

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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Kent ME19 4LZ  
West Malling (01732) 844522

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

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

22 January 2020

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, 30th January, 2020 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 - 18

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 21 November 2019

**Decisions to be taken by the Committee**

4. Development Control 19 - 22

Introduction and Glossary

5. TM/19/01979/FL - 80 Rochester Road, Aylesford 23 - 40

*Demolition of existing cottage and the erection, on a site comprising the curtilage of the cottage and adjoining land to the north, formerly part of Aylesford Quarry, of eight dwellings, comprising one four-bedroom detached house, two semi-detached pairs of four-bedroom houses, and a terrace of three two-bedroom houses, with associated access, parking spaces, and landscaping*

6. 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**

7. Exclusion of Press and Public 41 - 42

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.

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.

## **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

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

Thursday, 21st November, 2019

**Present:** 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 S M Hammond, Cllr P M Hickmott, Cllr A P J Keeley, Cllr D Keers, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Mrs M Tatton, Cllr D Thornevell and Cllr C J Williams

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs T Dean and A Kennedy

### PART 1 - PUBLIC

#### **AP3 19/32 DECLARATIONS OF INTEREST**

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

#### **AP3 19/33 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 3 October 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 19/34 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 19/35 TM/19/00979/FL - SOUTH AYLESFORD RETAIL PARK,  
QUARRY WOOD INDUSTRIAL ESTATE, AYLESFORD**

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 at the South Aylesford Retail Park, Quarry Wood Industrial Estate, Aylesford.

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

- (1) 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.
- (2) Deletion of Condition 13 and the consequential renumbering of Conditions 14 – 23.
- (3) Amend Conditions

5. No trading shall take place in Units 10A, 10B and 10C 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 Units 10A, 10B and 10C 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 avoid unreasonable disturbance to 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 10C 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:-

- DIY home and garden improvement products, hardware,

- Self-assembly and pre-assembled furniture,
- Household furnishings and floor coverings,
- Electrical goods,
- Motor and cycle accessories, motor vehicles and cycles,
- Food and drink (for consumption on the premises), and
- 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 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 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 4142:2014. 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.

Reason: To protect the amenities of nearby residential properties.

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 (including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles)) shall be submitted to and approved in writing by the Local Planning Authority. 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.

14. (now 13) 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.

(4) Additional Informative:

5. The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the building.

[Speakers: John Balcombe – Chairman, Aylesford Parish Council and Jonathan Best – agent]

**AP3 19/36 TM/17/01595/OAEA - LAND SOUTH OF LONDON ROAD AND EAST OF HERMITAGE LANE, AYLESFORD**

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 at land south of London Road and East of Hermitage Lane, Aylesford.



**RESOLVED:** That outline 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) 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;
- (2) The applicant entering into a planning obligation with Kent County Council to make a financial contribution 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.

- (3) Amend Conditions:

2. Application for approval of the reserved matters in respect of Phase 1 of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. Applications for the approval of reserved matters in respect of all other phases shall be made to the Local Planning Authority before the expiration of four years 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 in any phase shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the reserved matters for that particular phase, 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:

- Development Framework - Drawing no. 7429-L-03 N
- Proposed Site Access Arrangements – Drawing nos.4964-00-16 A and 4964-00-19B

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

5. Prior to the first reserved matters application, a phasing plan for each area shall be submitted to the Local Planning Authority for approval in writing. Each phasing plan shall include details of the quantum of development in each phase, whether that is the number of market and affordable dwellings or other uses, together with the general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, public open space/NEAP, and access for pedestrians, cyclists and vehicles. The development of the site shall be carried out in accordance with the approved phasing plans.

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.

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

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 and vehicle access between that roundabout and the dwellings has been provided.

Reason: In the interests of highway safety

9. The details submitted in pursuance of Condition 1 shall show land, reserved for parking. No building hereby approved shall be occupied until the parking area to serve that building 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.

12. No development shall commence until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and immediately 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.

- (4) Delete conditions 18 and 20 (both subsumed into revised condition 19). Consequential renumbering of Conditions 18 - 28

19. (now 18) No development shall take place until a detailed surface water drainage scheme, to manage surface water run-off from the development (for up to and including the climate change adjusted 100 year storm event) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the approved Flood Risk Strategy dated 08.08.2018 and shall include:

- the phasing for the implementation of the surface water drainage scheme.
- details of the maintenance and management of the surface water drainage scheme (including those parties that will be responsible for its ongoing maintenance/management).

The scheme shall be constructed in full accordance with the approved details and shall be managed/maintained in accordance with the approved maintenance and management details for the lifetime of the development.

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.

21. (now 19) None of the dwellings hereby permitted shall be occupied until written confirmation (in the form of a Verification Report carried out by a suitably qualified professional) that the necessary phase(s)(excluding plot drainage) of the approved surface water drainage scheme to serve those dwellings have been completed in accordance with the approved details.

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.

23. (now 21) 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: 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.

25. (now 23) 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 measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for managing noise and dust emissions from the construction works.
- 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, dust and general 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.

(5) Additional Conditions: Please note consequential renumbering

26.(now 24) At the time of the submission of Reserved Matters for each phase of the development pursuant to Condition 1, a scheme of hard and soft landscaping and boundary treatment shall be submitted to the Local Planning Authority for formal approval as part of that particular phase. The scheme of landscaping shall be in general conformity to the Green Infrastructure Masterplan ref. 7429-05 Rev B. The landscaping details shall include an implementation programme for all planting, seeding and turfing including any ecological enhancement measures. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The approved hard landscaping works shall be implemented prior to first occupation of those parts of the development to which they relate.

Reason: In the interests of visual and rural amenity and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

27. (now 25) No development above the ground shall take place until details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

Reason: To protect the visual amenity of the locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment

DPD 2010 and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

28. (now 26) No dwellings shall be occupied until full details of the open space to be provided (amenity space, children's play areas and natural green spaces within the development along with a timetable for provision and a scheme for future management of the spaces) have been submitted to and approved in writing by the Local Planning Authority. The details shall include any fencing and equipment to be installed. The approved scheme shall be fully implemented in accordance with the timescale approved and shall be maintained and retained at all times thereafter.

Reason: To ensure that the development is appropriately served by open space in accordance with the requirements of policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

(6) Additional informatives:

3. The details required by Condition [19] should 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.

4. The Report required by condition [21] should 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.

[Speakers: John Balcombe – Chairman, Aylesford Parish Council, Councillor Dan Daly – Maidstone Borough Council and on behalf of Allington Residents and Chris Still - agent]

**AP3 19/37 (A) TM/18/03008/0A AND (B) TM/18/03042/LB - DEVELOPMENT SITE EAST OF CLARE PARK ESTATE, NEW ROAD, EAST MALLING**

**(A) 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.**

**RESOLVED:** That outline 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) 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;
- (2) The applicant entering into a planning obligation with Kent County Council to make a financial contribution towards off-site highways junction improvements, public transport, the provision of education facilities and community services;
- (3) The applicant entering into a planning obligation with the Borough Council and Kent County Council to deliver designed highway improvements at the A20/New Road junction.

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.

(4) Amend Conditions:

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

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

4. Omit reference to drawing number EMT – C – 02 Rev. C which is indicative only.

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 2018. The scheme shall ensure the retention of all existing mature boundary trees. The scheme shall be approved in writing by the Local Planning Authority and shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. 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 order to protect and enhance the appearance and character of the site and locality.

(5) Additional Conditions:

23. The partial demolition and rebuilding of the curtilage boundary wall hereby permitted will be carried out in accordance with the details in drawing referenced 182600-012 B received 15 April 2018 and no other openings shall be created thereafter.

Reason: To retain the visual appearance and function of the historic feature.

24. The construction of the vehicular access onto New Road shall take place fully in accordance with drawing number 182600-012 Rev. B and shall be completed prior to the first occupation of the development hereby approved.

Reason: In the interests of highway safety.

[Speakers: Richard Brooks – East Malling Conservation Group, Liz Simpson – member of the public and Gregory Evans – agent]

**(B) 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.**

**RESOLVED:** That listed building consent 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:

4. The partial demolition and rebuilding of the curtilage boundary wall hereby permitted will be carried out in accordance with the details in drawing referenced 182600-012 B received 15 April 2019 and no other openings shall be created.

Reason: To retain the visual appearance and function of the historic feature.

[Speakers: Richard Brooks – East Malling Conservation Group, Liz Simpson – member of the public and Gregory Evans - agent]

**PART 2 - PRIVATE**

**AP3 19/38 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.30 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### 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 North And  
Walderslade

**20 August 2019**

**TM/19/01979/FL**

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Proposal: Demolition of existing cottage and the erection, on a site comprising the curtilage of the cottage and adjoining land to the north, formerly part of Aylesford Quarry, of eight dwellings, comprising one four-bedroom detached house, two semi-detached pairs of four-bedroom houses, and a terrace of three two-bedroom houses, with associated access, parking spaces, and landscaping

Location: 80 Rochester Road Aylesford Kent ME20 7BJ

Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 Planning permission is sought for the demolition of the existing detached dwelling and erection of eight dwellings – 1 x detached four bed, 2 x pair of four bed semi-detached and 1 x terrace of three, two bed dwellings. The dwellings have been designed with pitched roof dormer windows and/or gables with porches to the front elevations. The intention is to use external materials of brick and tile.
- 1.2 The intention is to utilise the existing access onto Rochester Road and create a new cul de sac with turning area. The semi-detached dwellings and detached dwelling have been designed with two tandem vehicle parking spaces utilising the undercroft and front curtilage. The terrace has been designed with two independent vehicle parking spaces to serve each dwelling. Three additional visitor spaces are also to be provided.

## **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 to the north east of Aylesford, immediately adjacent to, but beyond the settlement confines. There are existing dwellings to the east and south. A quarry (sand pit) lies to the west. The site falls within a Regionally Important Geological Site (RIGS) known as Wagons Pit.
- 3.2 The site forms a slightly elevated plateau - the land to the west falls away to the quarry and the land to the east falls steeply to the stream. The site itself comprises Lake Cottage which is a detached dwelling set within a large domestic curtilage. Lake Cottage is not a listed building. The additional land to the rear has been cleared and fenced. A public footpath MR456 runs to the eastern site boundary as does a stream. The stream falls within flood zone 3.

**4. Planning History (relevant):**

4.1 None relevant.

**5. Consultees:**

5.1 PC: Objects on the following grounds

- The site is outside the defined line of the village, the expansion of the village cannot be accepted. Should be limited to the site of 80 Rochester Road only.
- Should not significantly change the existing character of the site.
- The site has been cleared, the previous trees, flora and fauna provided habitat for wildlife. This should be reinstated.
- Increase traffic movements on a narrow access which already serves residential dwellings, a school and quarry traffic
- The property is an historic building associated with the Aylesford Sand pit. Loss of a significant village asset.

5.2 KCC (H+T): received 23.09.19 - Swept path analysis required

KCC (H+T): received 08.10.19 – no objection subject to recommended conditions

KCC (H+T): received 11.10.19 – Swept path analysis within the public highway required for clarification

KCC (H+T): received 17.12.19 – No objection subject to planning conditions

5.3 KCC (PROW): No response

5.4 KCC (AAP): No response

5.5 KCC (Minerals): No response

5.6 EA: received 16.10.19 – object, inadequate evidence of risk to protected species.

5.7 EA: received 22.11.19 - no objection subject to recommended conditions

5.8 Conservation Officer: Assessed with a view to considering whether the house could be a non-designated heritage asset, in accordance with paragraph 197 of the NPPF and advice within the Historic Environment section of the NPPG. To assist with this I've referred to the Tunbridge Wells Borough Council Local Heritage Asset SPD, the criteria within which is based on national Historic England guidance and can be broadly applied therefore to TMBC heritage assets. Referring to such criteria is a suggested approach within the NPPG for identifying non-



designated heritage assets, though it is not a requirement. The house does not appear on historic maps until the 1907 OS map. It does not appear to have any specific functional relationship with the nearby quarry and sand pit. I can also see that it has been altered in various ways from its original form, including fenestration. It has no particular distinguishing architectural features otherwise that can be considered of high quality or innovative. For these reasons, I believe it does not meet the criteria for a local heritage asset, which includes architectural and artistic interest, historic interest, social and economic development, and townscape character. In my view, therefore, it is not considered to be a non-designated heritage asset.

5.9 Environmental Protection: Recommend informative regarding bonfires and hours of construction. Recommend planning conditions regard potential land contamination.

5.10 Leisure Services: a financial contribution will be sought towards off site open space provision.

5.11 Private Reps: 5 + site notice /OX/50R/0S.

Objections summarised below:

- Objection to the demolition of the historic building. Too unique to destroy. A village landmark
- Should be refused due to the current traffic pollution within Aylesford
- 18 additional cars blocking the already gridlocked village. Exacerbated by the haulage lorries. Exacerbated by new Peters Bridge. Takes 30 minutes to reach Ditton traffic lights in the morning. Congestion at the roundabout.
- Parking is limited
- The dwellings will not be affordable
- Single replacement dwelling ok but no more
- Detrimental to footpath users
- Road access unsafe as leads onto a narrow lane
- GP and schools oversubscribed
- Not in the local plan
- Fragile bridge over the stream is already starting to move. Has the bridge been surveyed?

- Has a full traffic survey of the village been carried out?
- Traffic using the Mount Pleasant 'rat run' has increased
- The village cannot cope with more houses
- Needs careful consideration of local wildlife
- Another attempt to develop the quarry which has been turned down time and time again for valid reasons

## 6. Determining Issues:

### Preliminary matters and the principle of development:

- 6.1 For the avoidance of any doubt, the application site does not form any part of the site dismissed at appeal last year under planning reference TM/17/02971/OA (known as Aylesford Lakes), although it is adjacent to it. However, insofar as it is material to the determination of this current application, the Inspector in that case concluded that policies CP13 and CP14 were out of date in the absence of a five year supply of housing, thus limiting the weight that could be afforded to them.
- 6.2 Similarly, 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.
- 6.3 The site lies immediately adjacent to the confines of Aylesford village. The site, in part, comprises existing residential curtilage. There are dwellings to the east and south. The site is within easy walking distance of Aylesford village centre and the services and public transport links contained within the village. The proposal therefore accords with these requirements of the NPPF in terms of where development should be directed in principle.
- 6.4 On this basis, and given the site is immediately adjacent to the settlement confines (and shares the same locational characteristics insofar as matters of principle are concerned), there would be no justification for seeking to resist the principle of the development proposed.
- 6.5 In the absence of a 5 year housing supply the presumption in favour of sustainable development falls to be applied. For decision making, in accordance with paragraph 11 of the NPPF, 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 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.

6.6 Given the conclusions regarding CP13 and CP14, paragraph 11 d of the Framework applies. In this instance, there are no policies within the Framework that protect assets of particular importance (as expressly set out in Footnote 6 of the NPPF) and therefore no clear reasons to refuse (paragraph d (i)). This means that it is necessary to establish whether there are any adverse impacts arising from the grant of permission that would significantly and demonstrably outweigh the benefits of providing additional housing in this location.

*Impact on non-designated heritage asset:*

6.7 The application involves the demolition of an existing dwelling. The dwelling is not a listed building; however paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. It is therefore necessary to consider whether the existing building could be deemed a non-designated heritage asset.

6.8 Guidance is provided in the Local Heritage Listing: Historic England Advice Note 7. The guidance makes specific reference to age, rarity, aesthetic value, group value, archaeological and/or archival interest, designated landscape interest, landmark status or social and community value. I am aware that some local residents have identified this building as a landmark building and the PC makes reference to historic links with the quarry. However, for the building to be considered as such it would need to comprise “an asset with strong communal or historic associations, or because it has especially striking aesthetic value”.

6.9 The house first appears on the 1907 OS map and seems to have been substantially altered. I have not discovered any evidence of an historic relationship with the adjacent quarry. I do not consider the house to be of striking aesthetic value. This view is shared by the Council’s Conservation Officer who is of the view that the building would not warrant listing and it does not meet the HE guidance as a non-designated heritage asset. Consequently the building does not benefit from any special protection and the provisions of paragraph 197 of the NPPF do not fall to be applied in this instance.

Impact on visual and residential amenities:

- 6.10 The application must be determined with regard to Policy SQ1 of the MDE DPD. This policy requires all new development to protect, conserve and, where possible enhance the character and local distinctiveness of the area. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. The aims of these local plan policies are echoed in paragraphs 127 and 130 of the NPPF. Paragraph 127 seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive. Paragraph 130 states that permission should be refused for poorly designed development, although where the development accords with the clear expectation in plan policies design should not be used as a valid reasons to objection to development. Therefore local plan policies SQ1 and CP24, by seeking to ensure well designed development suitable to the character of the site, remain in accordance with the NPPF and therefore are not considered out of date.
- 6.11 The intention is to utilise the existing access and create a new internal road. The dwellings are to be served by a small cul de sac with a turning head. The proposed detached and semi-detached dwellings have been sited to create a linear pattern echoing the linear pattern of Rochester Road, whereas the small terrace has been sited at right angles to mirror the orientation of the newer dwellings immediately to the east. The semi-detached dwellings have been designed with two and a half storeys and a 'flying' link to provide undercroft parking. The detached dwelling is similar in design. These dwellings have been designed to utilise the extensive views to the north west through the introduction of a first floor living room. The proposed terrace is of a simpler form but the dentil detail to the eaves adds interest. The dwellings have been designed with pitched roof dormer windows and porches to the front elevations. The intention is to use external materials of brick and tile.
- 6.12 The character of the wider area is mixed being predominantly 1960 and 1970 residential development. The proposed dwellings have been sited and designed to respect the site and its surroundings and are acceptable in this context. The proposed dwellings will provide sufficient levels of residential amenity for future occupiers. There is sufficient separation distance between the proposed and existing dwellings to ensure no adverse impact will occur to existing neighbouring dwellings. The development is modest and well screened and will not harm the character of the wider area.

Flood Risk:

- 6.13 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 are considered. Paragraphs 100 – 104 of the NPPF seek to restrict

development in areas which are at risk from flooding. In this context local plan policy CP10 remains up to date.

- 6.14 The site does not lie within Flood Zones 2 or 3. However there is a stream that runs adjacent to the eastern site boundary which falls within Flood Zone 3. The stream lies within steep banks with the application site set at a higher level. The EA has raised no objection. I therefore conclude that the application meets the aims of the relevant local and national planning policies as the site would not be subject to flooding. However, the stream also provides wildlife habitat, particularly for water voles, which I address below.

*Biodiversity:*

- 6.15 Policy NE2 of the MDE DPD seeks to protect, conserve and enhance the biodiversity of the Borough, whilst policy NE3 requires development that would adversely affect biodiversity to only be permitted if appropriate mitigation measures are provided. This is supported by paragraph 109 of the NPPF which requires the planning system to contribute to and enhance the natural and local environment. Consequently local plan policies NE2 and NE3 remain up to date for decision making purposes.
- 6.16 The EA sought additional information regarding the potential presence of water voles. A habitat survey was submitted which did not discover any water voles and consequently the EA raise no objection on this basis.
- 6.17 I am aware of the concerns of the PC and local residents regarding the site clearance. However the site does not lie within a specific designation nor are there any TPOs at the site which would have prohibited the clearance. Notwithstanding it is reasonable to seek an enhancement to biodiversity through additional landscaping and this can be ensured by planning condition. It is also appropriate to encourage the incorporation of other features such as bat boxes or swallow bricks and this advice can be given by planning informative. For clarity however there is no indication of bats or any other protected species at the site.

*Geology:*

- 6.18 The site lies within a RIGS (Regionally Important Geological Site) known as Wagon's Pit. Paragraph 170 (a) of the NPPF requires planning policies and decisions to protect and enhance valued landscapes, sites of biodiversity or geological value and soils. Similarly, Policy NE1(3) of the MDE DPD states the development that would adversely affect a RIGS will not be permitted unless the benefits of the development override the need to safeguard the particular geological or geomorphological interest of the site and that any adverse impacts can be adequately mitigated. The adopted policy is in accordance with the NPPF and therefore remains up to date for decision making purposes.

6.19 Wagon's Pit is described by the GeoConservation Kent Group as a working pit providing excellent sections through Lower Cretaceous and Pleistocene sediments. However, the application site does not lie within the quarry and is some considerable distance from the part of the exposed cliff face which is the focus of the designation. The proposal will not therefore adversely affect the RIGS.

Highway safety and parking provision:

6.20 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety. This is in accordance with paragraph 109 of the NPPF which states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development would be severe. Local plan policy SQ8 therefore remains consistent with the Framework in this respect.

6.21 The development has been designed to provide two vehicle parking spaces to serve each dwelling. IGN3 recommends a provision of two spaces each for 3 and 4 bed houses in village settlements. I note that the provision for the semi-detached and detached dwellings are a tandem arrangement and utilise the under crofts. In this respect, the notes attached to IGN3 set out that open car ports or car barns are acceptable at all locations, subject to good design. Whilst the IGN notes that parking is best provided side by side or in another independently accessible form, stating that tandem spaces are under-utilised, they are not precluded as parking spaces when applying the standard. Equally, the provision of parking in alternative ways must also be balanced against the need to make the best and most efficient use of available land and ensuring good and coherent layouts and design. The level and layout of parking proposed is therefore acceptable and accords with the standard. I am of the view that permitted development rights which would allow for the under croft parking areas to be enclosed in the future (thus reducing the propensity for them to be used as parking spaces) should be removed by condition. It should also be noted that the development also includes three visitor parking spaces which is acceptable for a development of this size.

6.22 The intention is to utilise the existing access onto Rochester Road. The existing access from Rochester Road is shared by Lake Cottage, the Quarry and Mount Pleasant. KCC (H+T) sought additional information to demonstrate the access and new cul de sac could accommodate an 11.2m long refuse truck within the public highway. Following the submission of this information the highway authority raise no objection subject to a number of recommended planning conditions. I am aware of the concern of the PC and local residents regarding an increase in traffic and the potential exacerbation of congestion in the village. However the addition of 8 dwellings will not increase traffic levels to such an extent that the impact, individually or cumulatively, would be severe. It is not therefore reasonable to refuse planning permission on this basis. However it does remain appropriate to seek a construction management plan to ensure the demolition and construction

are appropriately managed to minimise any impact on amenity and highway safety. I am also aware of the concern regarding the bridge.

- 6.23 Paragraph 110 of the NPPF seeks to prioritise pedestrian and cycle movements and, as far as possible, facilitate access to high quality public transport. Development should address the needs of people with disabilities and be designed to enable charging of plug-in and other-low emission vehicles. The proposed dwellings have been designed with sufficient amenity space to allow for the storage of cycles. The site lies within easy walking distance of the village centre. In accordance with the requirements of the NPPF, I would recommend that a condition be imposed on any planning permission granted that requires a scheme indicating how vehicle charging points would be incorporated into the design of the development, and provided for prior to first occupation.
- 6.24 Paragraph 111 of the NPPF requires travel plans to be provided for all developments that will generate significant amounts of movement. The introduction of 8 units will not result in a significant amount of traffic movement, and as such a specific travel plan is not necessary in this instance.
- 6.25 There are no PROWs within the site; however the MR456 runs along the eastern site boundary. The PROW will not be affected by the development but it remains appropriate to remind the applicant that there must be no obstruction of the route. This advice can be given by planning informative.

*Other material planning considerations:*

- 6.26 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that the site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination. As the site lies adjacent to quarry, there is a nearby landfill site and a tramway was once present it is necessary to impose suitable planning conditions to ensure any potential land contamination is identified and mitigated.
- 6.27 The site lies within an area of archaeological potential. Although there is no specific evidence of any historical interest at the site itself it remains appropriate to impose a planning condition to protect any unexpected archaeological finds.
- 6.28 The proposal seeks to erect in excess of 5 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3. Amenity space serving each of the dwellings is to be provided on site, however a financial contribution towards further off site open space provision will be sought. This can be agreed by legal agreement and the breakdown of the precise spending allocation arrangements will be provided in the supplementary report once confirmation has been received from Leisure Services.

6.29 There is no requirement for affordable housing to be provided as part of this scheme when applying the national planning practice guidance against adopted policy in this respect.

Conclusions and overall planning balance:

6.30 The site lies in the countryside beyond the settlement confines. The proposal is contrary to policy CP14 of the TMBCS. However, owing to the absence of a five year housing supply, this development plan policy is out of date and consequently less weight can be afforded to it in terms of restricting development of this nature. As such, the presumption in favour of sustainable development as set out in paragraph 11 (d) of the NPPF must be applied. There are no clear reasons to refuse permission and no adverse impacts which significantly and demonstrably outweigh the benefits of granting planning permission. Any potential impacts arising from the development can be suitably mitigated by the imposition of planning obligations and conditions. As such, the following recommendation is put forward.

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan PL 502 09 A dated 16.09.2019, Site Plan PL 502 10 B dated 30.09.2019, Ecological Assessment dated 12.11.2019, Proposed Plans and Elevations PL 502 11 Plots 1&2 dated 20.08.2019, Proposed Plans and Elevations PL 502 12 Plots 3&4 dated 20.08.2019, Proposed Plans and Elevations PL 502 13 Plot 5 dated 20.08.2019, Proposed Plans and Elevations PL 502 14 Plots 6-8 dated 20.08.2019, Existing Plans and Elevations PL 502 15 Cottage dated 20.08.2019, Design and Access Statement PL 502 20 dated 20.08.2019 subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision in accordance with the requirements of policy OS3 of the MDE DPD

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 30 June 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 planning 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. 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 general amenity and highway safety.

3. No above ground development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

4. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. The scheme shall include planting designed to enhance the biodiversity of the site. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings

or the completion of the development, 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. 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: To protect and enhance the appearance and character of the site and locality.

5. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of slab levels have been submitted to and agreed in writing by the Local Planning Authority. The details shall include scaled cross sections;
  - o south west - north east showing the changes in land levels and the existing dwellings to the south west of the site and,
  - o north east - south east showing the changes in land levels from the quarry, the site, the stream and the dwellings to the south east of the site.

The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

6. No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
  - (a) a contamination 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 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 details pursuant to this condition.

Reason: In the interests of amenity and public safety and human health.

7. No development, other than demolition of any building, removal of hardstanding, or ground investigations 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.

8. 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.

9. No building shall be occupied until the area shown on the submitted plan as vehicle parking and turning areas has been provided, surfaced and drained as

shown on drawing referenced PL/502/10 Rev B received 30 September 2019. 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) (England) 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 cycle parking.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

10. a) No above ground development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing, by the local planning authority. The detailed drainage scheme shall not involve surface water into the ground demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff for any rainfall event agreed in advance with Southern Water and TMBC (for all storms up to, and including, the climate change adjusted 100yr critical storm).

b) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i) a timetable for its implementation, and

ii) a management and maintenance plan for the lifetime of the development which shall include 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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

11. No dwelling shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority which demonstrates the suitable 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 the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

12. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no doors or other means of enclosing the car ports hereby approved shall be installed to the front elevation of the car ports.

Reason: Enclosure of the car ports could reduce their use for vehicle parking and development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

13. 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 National Planning Policy Framework 2019

### **Informatives**

1. The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.
2. 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.
3. The Public Right of Way MR456 that runs to the east of the site must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
4. 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@tmbc.gov.uk](mailto:addresses@tmbc.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.

5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
6. Surface water must not be allowed to run off the site onto the public highway or any other land outside the ownership of the applicant. Any additional hardstanding must be constructed using porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site.
7. The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.

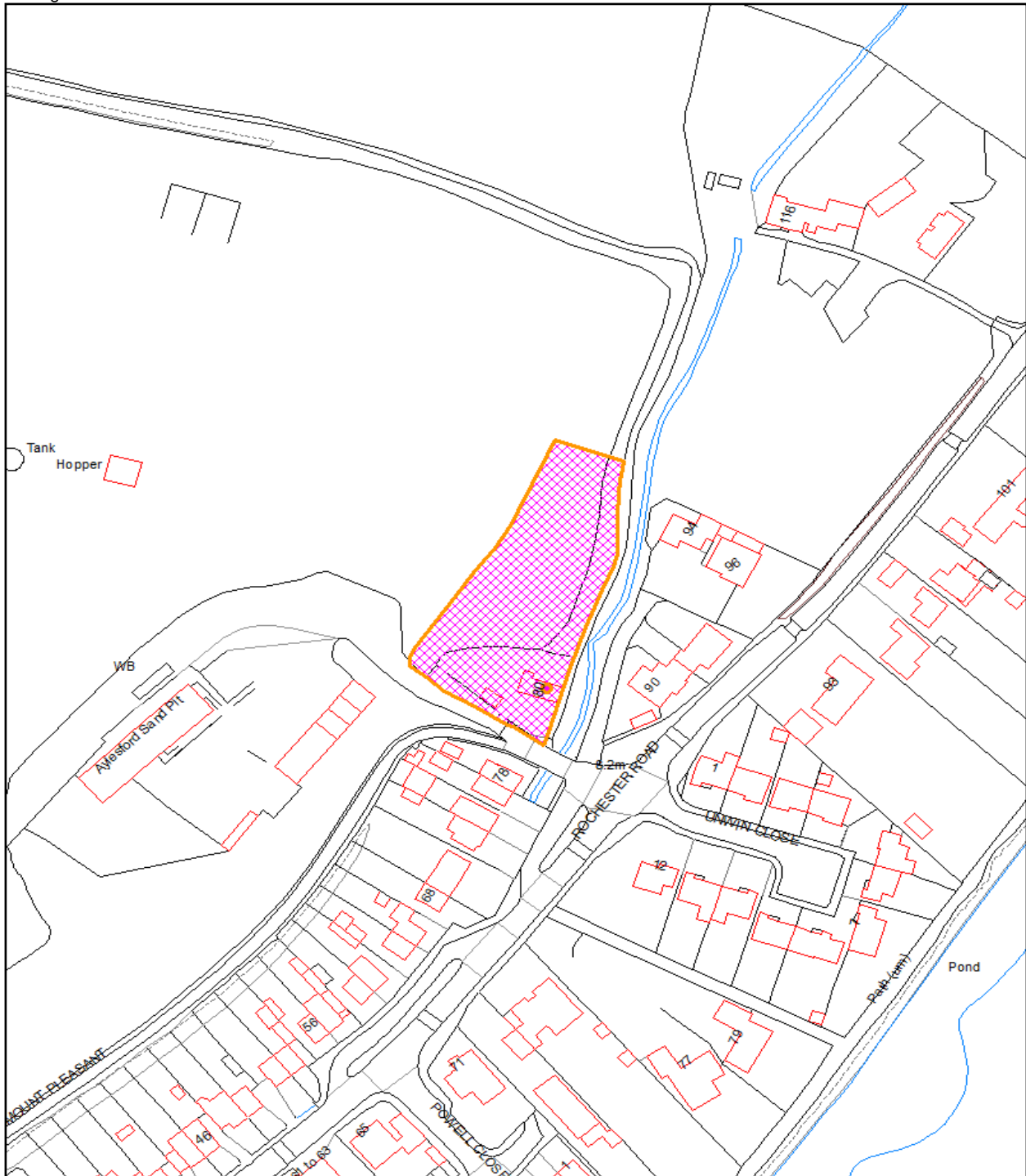
Contact: Maria Brown

**TM/19/01979/FL**

**80 Rochester Road Aylesford Kent ME20 7BJ**

Demolition of existing cottage and the erection, on a site comprising the curtilage of the cottage and adjoining land to the north, formerly part of Aylesford Quarry, of eight dwellings, comprising one four-bedroom detached house, two semi-detached pairs of four-bedroom houses, and a terrace of three two-bedroom houses, with associated access, parking spaces, and landscaping

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# Agenda Item 7

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

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

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