribution to that setting

- 6.23 In the same way the functional and cultural relationship between Bradbourne House and St James the Great Church has long since been severed. However the views between the two are an important reminder of the historic and cultural relationship between these two buildings and, although to a lesser extent, the views between the two CAs. I therefore conclude that the visual relationship between Bradbourne House and St James the Great Church and the respective CAs forms part of their interdependent wider settings.

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it

- 6.24 The proposal for residential development is submitted as an outline planning application. Details relating to layout, appearance, landscaping and scale are reserved matters to be agreed at a later date. However the application includes an indicative layout. This is essential in order to allow for a full assessment of the potential impact of the proposal on the nearby heritage assets. This masterplan layout has been subject to numerous amendments in order to seek to minimise the impact on the setting of designated heritage assets.
- 6.25 The indicative layout has been designed to respect the visual relationship between Bradbourne House and St James the Great Church, and by association the Bradbourne and East Malling CAs. This visual relationship would have been paramount in the original siting, design and orientation of Bradbourne House, and reflects the important cultural and historic links between social class and religion. However HE note that this relationship has been compromised by the use of the former parkland for commercial and research purposes. Notwithstanding, the current indicative layout ensures that this view remains uninterrupted.
- 6.26 HE raised no objection to the principle of the proposal nor to the visual relationship between the Bradbourne House and St James the Great Church which has already been compromised. However concern was raised about the original indicative layout which could potentially result in a low level of harm to the significance of Bradbourne House and the character and appearance of its CA. HE requested additional assessment in the form of a Landscape Visual Impact Assessment (LVIA) to be carried out during the winter. This information was required in order to ascertain whether the harm, albeit less than substantial harm,

had been sufficiently minimised in order to meet the requirements of paragraph 190 – to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 6.27 The required information was provided and in light of further HE comments the design of the indicative layout was further refined. HE, in response to the current indicative layout now conclude that the amended parameter plan would reduce harm to the significance of Bradbourne House and the CA. I concur and conclude that the current indicative layout has been designed to minimise any impact on the visual relationship between Bradbourne House and its former parkland. Although the functional relationship has been severed, the dwellings and associated landscape/tree planting have been designed to create visual green corridors. The green corridors are to provide visual links between the remaining western boundary and the wider former parkland to the east. The corridors will be vital to the overall success of the detailed layout and I concur with the conclusions of the submitted Arboricultural Report that the best quality trees should be identified from the outset and used to inform the proposed design.
- 6.28 The only direct physical impact of the proposed development on a designated heritage asset will be the proposed new access onto New Road. Listed building consent is sought to remove a section of wall and rebuild curved walls to create a new access roadway. The scheme will result in a total of 23m of wall to be removed, with 6.9m either side to be rebuilt as inward curves.
- 6.29 The wall comprises part of the boundary of the former parkland associated with Bradbourne House. It is this function that in heritage terms is the primary significance of the wall. The introduction of a modest opening will not erode this historic function, the majority of the boundary will clearly remain. In terms of impact on the fabric of the wall, HE has confirmed that the wall has been greatly rebuilt. The opening is proposed in a later brick rebuilt section and therefore the works will not have an unacceptable impact on the historic integrity of the wall. The modest size of the opening, and the partial rebuilding of the wall in inward curves, will ensure the impact of the proposal is visually acceptable - both on the character of the wall and its wider setting.

Step 4: Explore ways to maximise enhancement and avoid or minimise harm

- 6.30 The proposed opening in the curtilage listed wall will result in the removal of a later section of rebuilt brick wall. Although of later construction this section of the wall has an attractive bond using burnt brick headers. In order to minimise any harm it will be important to replicate this detail, and where feasible, to reuse the existing bricks. This can be ensured by planning condition. It also remains important to ensure that the works to the wall are not carried out in isolation but only as a part of the wider development of the site. Again, this can be ensured by planning condition.

- 6.31 The indicative layout proposes four clusters of development with green corridors which allow for views to remain across the site. Although indicative, the proposed dwellings have been sited further to the west to ensure uninterrupted views between Bradbourne House and St James the Great Church. This has been accompanied by clumps of tree planting. In order to ensure the retained trees are protected throughout the build it will be imperative that the design at reserved matters stage be undertaken in consultation with an arboriculturist in order to achieve a harmonious relationship between the trees and the development. Consequently the indicative layout has been repeatedly improved to ensure the impact of the development on the heritage assets is minimal. This impact has been reduced to such a level that if considered as a 'sliding scale of harm' this harm is at the very lowest level. Paragraph 193 NPPF requires that great weight be given to the preservation of heritage assets. Case law has established that in practice this means great weight needs also to be placed upon any harm to a heritage asset, whether substantial harm or less than substantial harm.
- 6.32 The proposed development will not lead to substantial harm and therefore it is not necessary to engage paragraph 195 of the NPPF. The proposed development will lead to less than substantial harm, at the very lowest level, and therefore it is necessary to engage paragraph 196 of the NPPF. This means that the resulting harm must be weighed against the public benefits of the proposal.
- 6.33 The developer has identified a number of public benefits which they consider will result from the residential development coming forward. These are summarised as follows:
- Contribution towards housing supply in the Borough;
 - Provision of affordable housing;
 - Use of capital receipts to preserve and maintain Bradbourne House as it falls within the same ownership of the EMT;
 - Use of capital receipts to fund horticultural research work of the EMT which will also provide opportunities for skilled employment.
- 6.34 Firstly, Members should be aware that the arguments put forward in connection with how EMT might benefit fiscally from the development coming forward are not material in this case. There is no suggestion that in the event the development did not come forward EMT would fail as a business nor is Bradbourne House in a condition that means its maintenance needs urgent funding in some way. There is therefore no legitimate "enabling" argument that can weigh as a public benefit in favour of the scheme. Crucially, as a result, there would be no legitimate ability for the Council to *require* the developer to spend the income generated by this scheme in a certain way. As such, the benefits to be derived from the development, insofar as they are material, are centred on the provision of housing, including an element of affordable housing, and the associated benefits that would

arise from any new housing development coming forward in a location such as this.

- 6.35 It has been concluded that the impact of the development on the heritage assets would result in less than substantial harm at the very lowest level. It is therefore necessary to balance this level of harm against the public benefits of the development. The provision of additional housing, including affordable housing has clear public benefits at a time when additional housing is needed in the Borough. I therefore conclude that in this instance, the provision of housing (along with the associated benefits that would be derived from the increase in population on the local economy) outweighs the less than substantial harm to the heritage assets, but only on the basis that the less than substantial harm is at the very lowest level.
- 6.36 I am aware of the recent appeal decision at Aylesford Lakes where the Inspector concluded the provision of new housing did not outweigh the less than substantial harm to the setting of nearby heritage assets. However in the Aylesford case the vehicle access to serve a proposed 146 dwellings would have encircled the nearby listed building. The Inspector attached great weight to the harm that would result to the setting of this listed building, and also identified additional harm to the character and appearance of the of the area and setting of the CA. With regard to the current application, the siting of the proposed development is of a sufficient distance from Bradbourne House to ensure no direct impact would be made on the listed building arising from vehicle movements or any other disturbance associated with the proposed residential development.
- 6.37 The circumstances of the appeal decision at Lavenders Road are also very different from the current application. In the Lavenders Road appeal the Inspector concluded that the public benefits of the scheme did not outweigh the less than substantial heritage harm. However this harm was cited as being an 'inordinate amount of harm' and was identified as being harm at the 'highest level'. This is in clear contrast with the current application where the less than substantial harm has been identified as being at the very lowest level.
- 6.38 Consequently there is no clear reason to refuse the proposed development in this regard, as set out by paragraph 11 (d) (i) of the NPPF. It therefore becomes necessary to determine whether the proposal would result in any adverse impacts that would **significantly and demonstrably** outweigh the benefits, when assessed against the policies in the development plan and the NPPF taken as a whole as required by paragraph 11(d) (ii) of the NPPF. It is on this basis that the remainder of my assessment follows.

Location of development:

- 6.39 Paragraph 78 of the NPPF advises that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." Paragraph 79 then follows stating that "planning policies

and decisions should avoid the development of isolated homes in the countryside” unless one or more of a list of certain circumstances apply.

6.40 The interpretation of isolated homes in the countryside has been clarified in the Court of Appeal judgment in Braintree DC v SSCLG [2018] EWCA Civ. 610. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”.

6.41 The site lies immediately adjacent to the confines of East Malling. New Road has pavements and street lights. To the south of the site, within easy walking distance lies the church, public house, village hall and main line railway station. To the east is the local parade of shops on Twisden Road. Again, within walking distance to the north lies the A20 London Road with a variety of shops including a supermarket. New Road is served by buses and the A20 is a major bus route. Potential residents would not therefore be reliant on the private car as the primary mode of transport. Consequently the site does not in any way constitute an isolated location.

Impact on visual amenities:

6.42 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals Supplementary Planning Documents.

6.43 Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies are entirely consistent with the relevant policies of the Framework which are set out as follows:

6.44 Paragraph 127 of the NPPF sets out that planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) 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);

d) establish or 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;

e) 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

f) 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.

6.45 It has already been demonstrated that although indicative, the proposed layout will ensure that a detailed scheme could come forward in a manner that would ensure no impact on the nearby heritage assets or their settings. Similarly the indicative layout demonstrates that the site is capable of accommodating the proposed number of dwellings without resulting in any adverse impact on wider character of the area. In addition, the existing and proposed landscaping will contribute to the wider character of the countryside, particularly to the east. The layout of the dwellings, albeit indicative, and the proposed landscaping has been designed to shield direct views of the proposal development whilst the creation of visual green corridors will provide views through to the boundary wall. This will maintain a sense of the former parkland. In addition, owing to the siting and landscaping the proposal will not erode the separate identity of East Malling. I therefore conclude that the proposal will not adversely impact on the character of the countryside.

Highway safety, capacity and parking provision:

6.46 Policy SQ8 of the MDE DPD sets out that:

1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a

significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.47 This is consistent with the relevant policies of the Framework which state as follows.

6.48 Paragraph 102 of the NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

6.49 Paragraph 103 makes clear that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

6.50 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. Paragraph 110 goes on to state that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.51 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.52 The development seeks to provide a vehicle access onto New Road. The intention is to remove 23m of wall, with 6.9m either side to be rebuilt as inward curves. This will provide the necessary visibility splays to ensure no adverse impact on pedestrian or wider highway safety, and on this basis I conclude that the proposed new access is acceptable. However I appreciate that this is the single access point for the development and therefore it is therefore necessary to consider the need for a secondary access into the site in cases of emergency – should the single entrance onto New Road become blocked. The land to the north, east and south east is owned and operated by the EMT. It is therefore possible to provide an emergency access via the existing roadways. This is illustrated in the details provided by email on 31.10.2019. The provision of such an access can be ensured by planning condition.

6.53 The illustrative Masterplan allows for at least 1 vehicle parking space for the 1 bedroom units with 2 vehicle parking spaces for the larger units, as well as visitor parking. IGN3 recommends for suburban edge and village settlements a provision of 1 space per 1 and 2 bed flats, 1.5 spaces for 1 and 2 bed houses, and 2 spaces for 3 and 4 bed houses. The site is of a sufficient size to ensure adequate vehicle parking can be provided and this will be addressed at reserved matters stage.

6.54 It is acknowledged that the development will result in additional traffic movements, and whilst the new access arrangements and on-site parking arrangements are acceptable, it is important to consider the impact of the development on the wider

highway network. In this regard KCC H+T raise no objection to the development subject to the implementation of the proposed new permanent access onto New Road, implementation of the junction improvements to New Road/London Road A20 and contributions to the identified A20 corridor improvement measures and new public transport enhancements.

- 6.55 The NPPF requires the Council to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It states that planning obligations should only be sought where they are 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. Similarly paragraph 55 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.56 Regulation 122 of the CIL Regulations also sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: (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. In addition, case law (*Gladman Developments Ltd v SSCLG & CPRE*) has shown that the effectiveness of any proposed mitigation measures must be demonstrated. It is not therefore appropriate to seek financial contributions without a specific scheme in place.
- 6.57 The new access onto New Road is directly related to the development and fairly and reasonably related in scale. The proposed junction improvements at New Road/London Road A20 are shown on drawing referenced 182 600-016 rev A received 16 July 2019. This junction is close to the application site and it is reasonable to conclude that traffic generated by the application will primarily be using this junction to access the nearest A road (A20). The junction improvements are therefore directly related to the development and fairly and reasonably related in scale and kind. The junction improvements are necessary in order to mitigate the impact of the additional vehicle movements and are consequently necessary. The junction improvements have been agreed between the developer and the highway authority and are precise and reasonable. The junction improvements are relevant to planning and can be ensured by S106 agreement.
- 6.58 The additional traffic will have a direct impact on the New Road/London Road A20 junction and therefore it is appropriate for the proposed development to directly implement this junction improvement. However the additional traffic will also have a residual impact on the wider highway network. Consequently, whilst the level of additional traffic would not warrant the direct improvement of other junctions it is appropriate to seek a financial contribution toward the implementation of additional junction improvements along the A20 corridor. These improvements have been identified in the A20 corridor study from the West Malling By-pass to Coldharbour

Lane. These improvements also include contributions towards new public transport enhancements such as bus stops and to investigate other public transport routes between the application site and other amenities. The required improvements are therefore directly related to the development and necessary in order to mitigate its highway impact. The required sums have, in principle, been agreed between the developer and the highway authority and are therefore considered to be fair, reasonable and precise. The improvements are relevant to planning and can be ensured by S106 agreement.

6.59 Paragraph 91 of the NPPF requires the aims of planning policies and decisions to achieve healthy, inclusive and safe places. In particular section c) requires policies and decisions to enable and support healthy lifestyles and (inter alia) layouts that encourage walking and cycling.

6.60 The Design and Access Statement makes reference to a new network of public footpaths and cycle routes, stating that a new around-the-site footway and the green corridors will provide opportunities for walking, running, cycling and dog walking. These features can be incorporated into any future design as reserved matters stage.

Ecology and biodiversity:

6.61 In accordance with section 40 of the Natural Environment and Rural Communities Act 2006 in decision making LPAs must have regard to conserving biodiversity. Policy NE2 of the MDE DPD requires that the biodiversity of the borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 states that development which would adversely affect biodiversity or the value of wildlife habitats across the borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. The policy continues to state proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

6.62 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network. These are all in general conformity with the policies in the Framework. In particular, paragraph 170 of the NPPF states that planning policies and decisions should contribute to, and enhance, the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

6.63 The submitted Ecological Assessment concludes that the site is not subject to any statutory or non-statutory nature conservation designations and although a number of statutory and non-statutory sites lie within 3km of the site, it is unlikely, due to physical separation distances, that the proposed development will have any adverse effect. On the contrary, a suitable design at reserved matters stage would be likely to ensure enhancement to the overall biodiversity of the site - through the creation of an attenuation pond, increased native species planting and the incorporation of features such as bird and bat boxes. I therefore conclude that the application is acceptable in this regard.

Potential land contamination:

6.64 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

6.65 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

6.66 Nevertheless the site forms part of the wider EM Research facility, and as such is identified as potentially contaminated land. There is no evidence of what chemicals have been used in association with the agricultural research activities, and there is a historic landfill site on the north west site boundary. It is therefore necessary to attach planning conditions to deal with any potential land contamination issues.

Potential flood risk:

6.67 Policy CP10 of the TMBCS states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development. Similarly, paragraph 155 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

6.68 The submitted Flood Risk Assessment and Drainage Strategy concludes that the site is located within an area with a low risk of groundwater flooding and very low risk of surface water flooding. There is a very small area of high risk of flooding on the northern site boundary but this will not pose a risk as there will not be any development on these areas.

6.69 However very recent occurrences of surface water flooding on New Road have been brought to my attention. KCC LLFA are aware that blockages in the culverted watercourse along the western boundary have led to a number of instances of flooding affecting the local area. It is therefore recommended that the culvert is exposed to aid maintenance and reduce flood risk. I concur with this recommendation and this can be ensured by planning condition.

Other material considerations:

6.70 The majority of the site lies in an area of archaeological potential (AAP) for prehistoric and Roman remains. The application includes an Archaeological Report which provides a reasonable summary and on this basis the application is acceptable in this regard subject to an archaeological watching brief. This can be ensured by planning condition and again will avoid any harm in this regard.

6.71 Paragraph 180 a) of the NPPF requires planning decisions to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. The submitted Noise Assessment concludes that the site is 'low risk' and I concur with this conclusion.

6.72 Policy SQ4 of the MDE DPD only allows for development where the proposed land use does not result in a significant deterioration in air quality, does not result in the creation of a new Air Quality Management Area (AQMA), is not sited close to an existing harmful source of air pollution or impact on designated sites of nature conservation.

6.73 The Air Quality Assessment concludes that if the application is assessed alone then any impact on air quality is considered negligible at all the modelled receptors. However if the application is considered in conjunction with all other committed development then there would be a medium impact for which mitigation will be sought. It is therefore important to ensure the identified mitigation measures are implemented. These include the provision of electric vehicle charging points, a travel plan (submitted 19 December 2019), designated parking spaces for low emission vehicles, and improved cycle paths to link cycle network and secure storage. These measures can be ensured by planning condition.

6.74 The indicative layout demonstrates that the development can come forward in a manner that would ensure there would be no harm to the residential amenity of the existing dwellings immediately to the south. Similarly, the proposal will provide a suitable level of residential amenity for future occupiers. I am aware that the

introduction of additional dwellings is associated with increases in noise and general disturbance. I am also aware that an increase in traffic movements can have an impact in terms of air quality. However the associated junction and other highway improvements will have a positive impact on air quality

The draft local plan:

- 6.75 Members will be aware that this site is a proposed allocation for housing development in the draft local plan under policy LP25.
- 6.76 Under paragraph 48 of the NPPF, a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies and (3) the degree of consistency of the relevant policies with the NPPF.
- 6.77 Paragraph 49 then advises that this, when taken in the context of the NPPF and “in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”
- 6.78 However at present only limited weight can be given to the draft local plan until it has progressed further through the examination process and therefore the draft allocation cannot be determinative at this time.

Planning obligations:

- 6.79 As previously noted, the NPPF requires the Council to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It states that planning obligations should only be sought where they are 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. Similarly paragraph 55 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.80 Regulation 122 of the CIL Regulations also sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: (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.

- 6.81 Policy CP17 of the TMBCS states that in rural areas affordable housing provision will be sought on all sites of 5 dwellings or above at a level of 40% of the number of dwellings within that scheme (70%, affordable rent, 30% shared ownership). Only in exceptional circumstances should off-site provision be secured or a commuted sum provided in lieu of on-site provision.
- 6.82 The application however seeks to provide affordable housing at a level of 25%. This complies with the level proposed in the draft local plan policy LP39: Affordable Housing. As already noted the draft local plan is not sufficiently advanced in the examination process to be afforded any more than limited weight. Consequently a viability report had been submitted which concludes that the appropriate level of provision is 25%. This is unsurprising as the viability report was based on the same evidence as the draft local plan which states that 25% affordable housing provision is appropriate for this part of the Borough. I am aware that provision at a level of 25% does not accord with the 40% requirement set out in the current development plan. I am also aware that the draft local plan policy carries little weight. However the evidence put forward in the submitted viability report is based on the same evidence as the draft local plan policy and therefore, owing to the timing of the submission, there are material planning considerations that indicate the provision of 25% to be acceptable in this instance. The level of provision, including the precise mix and tenure split will be ensured through a S106 agreement.
- 6.83 Policy OS3 of the MDE DPD requires all developments of 5 units or more (net) to provide an open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The indicative Masterplan identifies some 2.86 hectares of open space and 0.18 hectares of formal public open space. The application states that a LEAP is to be sited in the centre of the site and three LAPS to be dispersed within the site. The proposal therefore includes substantial levels of open space, full details of which can be provided at reserved matters stage. Financial contributions for offsite provision for other types of open space (parks and gardens and outdoor sports facilities) can be secured by S106 agreement.
- 6.84 The CCG seeks financial contributions towards the refurbishment, reconfiguration and/or extension to Thornhills Medical Centre, Watringbury Surgery and/or West Malling Group Practice. The amount sought is based on population increase projections arising from the additional households. Again, this can be ensured by S106 agreement.
- 6.85 Similarly, KCC (Economic Development) seeks contributions towards education, community learning, youth, libraries and social care. These contributions can also be ensured by S106 agreement.

Planning balance and overall conclusions:

- 6.86 It has been demonstrated that the development will result in less than substantial harm (at the very lower end of the scale) to the setting of identified heritage assets, and the physical works to the curtilage listed wall. This low level of harm (to which great weight must be attributed) has been balanced against the public benefits arising from the development and the provision of additional housing, including an element of affordable housing, found to outweigh this low level of harm. Consequently, in accordance with paragraph 11 d) (i) there are no clear reasons for refusing the proposed development.
- 6.87 In addition, and in accordance with paragraph 11 d) (ii) there are no other significant or demonstrable adverse impacts arising that would outweigh the benefits of the development when assessed against the policies in the Framework when taken as a whole. Any identified impacts arising from the development can be adequately and appropriately mitigated through planning obligations and conditions. I therefore conclude that the balance in favour of sustainable development falls to be applied and accordingly I put forward the following recommendation.

7. Recommendation:

Application (A)

- 7.1 **Grant outline planning permission** is accordance with the following submitted details: Email Emergency access received 31.10.2019, Letter received 25.10.2019, Revised Drawing EMT-C-02 REV C received 02.09.2019, Revised Drawing EMT-C-03 REV C received 02.09.2019, Revised Drawing EMT-C-04 REV C received 02.09.2019, Revised Drawing EMT-C-05 REV C received 02.09.2019, Revised Drawing EMT-C-06 REV C received 02.09.2019, Revised Drawing EMT-C-07 REV C received 02.09.2019, Revised Drawing EMT-C-08 REV C received 02.09.2019, Revised Drawing EMT-C-09 REV C received 02.09.2019, Email received 02.09.2019, Letter viability response received 03.04.2019, Other Technical Note received 09.05.2019, Assessment Landscape received 26.04.2019, Other Illustrative Landscape received 26.04.2019, Location Plan EMT-C-01_REV_A received 19.12.2018, Letter received 19.12.2018, Air Quality Assessment received 19.12.2018, Arboricultural Survey received 19.12.2018, Archaeological Assessment received 19.12.2018, Ecological Assessment received 19.12.2018, Flood Risk Assessment received 19.12.2018, Travel Plan received 19.12.2018, Statement Heritage received 19.12.2018, Landscape Statement received 19.12.2018, Noise Assessment received 19.12.2018, Statement Community Involvement received 19.12.2018, Transport Assessment received 19.12.2018, Statement Utilities and servicing received 19.12.2018, Design and Access Statement received 20.12.2018, Planning Statement received 20.12.2018, Email 5.7.19 received 16.07.2019, Master Plan 4923-LLB-XX-XX-DR-L-0001 P07 received 16.07.2019, Statement

supplementary supporting received 16.07.2019, Email 15.7.19 received 16.07.2019, Other KCC improvements A received 16.07.2019, Other Existing layout B received 16.07.2019, Viability Assessment received 25.07.2019, Letter received 14.10.2019, subject to :

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision (parks and gardens and outdoor sports facilities) and enhancement and health provision;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards off-site highway junction improvements, public transport, the provision of education facilities, and community services

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 21 May 2020, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions:

- 1 Approval of details of the layout and appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

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

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- 4 Applications for the approval of the reserved matters shall be in general conformity with the indicative layout referenced EMT – C – 02 Rev C, EMT – C – 03 Rev C, EMT – C – 04 Rev C, EMT – C – 05 Rev C, EMT – C – 06 Rev C, EMT – C – 07 Rev C EMT – C – 08 Rev C, EMT – C – 09 Rev C received 2 September 2019 and details of the emergency access in email received 31.10.19.

Reason: To ensure that the layout of the proposed development will not result in any unacceptable impact on the nearby heritage assets or the wider highway network.

- 5 The details submitted in pursuance to Condition 1 shall be accompanied by a contoured site plan and full details of the slab levels at which the dwellings are to be constructed and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual relationship with the nearby heritage assets.

- 6 The details submitted in pursuance of Condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. The scheme shall be in general conformity to the indicative layout referenced EMT – C – 09 Rev C received 2 September 2019 and follow the recommendations set out in the Arboricultural Report received 19 December 2019. The scheme shall be approved in writing by the Authority Planning Authority and shall be implemented by the approved date. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity

- 7 The details submitted in pursuance of Condition 1 shall show adequate land to be reserved for the parking and turning of vehicles. The dwellings hereby permitted shall not be occupied until these areas has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking areas.

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

- 8 The details submitted in pursuance of Condition 1 shall show the proposed pedestrian and cycle routes within the site and how the routes will link to the existing public rights of way, particularly links between the southern part of the site and East Malling village. The dwellings hereby permitted shall not be occupied

until these routes have been provided, surfaced and drained in accordance with the approved details and shall be retained at all times thereafter.

Reason: To promote healthy lifestyles and social connectivity.

- 9 The details submitted in pursuance of Condition 1 shall show the proposed emergency access route as detailed in email received 31.10.19. The dwellings hereby permitted shall not be occupied until this route has been identified and made available for such use at all times thereafter.

Reason: In the interest of public safety.

- 10 The details submitted in pursuance of Condition 1 shall show arrangements for the storage and screening of refuse and recycling. Prior to the occupation of each unit the approved arrangements shall be implemented in relation to that particular unit, and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 11 The details submitted in pursuance of Condition 1 shall incorporate the mitigation and enhancement measures detailed in the Ecological Assessment received 19 December 2018. The measures shall be implemented in accordance with an agreed timetable and retained thereafter.

Reason: In the interests of nature conservation and biodiversity.

- 12 The details submitted in pursuance of Condition 1 shall incorporate the mitigation measures detailed in the Air Quality Assessment and Travel Plan received 19 December 2018. The measures shall be implemented in accordance with an agreed timetable and retained thereafter.

Reason: To ensure suitable levels of air quality

- 13 The details submitted in pursuance of Condition 1 shall show the proposed areas of amenity, natural and formal open space, a centrally located Local Equipped Area of Play and three Local Areas of Play. The open space and play areas shall be implemented in accordance with an agreed timetable and retained thereafter.

Reason: To ensure suitable levels of open space in the interests of health and wellbeing.

- 14 Prior to the commencement of the development hereby approved, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;

- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

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

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

- 15 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- 16 No above ground works, other than ground investigations work or site survey works, shall commence until a scheme to connect all plots to mains foul drainage has been submitted to, and approved in writing by the local planning authority. The occupation of the development hereby permitted is to be phased and implemented to align with the delivery by Southern Water of any required sewerage network reinforcement.

Reason: To ensure that adequate waste water network capacity is available to adequately drain the development.

- 17 Prior to any above ground works, except ground investigations or site survey works, details and samples of all materials to be used externally shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the countryside.

- 18 Prior to any above ground works, except ground investigations or site survey works a detailed sustainable surface water drainage scheme for the site shall be submitted to, and approved in writing by, the local planning authority. The detailed drainage scheme shall be based upon the FRA prepared by Ardent Consulting, ref 18600-02, December 2018 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The scheme, where possible shall include daylighting of the existing culvert to the western site boundary.

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

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

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

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

- 19 The dwellings shall not be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed'

features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

- 20 No above ground works, except ground investigations or site survey works shall commence until the following have been submitted to and approved by the Local Planning Authority:

a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health.

- 21 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health.

- 22 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health.

Informatives

- 1 It is recommended that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to

the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbs.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 3 The network provided by Southern Water will require reinforcement. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Accordingly Southern Water and the Developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Application (B)

- 7.2 **Grant listed building consent** in accordance with the following submitted details: Letter dated 21.12.2018, Design and Access Statement dated 21.12.2018, Statement Heritage dated 21.12.2018, Statement dated 21.12.2018, Email dated 11.04.2019, Statement Supplementary Heritage dated 11.04.2019, Revised Drawing 182600-009 B dated 11.04.2019, Revised Drawing 182600-012 B dated 11.04.2019, Revised Drawing 182600 - 010 B dated 11.04.2019, Revised Drawing 82600-011 A dated 11.04.2019 subject to the following conditions

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The listed building works hereby permitted shall not commence until the reserved matters application for TM/18/03008/OA has been submitted and approved.

Reason: To ensure the listed building works are not carried out in isolation.

- 3 The new sections of the boundary wall shall be erected using the retrieved bricks from the removal of the wall hereby permitted. If the existing bricks cannot be reused a brick to match the size, colour and style of the existing bricks shall be used. The new sections of wall shall be constructed to match the brick bonding of the existing wall.

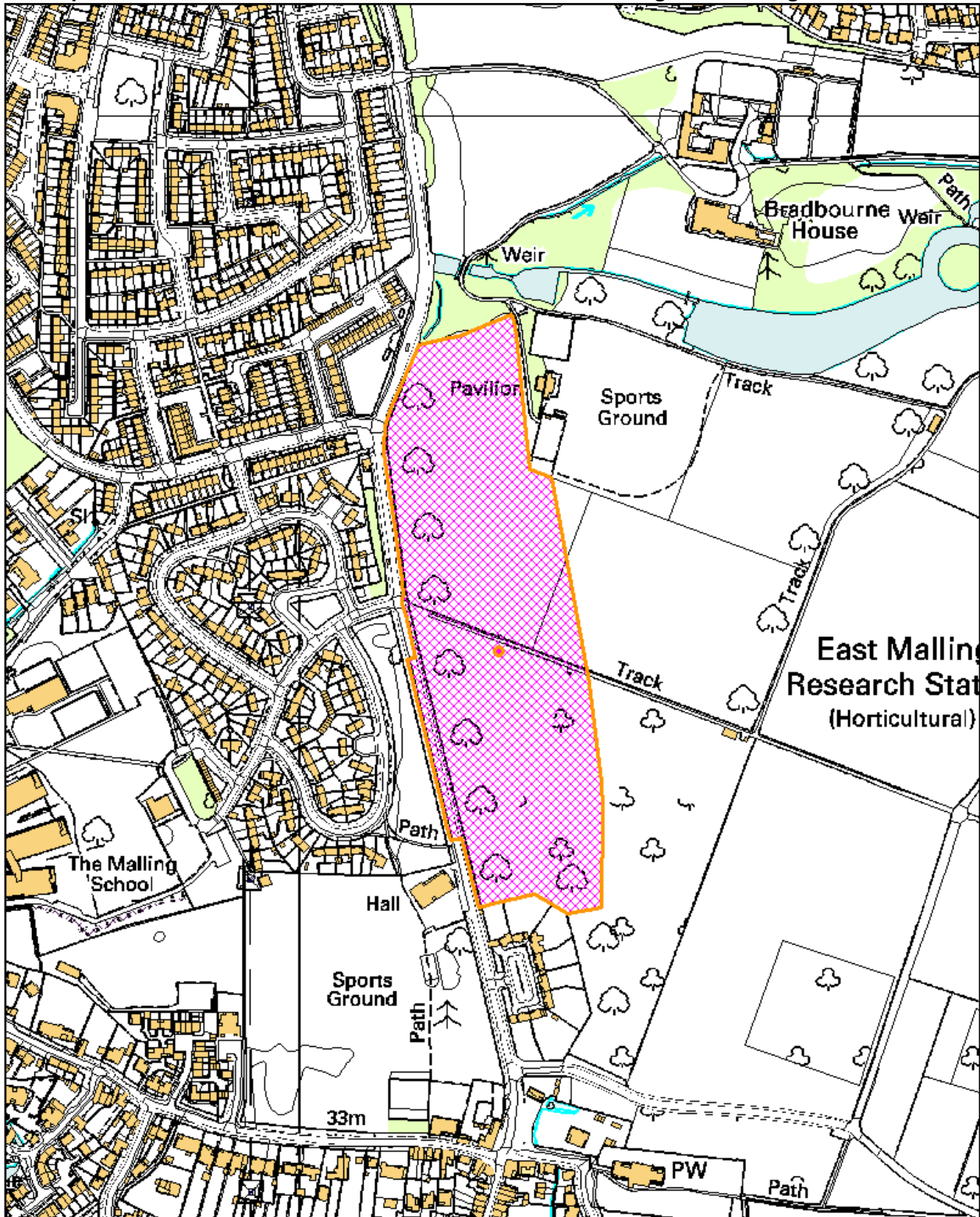
Reason: To retain the visual appearance of the historic feature.

Contact: Maria Brown

(A) TM/18/03008/OA - Outline Application: Development of the site to provide up to 110 dwellings (Use Class C3) and the site access arrangement. All other matters reserved for future consideration

(B) TM/18/03042/LB - Listed Building Application: Proposed partial demolition of a section of curtilage listed boundary wall to allow for a new vehicular, pedestrian and cycle access in connection with an outline planning application (Ref: TM/18/03008/OA) for residential development

Development Site East Of Clare Park Estate New Road East Malling West Malling Kent



Agenda Item 9

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**

This page is intentionally left blank