



EXECUTIVE SERVICES

Chief Executive

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

Contact: Democratic Services
committee.services@tmbc.gov.uk

1 July 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 online via Microsoft Teams on Thursday, 9th July, 2020 commencing at 7.30 pm. Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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Introduction and Glossary

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Proposed new entrance to No. 165 Wateringbury Road

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

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

Matters for Information

10. TM/18/01106/FL - Belvidere Oast, East Malling 155 - 158

(LGA 1972, Sch 12A, Paragraph 5 – Legal Advice)

The report provides legal advice on the consequences of taking decisions against the advice of officers and the technical advice provided by KCC Highways and Transportation Division.

11. 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

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 4th June, 2020

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 Mrs T Dean, Cllr S M Hammond, Cllr P M Hickmott, 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 Thornevell and Cllr C J Williams

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

An apology for absence was received from Councillors A P J Keeley.

PART 1 - PUBLIC

AP3 20/6 DECLARATIONS OF INTEREST

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

AP3 20/7 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 30 January 2020 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 20/8 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 circulated in advance of the meeting and published to the website.

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 20/9 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 planning permission be REFUSED for the following reason(s):

- (1) The proposed development, by virtue of the nature of the use, the capacity of the site to accommodate the level of activity associated with that use combined with the proximity of nearby residential properties, would when taken cumulatively result in an unacceptable level of noise and disturbance which would be significantly harmful to the residential amenities of those properties and which cannot be fully or appropriately mitigated through planning conditions. As such, the proposed development is contrary to the requirements of paragraphs 127(a) and (f) 180 (a) of the NPPF.

[Speakers: Mrs Annick West (on behalf of Mr Mark West), Mr David Rayner and Ms Lea West (members of the public) addressed the Committee via video-conferencing, a written statement was read by the Democratic Services Officer on behalf of Mr Dave Dempsey (member of the public); and Ms Laura Fitzgerald, Highways Consultant addressed the Committee via video-conferencing (on behalf of the applicant)].

AP3 20/10 TM/18/01106/FL - BELVIDERE OAST, 165 WATERINGBURY ROAD, EAST MALLING

Proposed new entrance to No.165 Wateringbury Road at Belvidere Oast 165 Wateringbury Road, East Malling.

RESOLVED: That planning permission be DEFERRED for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in CPR 15.25, Part 4 (Rules) of the Constitution).

[Speaker: The applicant, Mr Geoff Kenward, addressed the Committee via video-conferencing]

PART 2 - PRIVATE**AP3 20/11 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.25 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.

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

**East Malling And
Larkfield**
East Malling

1 August 2019

TM/19/01814/OA

Proposal: Outline Application: Erection of up to 250 new homes (40% affordable), new community building, areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping

Location: Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Go to: [Recommendation](#)

1. Description:

1.1 Outline planning permission, with all matters reserved for future consideration except for access, is sought for the following development:

- Provision of up to 250 new homes in a mix of housing ranging from 1 bedroom apartments to 4 bedroom houses;
- Provision of new affordable homes (40%) in a mix of rented and shared ownership;
- Provision of a new community building;
- The provision of approximately 11ha of open space, including a number of equipped play areas;
- Enhancements to the existing public rights of way that cross the site;
- New vehicular access point from the south side of A20 London Road. Access would be 7.5m wide and feature footways/cycleways to both sides and the provision for this to continue across the site frontage on the south side of the A20 London Road.
- Improvements to the London Road/Lucks Hill/Winterfield Lane junction to improve capacity;
- Landscaping enhancements and wildlife and habitat improvements.

1.2 As it is the only matter not reserved for future consideration, full details of the vehicular access have been provided for determination at this stage. The access is to be from the south side of the A20 London Road, measuring 7.5m wide with 3m wide footways/cycleways tied in. Visibility splays have been shown which will require existing vegetation to be cutback/modified. The existing lanes on the A20

London Road will be altered to create a right turn lane into the site with the road widened to the south to facilitate this.

- 1.3 The application has been amended from the original submission with the deletion of the proposed second access point and through route from Lucks Hill/Winterfield Lane. The sole vehicular access will therefore be from the A20 London Road. A pedestrian and cycleway access is indicated from Winterfield Lane/Lucks Hill which will also function as an emergency access point if ever required. It is on this basis that the application has been assessed and the recommendations made.
- 1.4 The submitted indicative layout plan shows the development being proposed each side of footpath MP119 with development set away from the A20 London Road by landscaping and open space with areas of open space to the east and western ends of the site. Landscaped corridors are indicated as being provided along the routes of the existing footways which would be enhanced as part of the works.
- 1.5 The application was intended to be reported to the Area 3 Planning Committee on 19 March. However, Members will be aware it was necessary to cancel that meeting. Since that time, officers have continued to work up the detail of the planning obligations to be contained within the legal agreement in particular, the contents of which are discussed where necessary in the assessment that follows.

2. Reason for reporting to Committee:

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

3. The Site:

- 3.1 The site has a total site area of 18.17 hectares and is located to the south of London Road, East Malling. The site falls outside of but is immediately adjacent to the defined settlement boundaries of Leybourne, Larkfield and East Malling which are in close proximity to the boundary of the site.
- 3.2 The site's south-eastern boundary is adjacent to the Clare House Conservation Area. The A228 dual carriageway and Lucks Hill road together with the existing farm and outbuildings form the site's southern boundary.
- 3.3 The site currently comprises two large fields used for arable farming with a gently sloping topography with a high point in the south-east corner, and low points along the northern and western boundaries. Whilst the site is within the countryside it is not subject to any specific landscape designations. The site is not within a Conservation Area nor does it contain any listed buildings. The site is within Flood Zone 1 where there is a low risk of flooding. There are two existing public rights of way that cross the site (MR119 and MR120), the latter of which provides a connection between Leybourne and West Malling Railway Station.

- 3.4 To the north of the site the area is characterised by predominantly two storey dwellings in a mix of detached and semi-detached building styles. To the north-east of the site is an existing contractor's yard with access onto Winterfield Lane. To the east side of Winterfield Lane is the Winterfield area of East Malling.
- 3.5 There is significant boundary vegetation, including well-established native trees and hedgerows, to the northern, eastern and western boundaries, as well as through the site, providing a good level of visual enclosure from the settlement edge. Existing tree groups, some of which are covered by TPO's, in the southern part of the site filter views across the site and strong boundary hedgerows along the southern boundary with Lucks Hill filter views onto the site from the south.

4. Planning History (relevant):

TM/19/01181/EASC screening opinion EIA 12 June 2019
not required

Request for a Screening Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Development for residential to provide a total of up to 275 new dwellings, of which 40% would be affordable

5. Consultees:

DPHEH: In the interests of completeness, and for ease of information, full representations received from East Malling and Larkfield Parish Council, West Malling Parish Council and Leybourne Parish Council, Highways England, KCC (H+T), the Environment Agency, KCC (LLFA), KCC (Economic Development) are reproduced in full in annexes 1,2,3,4,5,6,7 and 8 respectively. As such, these are not summarised within the report itself. All other representations received are summarised below as follows:

- 5.1 KCC (PROW): The proposals to MR119 and MR120 are encouraging and fall in line with what we would have suggested. These are already very well used routes and the application would only increase their usage.
- 5.1.1 There appear to be multiple locations where the roads are proposed to be built across the PROWS. At these locations I would like to see a pedestrian crossing to protect the safety of pedestrians and ensuring they continue to have priority
- 5.1.2 Whilst I am happy to see a 3m wide verge between the proposed roads and the PROWS, I have concerns about the trees being planted between them and how the roots may affect the surface of the path. I think it would be beneficial if the trees have some sort of root protection to prevent the roots from damaging or being damaged by tarmac from the path or road.

- 5.1.3 Should the application go ahead and given that the paths are so well used, I feel it is crucial that whilst any building work is ongoing a suitable alternative route is provided for all the paths.
- 5.2 KCC (Heritage): The site lies in an area of potential associated with Iron Age and Roman activity although there is general multi-period potential for this site too. There are known Iron Age remains from along the A228 to the west and further Iron Age industrial remains recorded to the south west. The A20 is considered to possibly be a Roman road and there are indications of Roman settlement and a cemetery to the east towards Larkfield. Extensive archaeological remains may survive on this site and I therefore recommend a condition to secure and implement archaeological investigations to take place.
- 5.3 Southern Water: No objections subject to appropriate foul and surface water measures.
- 5.4 West Kent CCG: No objections subject to contribution of £210,600 towards the refurbishment, reconfiguration and/or extension at Thornhills Medical Practice; West Malling Group Practice and/or Wateringbury Surgery.
- 5.5 CPRE Kent: The proposed site is high quality agricultural land that has been farmed locally for generations.
- 5.5.1 Forty Acre Fields provides important agricultural separation for historic communities that have suffered development pressures to coalesce on all sides. Indeed the Fields provide one of the last bastions against the merging of the urban areas of Leybourne, Larkfield and East Malling, being the Parish in which the land is located. If developed it would further erode the space between those communities and the historic approach to West Malling via the Abbey. Forty Acres Fields is the most important gap left between the total urbanisation of those rural communities east of the A228.
- 5.5.2 The fields are criss-crossed by two well-used PROWS, MP119 & 120. Currently there is a very pleasant walk, once the A20 is crossed, along MP119 running through the fields to West Malling station. These proposals will maintain the footpaths by 'upgrading' the surface to hard standing, thus urbanising the approach to the station and degrading the setting of the PROWS by significant additional housing.
- 5.5.3 The area is to become Green Belt in the emerging Local Plan, in recognition of the importance of the gap that these fields provide. CPRE asks all relevant decision makers, LPA Officer or Planning Inspector, to give weight to this emerging policy.
- 5.5.4 It is noted that Kent Highways have now withdrawn their objection to the proposal in the light of proposed contributions to junction improvements. However, given that the emerging Local Plan is providing sufficient housing in other parts of the borough and these far more significant developments will have unpredictable

highway impacts on the primary road network, then additional and unneeded housing will cause additional stress to an already fractious road network that is prone to capacity queuing at many junctions in the area.

5.5.5 CPRE, Tonbridge and Malling District, therefore strongly object to this proposal for the above listed reasoning.

5.6 Natural England: No comments subject to standing advice.

5.7 British Horse Society: I note with interest the intention to “upgrade” the footpath within the development site “pending discussions with PROW Officer” and ask that these upgrades are made to bridleways (or ideally restricted byways) which would automatically include pedestrians and cyclists but would also allow equestrians access to the same provision. It would be useful for equestrians to be permitted to use the emergency route on to Winterfield Lane along with cyclists and pedestrians.

5.7.1 There is an ideal opportunity with this development to provide a ‘behind the hedge’ equestrian route linking footpath MR120 at its eastern end connection with Winterfield Lane to footpath MR119 at its northern end connection with London Road and/or a connection to the western side of the development providing a circular route from the southern end of MR119 at its junction with Lucks Hill to its northern end at the A20. To provide both of these would produce a walking (running), cycling and equestrian loop of approximately 2km which would be a fantastic asset for both the residents of the development and other local users.

5.7.2 If these provisions are made, it will go some way towards mitigating the inevitable additional traffic which would make use of the quieter “rural” lanes surrounding the site. The current situation (before any housing provided as part of the new Local Plan, or this application, is built) is that these local rural lanes are used regularly as “rat runs” when traffic spills off the M20 at Wrotham due to congestion, onto the A20 and then on to surrounding lanes such as Sandy Lane, Norman Lane, Lucks Hill and Winterfield Lane to avoid sitting in queues on the A20. Providing some respite from this traffic would be of benefit to the equestrians in the immediate area (East Malling, West Malling, Leybourne and Ryarsh) who number in their hundreds if not thousands.

5.7.3 Finally, a range of evidence indicates that the vast majority (90 percent plus) of horse riders are female and more than a third (37 percent) of the female riders [who took part in a survey] are above 45 years of age. Horse riding is especially well placed to play a valuable role in initiatives to encourage increased physical activity amongst women of all ages. As a popular sport in the borough therefore, providing these opportunities for equestrianism is to provide a significant benefit to the health and wellbeing of a sector of the local community who would otherwise be sedentary.

5.7.4 The BHS would be very willing to work with the Council and the applicant in making this provision.

5.8 Kent Fire and Rescue: Means of access are considered satisfactory.

5.9 Kent Police: Note that the pedestrian access path to Winterfield Lane will be protected by a removable bollard. Whilst the proposed bollard may deter/prevent vehicle misuse, legitimate cyclists and potentially motorcyclists using the route unofficially, may be at risk if existing the cycleway at any speed. With this in mind, we recommend that serious consideration be given to replacing the bollard with a radial kissing gate (or similar), which should be designed to allow authorised access for pedestrians, disability scooters/buggies and cyclists. A secured wide vehicle gate or gates should be installed to the side of the kissing gate, for emergency vehicle access. This gate(s) should be wide enough for a fire appliance (3.7m).

5.9.1 As an observation, the pull off area between the lane and the proposed bollard location may also attract fly tipping as fly tipped material is often evident in gateways and passing points around this location.

5.9.2 Applicants should work with local Designing out Crime Officers to address Crime Prevention through Environmental Design and ensuring Secured by Design security requirements at the detailed application phase.

5.10 East Malling Conservation Group: The group strongly object to this outline application for the following reasons:

5.10.1 The previous Local Plan, (or current), advises that these fields are specified as agricultural land; the new Local Plan (currently with the Inspectorate for approval), proposes that these field should remain as Green Field. This change recognises the importance of this land as part of the strategic gap between East and West Malling.

5.10.2 The proposal includes a road from London Road, through the development to Winterfield Lane, close to its junction with Chapman Way. This will create a “rat run” from the London Road to West Malling Station and also through the village of East Malling for destinations to the south (e.g. Tunbridge Wells and the transport terminals in Paddock Wood). This would not benefit West Malling, East Malling or the proposed new development in any way for the following reasons:-

1. This new road would encourage traffic to travel from London Road, along Chapman Way. This road has an entrance to a Primary Academy, a Community Centre and two nurseries. It is also well used by students from the local Secondary School. It already has speed humps and a school crossing patrol. Any increase in traffic would be detrimental.

2. Traffic could also travel south along Winterfield Lane to Couch Green then along Clare Lane where there are no pedestrian footways. Traffic could continue to Mill Street, (which also has limited pedestrian footways) and on in a southern direction towards Tunbridge Wells. This traffic would turn right along the High Street, Chapel Street and beyond. These narrow village streets already have traffic gridlock issues several times a day.
3. The road would also encourage through traffic into the new development endangering children.
4. If two entrances were required to service 250 houses then we would suggest that they both exit London Road thus removing the potential for through traffic from the new development and also the ancient village of East Malling.
5. Over the years we have been successful in stopping any vehicular link from Kings Hill and East Malling, this recognises similar “rat run” issues as detailed above.
6. This application would have an adverse impact on the setting and views in and out of a rural footpath. Many of our members have used the footpaths that cross the site for over twenty plus years and have enjoyed walking through the fields at various times of the year, enjoying the various birds and other wildlife along the way. To replace the traditional rural footpath with a footway through a housing development with hard landscaping and street lighting would completely ruin the enjoyment of our countryside.

Taking the above into consideration we request that the outline application is refused.

5.11 Private Reps: 65 + site + press notice/2X/299R/35S.

Objections are summarised as follows:

- Development contrary to both existing and proposed local plans
- Too much development already in the area.
- Roads continually congested
- Access is in a dangerous location
- Will exacerbate problems of pulling out of Pinewood Close opposite
- Infrastructure cannot cope with existing population let alone hundreds more people.
- Not in accordance with the emerging local plan

- Local plan will provide 5 year housing land supply
- Land is supposed to be Green Belt
- Loss of agricultural land
- Destroy open field
- Should not build on greenfield sites when brownfield land such as Aylesford Newsprint are empty.
- Impact on local wildlife
- Increase in pollution
- Open spaces will be ripe for Traveller incursions
- Only people who want this development are greedy developers, landowners and public servants
- Existing developments such as Holborough and Ashlyn Quarter not selling
- Fundamentally alter the character of rural footpaths
- Kent no longer the Garden of England
- Council should stand by the Local Plan submission
- Lead to urbanisation of a currently rural landscape.
- Lead to coalescence between East Malling, Leybourne, Larkfield, Kings Hill and West Malling.
- Lead to 'rat running' in the local roads
- Lack of public transport
- The public do not want more development
- Loss of trees and hedgerows
- Impact on air quality
- Too much pressure for development in the north of the borough
- Areas that need regeneration and empty homes should be brought back into use before agricultural land proposed to be green belt should be developed
- Houses are not selling in the area so no need to build more

- Type of houses proposed will not benefit those who need them most – young couples/families and single people
- Improvement plans to the A20 are only that – widening and improvements not approved yet
- Link road not viable
- Parks and community buildings are just ways for developers to sweeten developments
- Lead to increase in crime with isolated parks and 40% affordable housing
- Affordable housing will not be 'affordable'
- Do not need manufactured open space but need to retain the countryside
- Footpaths do not need improving and should be left as rural paths
- Area needs a doctors not a country park
- No need for further community buildings
- Loss of a site for ground nesting birds
- Do not want to become part of one big Maidstone
- Communities will no longer be self-sufficient as settlements outgrow their facilities
- Remove the last green wedge in the area
- Fields are the lungs of Larkfield and Leybourne
- No need for affordable housing as population increase is only being supported by immigration
- Not enough parking proposed for the community building
- Not enough cycle paths proposed
- Other developments have been refused due to air pollution
- Site was a waste tip in Victorian times
- Future generations should be able to enjoy this earth and younger generations should not have to live with the consequences of short sighted decisions

- Coronavirus lockdown has made such open spaces more valuable and to build on them would be vandalism.
- Site adjoins land that forms part of the heritage area of Clare Park

Comments in support are summarised as follows:

- Area needs affordable housing
- Development appears to be well planned with considerable open space
- Shortage of housing in West Malling and Larkfield
- The proposed occupant of the Community Building, Larkfield Community Church, are well respected in the community for the support they provide and would be an enhancement to the locality
- Church also supports numerous local groups from Guides to over 60s friendship groups
- Beneficial to have the managed open space for recreation
- Enhance footpath links to West Malling Station
- Bring road improvements for the wider community
- Plan shows consideration for residents by giving them space
- Type of development will help young onto the housing ladder

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 Policies CP6, CP11 and CP14 are the most important to the determination of this application as they address matters of principle for development of this nature. However, it has been established through various recent appeal decisions that in the absence of a 5 year housing land supply they are out of date and the weight to be afforded to them is substantially diminished.
- 6.4 With regard to the application of the presumption in favour of sustainable development, regard must first be had to 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 the 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 79 of the NPPF states that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Whilst the site is located within the designated countryside, it is located immediately adjacent to defined urban areas and cannot be reasonably said to be isolated in any way. The development would therefore meet the requirements of paragraph 79 of the NPPF.
- 6.6 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that the planning system has three overarching objectives to achieving sustainable development, these being an economic objective, such as ensuring adequate land is available to support growth and enable the provision of infrastructure; a social objective, such as ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations as well as accessible services and open spaces; and an environmental objective,

ensuring that effective use is made of land, helping to improve biodiversity and protecting and enhancing the natural, built and historic environment.

- 6.7 It is considered that the location of the site and the type of development proposed would be considered sustainable development under paragraph 8 of the NPPF and this is set out in greater detail throughout this report as necessary.

Character and pattern of development and impact upon visual amenities:

- 6.8 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.

- 6.9 In particular, paragraph 127 seeks to ensure that development:-

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.

- 6.10 Furthermore, paragraph 130 states 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. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

- 6.11 The application is supported by a detailed Landscape and Visual Impact Assessment (LVIA) that has studied the two separate aspects which are required to be considered 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.
- 6.12 With regard to Landscape effects such matters as landscape designations, the landscape quality, scenic quality, rarity, recreational value and perceptual aspects and associations should be considered.
- 6.13 The site is not the subject of any specific landscape designation. The quality is typical of other open land in the wider locality; open, gently undulating agricultural land which is enclosed by the urban areas of Leybourne, Larkfield and East Malling to the north and east and to the south west by the A228 West Malling Bypass. 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 and a number of mature trees dotted within the site, two groups of which are covered by TPOs. Consequently, the landscape of the site is not considered to be rare or contain rare features or characteristics.
- 6.14 There is no doubt that the proposed development would, by virtue of the fact that it is built development, alter the landscape and appearance of the site. The development would not though be considered to be harmful to the character and appearance of the wider area by virtue of the fact that it would be viewed as an addition to the existing urban area, and thus would be seen within this context and against a backdrop of long established and significant urban development.
- 6.15 The indicative site layout proposes the retention of the most significant features of the site (the existing boundary hedgerows and trees) with 11ha of open space designed into the development including green ways along the existing footpaths and areas of open space to the south west, east and north east. This will enhance the public access through the site as a whole. The existing boundary planting is to be supplemented with additional planting that can be secured by a landscaping condition. Given the desire to retain and enhance the existing planting it is

considered adequate to protect these features with a planning condition rather than with specific TPOs on additional trees that are not already covered.

- 6.16 The site is visible to those residential properties that have a view across the site on the north side of London Road. They will experience the greatest change in the landscape of the site as housing will be located to the south in a previously open area. However, as the majority of the existing vegetation is to be retained and also enhanced, it is considered that the overall impact of the development would be reduced lowering the overall impact on the landscape. Furthermore, Members will be aware that there are no private rights to a view in planning terms and therefore the fact that existing residents will see the new development is not, in and of itself, a material planning consideration.
- 6.17 Similarly existing residents living to the east of the site would not be adversely impacted by the proposed development as they would be separated from the development by the existing vegetation on the boundary and also the vegetation on the east side of Winterfield Lane. The indicative layout also shows the built envelope is to be set back from the eastern frontage of the site behind mature boundary screening. Any impact upon their perception of the landscape is likely to be minor.
- 6.18 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.
- 6.19 Views from the footpaths crossing the site would change the greatest; however to mitigate this impact the distance between the new homes either side of footpath MR120 would be approximately 25m. The distance between homes to either side MR119 which connects into the A20 London Road would be approximately 30m to allow long views through the site towards the open recreational area.
- 6.20 The site adjoins the Clare Park and Blacklands CA to the south-east but is separated by Winterfield Lane. This separation and also the form of the existing landscape in the area however means that the proposed development would not have an adverse impact on the character and setting of the CA. Similarly there are no designated or non-designated heritage assets in the vicinity that would have their setting adversely affected by the proposal, either by virtue of distance or the nature of the existing topography.
- 6.21 Paragraph 122 of the NPPF 2019 requires that planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

6.22 Policy CP24 of the TMBCS 2007, which is set out at paragraph 6.8 of this report, accords with this paragraph, requiring development to respect the site and its surroundings through its scale, density, and character. Although much of the detail is reserved for future consideration, the indicative plans provided show that the proposed quantum of development on the site, within the parameters provided at this stage, would allow the development to come forward in a manner that would be broadly commensurate with the prevailing local character whilst still seeking to make use of the land available.

6.23 The new access and associated visibility splay would lead to changes to the A20 London Road frontage as a result of the removal of some of the existing vegetation but I do not consider the visual impact of this to be significant, in the context of the development as a whole.

6.24 Similarly, the indicative layout proposes a scheme that, due to the layout of the proposed development, would not have an adverse impact on the residential amenity of existing and proposed residents. 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.

6.25 In all these respects, I consider that the development would come forward in an acceptable manner that would accord with Policy CP24 of the TMBCS, Policy SQ1 of the MDE DPD and paragraphs 122, 127 and 130 of the NPPF.

Highway safety, capacity and parking provision:

6.26 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.

6.27 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.

- 6.28 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.
- 6.29 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.30 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.
- 6.31 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.
- 6.32 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.
- 6.33 A single vehicular access point is to be created to serve the development as a whole. This is to be from the south side of the A20 London Road approximately

160m to the west of the A20/Lunsford Lane junction and approximately 40m west of Pinewood Close. A secondary pedestrian and cycle access that would also serve as an emergency access is to be provided from Winterfield Lane/Lucks Hill. Details of the access with associated footpaths and splays have been provided on the submitted drawings and are as described in Section 1 of this report. A Transport Assessment has also been submitted.

- 6.34 Members will note from the various appendices that the Local Highway Authority (KCC H&T) and Highways England (responding in connection with potential impacts on the strategic network) do not raise objections to the scheme on the basis of the submitted modelling, which includes the results of the VISUM modelling undertaken in support of the emerging development strategy up to 2031. The modelling submitted with the application covered junctions from junction 4 of the M20 in the west to the A20/New Hythe Lane junction in the east and assessed the development against a number of scenarios. The resultant findings indicate that the development has the potential to lead to capacity issues, when taking into account all other committed development and draft local plan allocations, at the A20/Lunsford Lane/Winterfield Lane junction, the A20 London Road/Castle Way junction, A20/New Road junction and A20/New Hythe Lane junction. All other junctions would remain within capacity.
- 6.35 The highways impact of the development is proposed to be mitigated by a developer led scheme at the A20/Lunsford Lane/Winterfield Lane junction which consists of localised widening to increase capacity to an acceptable level. This widening would be to the southern side of the A20 to increase the westbound capacity at the Lunsford Lane/Winterfield Lane junction. This scheme is considered acceptable by KCC Highways and would be delivered through a S278 agreement prior to occupation and to ensure delivery would also be a requirement of the S106 legal agreement.
- 6.36 The proposed new access onto the site itself from the A20 would, as well as providing a means of access to the development, provide improvements to footways, cycleways and public rights of way through and fronting the site and also pedestrian refuges on the A20. The proposed site access junction has been included in all undertaken highway modelling work and is indicated as working well within capacity levels when assessed with all other committed and draft local plan developments.
- 6.37 The developer will make a contribution of £1547.62 per dwelling towards further highway improvements to enhance junction capacity along the A20 corridor from the A228 and Coldharbour roundabout. These contributions would be used towards KCC scoped and costed planned improvements at the A20 London Road/Castle Way junction, A20/New Road junction and A20/New Hythe Lane junctions. The developer will also make a contribution of £910 per dwelling towards bus service enhancements between the development and Maidstone Town Centre and West Malling Station to encourage sustainable transport,

ensuring that future residents of the development will have the ability to make use of alternative transport methods other than the private motor car. These obligations are all to come forward as part of a package to be contained within the section 106 legal agreement, the final drafting of which is to be completed between the parties.

- 6.38 Furthermore, a condition should 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 (KHS IGN3). The condition would also ensure an appropriate level of parking for the proposed community building.
- 6.39 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 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:

- 6.40 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.
- 6.41 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.
- 6.42 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.
- 6.43 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.
- 6.44 An Ecological Appraisal report has been submitted in support of the application. The report sets out that the site comprises an area of arable farmland surrounded

by roads to all sides and with residential development to the north and east. To the south and west lies farmland, pastoral land and parkland supporting mature hedgerows and small woodland areas. For these reasons, overall the site is considered to be of negligible intrinsic value in terms of wildlife supporting habitat.

- 6.45 Notwithstanding this, the appraisal goes on to acknowledge that the site supports an assemblage of foraging and commuting bats that is of importance at the county level, assemblages of birds and invertebrates that are of value at the site level. A single slow-worm was recorded during the targeted surveys, indicating a low population of slow-worm is present at the site that is of importance at the site level. Ground nesting birds are also present on the site.
- 6.46 It is noted that Natural England has not provided any substantive representations in response to our consultation but has directed us to their Standing Advice, which is common practice for sites of this nature. The standing advice does not specifically restrict development but sets out the procedure applicants should follow before and during a development. The standing advice has been followed in the submitted Ecological Appraisal which sets out appropriate mitigation measures. These can be controlled through planning condition.
- 6.47 Very minor residual, and therefore potentially cumulative, adverse effects remain in relation to ground nesting birds; however, mitigation measures will be put in place to avoid harm to nesting birds during the construction phase. The landscaping proposals, including approximately 11 hectares of open greenspace, will provide a net gain in resources for the majority of other ecological features and enhance ecological permeability across the site. The proposed management of the land will enable such measures to be put in place.
- 6.48 I am therefore satisfied that the development would have a net positive effect on habitats and biodiversity on the site through the provision of enhanced landscaping proposals which would be an overt benefit arising from the development. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including Policies NE1-NE4 of the TMBC Local Development Framework Core Strategy and the NPPF.
- 6.49 These matters can all be reasonably secured by planning condition.

Best and most versatile land:

- 6.50 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will be not be proposed in the LDF unless there is an overriding need, and
- (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or

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

This is reflected by paragraph 170 (b) of the NPPF which sets out that planning policies and decisions should contribute to and enhance the natural and local environment by b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.51 I am mindful that Policy CP9 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. When read against paragraph 170 (b) of the NPPF though there is a balance to be made when considering individual sites. 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 contribution to redressing the existing shortfall.

6.52 The majority of the site is classified as grade 2, which is typical of the agricultural land in the wider area. The site is contained on three sides by roads and, whilst it is recognised that best and most versatile agricultural land does have some economic benefits alongside its primary purpose of food production, it is considered that the loss of this comparatively small pocket of agricultural land would have little tangible impact on agricultural yield or profitability in broader terms. This judgement is supported by the view of the Inspector in the recent Lavenders Road appeal decision, which Members will be aware of, where the Inspector concluded that the loss of best and most versatile land in that instance was not an overriding factor supporting the dismissal of the appeal in light of the Council's five year housing land supply, which since that decision was made has further reduced. It is therefore considered that whilst the development would result in the loss of actively farmed agricultural land the overriding need for housing outweighs its retention for agricultural purposes when viewed against both Policy CP9 of the TMBCS and also paragraph 170 of the NPPF.

Potential land contamination:

6.53 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 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.

6.54 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.

6.55 In terms of land contamination, the submitted Phase 1 Desk Study and Preliminary Risk Assessment is considered to adequately review the history and environmental setting of the site. It notes that the site has not been previously developed and the risk of contamination is low. It concludes by setting out the scope of works recommended for the intrusive investigation to be carried out. These are considered satisfactory and conditions are proposed requiring appropriate site investigation and (where necessary) appropriate remediation measures to take place. These conclusions have been agreed by the Council's Environmental Protection officer and accordingly a number of conditions have therefore been recommended to be imposed on any permission granted.

Flooding and surface water management:

6.56 Policy CP10 states that:

1. 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.

2. Development which is acceptable (in terms of PPS25) or otherwise exceptionally justified within areas at risk of flooding must:

(a) be subject to a flood risk assessment; and

(b) include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development; and

(c) be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere in the floodplain.

6.57 Paragraph 163 of the NPPF states that "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.58 The site is entirely within Flood Zone 1 and so has a less than 1 in 1000 annual probability of flooding. The underlying ground conditions of the predominantly sands and gravels of the Folkestone Formation lend themselves to drainage systems using infiltration of surface water runoff into the ground. This is considered to be acceptable in this area. A detailed sustainable surface water drainage scheme has therefore been recommended and conditions have been advised which are entirely appropriate, as confirmed by KCC as the LLFA.

6.59 Similarly, Southern Water have raised no objections to the proposed development. I am therefore satisfied that, with the suggested conditions, the development would accord with paragraph 178 of the NPPF.

Noise:

6.60 Policy SQ6 of the MDE DPD relating to noise has been judged to be out of date since the original publication of the NPPF in 2012. As such, for decision making purposes it is necessary to rely on the contents of the NPPF in this respect. 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.

6.61 A Noise Assessment has been submitted in support of the application. The report details the measurement of the noise climate present at the site, compares this with appropriate standards and sets out the attenuation measures that could be implemented to secure an acceptable environment. The indicative site layout plan shows that the proposed quantum of development could be laid out in a manner that would ensure the nearest properties would be significantly set away from the adjacent roads. The separation distances are such that even when assessed against 2031 traffic levels it is considered that, subject to appropriate glazing and trickle ventilators to mitigate any noise impact to dwellings, the development would experience a satisfactory noise climate. A condition can be imposed to suitably

secure these requirements. The proposal therefore accords with paragraph 180 of the NPPF.

Air quality:

6.62 Policy SQ4 of the MDE DPD relates to air quality. This policy states that development will only be permitted where all of the following criteria are met:

(a) 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;

(b) proposals would not result in the circumstances that would lead to the creation of a new Air Quality Management Area;

(c) proximity to existing potentially air polluting uses will not have a harmful effect on the proposed use; and

(d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.

6.63 This policy is broadly in compliance with the guidance set out in the NPPF. 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.

6.64 An AQMA lies along the A20 corridor 600m to the east of the application site. The application is supported by an Air Quality Assessment that concludes that the development would not have an adverse impact on air quality in the existing AQMA nor result in additional areas being designated. I understand that the AQMA in this area has recently been reviewed and can be reduced on its easterly extent; however it is not considered that this proposed development would result in the area having to be extended again in the future. Subject to an appropriate construction management plan, which can be secured by a condition, 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:

- 6.65 The site is part of an area that is proposed to form part of an extension to the designated Green Belt as set out within the draft local plan which was submitted to the Secretary of State for examination on 23 January 2019.
- 6.66 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.
- 6.67 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.”
- 6.68 Paragraph 50 goes on to make clear that where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 6.69 In relation to these paragraphs, whilst the draft local plan has been submitted to the Secretary of State for examination, this has yet to be taken forward and therefore the inclusion of the site within the proposed Green Belt extension (Policy LP11) has not been tested at examination. Furthermore, at this time there remain unresolved objections to the proposed Green Belt extension which have yet to be resolved through the local plan process.
- 6.70 I can therefore conclude that limited weight can be afforded to the draft plan at this stage in respect of this site and the proposal to include the land as part of the Green Belt extension cannot at this time represent a reasonable or justifiable ground of refusal.
- 6.71 Notwithstanding this position, Members can note that in terms of strategic allocations, confirmation by Highways England that this development coming forward at this time would not severely affect the strategic road network means that there would be no prejudice to any of the specific housing allocations in the vicinity within local plan arising from this scheme coming forward at this time.

Planning Obligations:

6.72 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

6.73 Paragraph 56 of the NPPF reflects this statutory requirement.

6.74 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.

6.75 The scheme proposes to provide 40% of the total number of dwellings as affordable housing and 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 will be secured through the legal agreement to ensure that the provision comes forward in a manner that reflects and meets local need. The detailed drafting of the provisions to be contained within the legal agreement in this respect are currently being worked up in liaison with the Council's Housing Services team to ensure the provision acceptably meets identified need within this part of the Borough.

6.76 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 accordance with this policy as significant areas of amenity space and play areas are to be incorporated into the layout. It is not possible to incorporate outdoor sports facilities or parks/gardens on site and in these circumstances, the policy allows for a financial contribution to be made towards off-site provision and enhancement. In these respects, the following has been secured:

- £304,903 towards Parks and Gardens at Leybourne Lakes Country Park; and
- £559,390 towards the provision of enhanced Outdoor Sports facilities in the surrounding area.

6.77 Policy CP25 of the TMBCS states that:

1. Development will not be proposed in the LDF or permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

2. Where development that causes material harm to a natural or historic resource is exceptionally justified, appropriate mitigation measures will be required to minimise or counteract any adverse impacts. Where the implementation of appropriate mitigation is still likely to result in a residual adverse impact then compensatory measures will be required.

6.78 KCC have advised that the development generates a need for 70 additional primary school places and 50 additional secondary school places and that a financial contribution should be sought in each case as follows:

- £1,333,750 towards phase 1 of the new Aylesford Primary School at Whitepost Field, with £802,045 towards the land acquisition for its development.
- £1,171,750 towards the new secondary school at Broadwater Farm, with £764,815 towards the land costs.

6.79 Notwithstanding the conclusions regarding the weight to be afforded to the draft local plan at this stage for decision making purposes, understandably KCC are planning for projects which take into account the proposed development strategies set out by it. There does however need to be a clear mechanism in place to ensure that the impacts of the development in this case can still be mitigated in the event that the strategy does not come forward in the way envisaged or relative timescales do not align. This can be adequately addressed through mechanisms contained within the legal agreement.

6.80 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 appropriate financial contributions is required, as follows:

- £12,596.70 for enhancements and additional library book stock for Larkfield Library;
- £32.57 per dwelling towards additional Community Learning facilities at Aylesford School Adult Education Centre;
- £65.50 per dwelling towards additional resources at Aylesford Youth Club; and
- £146.88 per household towards borough wide Social Care provision.

- 6.81 I am satisfied that sufficient detail has been provided in all these respects to ensure the relevant statutory and policy tests have been met, and the contributions should be secured through the legal agreement, which KCC would also be a party to.
- 6.82 NHS CCG have advised that the proposal will generate approximately 585 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 at potentially the Thornhills Medical Practice, West Malling Group Practice and Wateringbury Surgery. Therefore, mitigation is required through the payment of a £210,600 financial contribution towards refurbishment, reconfiguration and/or extension at these surgeries. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.
- 6.83 The various necessary highways obligations have been discussed at length at paragraphs 6.25 to 6.38 of this report and are not repeated here, other than to make clear they are also required and necessary to make the development acceptable in planning terms and thus meet the statutory and policy tests set out above.

Planning balance and overall conclusions:

- 6.84 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.
- 6.85 The proposed development would provide up to 250 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. These particular benefits were considered by the Inspector very recently in allowing residential development on three parcels of employment land at Kings Hill, noting that they would significantly contribute to the supply and mix of housing in the borough which, particularly due to the extent of current under-supply, would amount to a substantial benefit. Similar benefits would arise through the grant of planning permission in this case.
- 6.86 Furthermore, and given that the overriding consideration in recommending that planning permission be granted here relates to the Council's current five year housing land supply position, I consider it appropriate to impose a shorter time frame on the developer to submit the reserved matters for the scheme pursuant to section 92(2) of the Act. I am therefore recommending that reserved matters be submitted within 18 months of a grant of permission with commencement within a further 18 months of their approval. Whilst I understand the impact the Covid-19 outbreak has had on the economy and the development sector I consider that the

benefit of being able to deliver a residential development of the type would undoubtedly make an important contribution to the overall housing provision in the shorter term. On this basis it is considered that the shorter commencement period is the appropriate recommendation.

6.87 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.

6.88 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** in accordance with the following submitted details: Site Layout 6273-01G dated 10.12.2019, Master Plan LE-20 A dated 10.12.2019, Transport Statement Addendum dated 20.09.2019, Other technical note dated 10.10.2019, Proposed Plans ITL11317-GA-001 dated 01.08.2019, Location Plan 6273-03 dated 01.08.2019, Letter dated 01.08.2019, Statement BUILT HERITAGE dated 01.08.2019, Design and Access Statement dated 01.08.2019, Travel Plan dated 01.08.2019, Planning Statement dated 01.08.2019, Air Quality Assessment dated 01.08.2019, Archaeological Assessment dated 01.08.2019, Drainage Statement dated 01.08.2019, Ecological Assessment dated 01.08.2019, Flood Risk Assessment dated 01.08.2019, Visual Impact Assessment dated 01.08.2019, Noise Assessment dated 01.08.2019, Report Risk Assessment dated 01.08.2019, Statement community involvement dated 01.08.2019, Transport Statement dated 01.08.2019, Appraisal utilities dated 01.08.2019, Drawing ITL11317-GA-017 REV A dated 10.12.2019, Drawing ITL11317-GA-018 dated 10.12.2019, Drawing ITL11317-GA-014 dated 10.12.2019, Transport Statement ITL11317-021B dated 10.12.2019, and 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 care 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

The section 106 agreement is now at an advanced stage of preparation and should be agreed in principle within 1 month and the legalities completed within 3 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 09 October 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 eighteen months 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 one year 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 conformity with the indicative layout referenced 6273-01 Rev G and indicative landscape layout referenced LE-20 received 10 December 2019.

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

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. The details submitted in pursuance to Condition 1 shall be accompanied by a contoured site plan and full details of the slab levels and ridge levels at which the dwellings are to be constructed and development shall be carried out in accordance with the approved details.

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

7. The details submitted in pursuance of Condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. The scheme shall be in conformity to the indicative layout referenced LE-20 received 10 December 2019 and follow the recommendations set out in the Arboricultural Implications Report received 01 August 2019. The scheme shall be approved in writing by the Local 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.

8. The details submitted in pursuance of Condition 1 shall show land, reserved for the parking and turning of vehicles. None of the dwellings hereby approved shall be occupied until these areas have 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: To ensure that adequate parking is provided, maintained and retained.

9. The details submitted pursuant to condition 1 shall show details of vehicle charging points. The charging points shall be approved by the Local Planning Authority and be installed prior to the first occupation of any dwelling, and thereafter maintained and retained in accordance with the approved details.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

10. The details submitted in pursuance of Condition 1 shall show the proposed enhancements to the Public Rights of Way MR119 and MR120 through the site and their linkages to the surrounding highway network in conformity with the indicative layout referenced 6273-01 Rev G received 10 December 2019. None of the dwellings hereby approved shall be occupied until these routes have been

provided, surfaced and drained in accordance with the approved details and shall be retained and maintained at all times thereafter.

Reason: To promote healthy lifestyles and social connectivity and to protect the visual amenity and character of the area.

11. None of the dwellings hereby approved shall be occupied until the access from A20 London Road as shown in principle on drawing number ITL11317-GA-014-Rev H received 27 February 2020 has been substantially completed.

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

12. 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 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 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.

13. The use shall not be commenced, nor any premises occupied until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

14. The details submitted in pursuance of Condition 1 shall show the proposed areas of amenity, natural and formal open space, Neighbourhood Equipped Area of Play, a centrally located Local Equipped Area of Play and Local Areas of Play, along with a timetable for their implementation. The details shall be approved by the Local Planning Authority and be installed in accordance with the approved and maintained and retained at all times thereafter.

Reason: To ensure suitable levels of open space in the interests of health and wellbeing and to ensure compliance with Policy OS3 of the MDE DPD 2010.

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. The details submitted in pursuance to Condition 1 shall provide details and samples of all materials to be used externally. These details 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.

17. The details submitted in pursuance of Condition 1 shall incorporate the mitigation and enhancement measures detailed in the Ecological Assessment received 1 August 2019. The measures shall be submitted to and approved by the Local Planning Authority, and implemented in accordance with an agreed timetable and retained thereafter.

Reason: In the interests of nature conservation and biodiversity.

18. The details submitted in pursuance of Condition 1 shall incorporate the mitigation measures detailed in the Air Quality Assessment received 1 August 2019. The

measures shall be submitted to and approved by the Local Planning Authority, and implemented in accordance with an agreed timetable and retained thereafter.

Reason: To ensure suitable levels of air quality

19. 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.

20. 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 and in accordance with Paragraph 170 of the NPPF 2019.

21. 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 and in accordance with paragraph 170 of the NPPF 2019.

22. Development shall not begin in any phase 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 be based upon the DRAINAGE ASSESSMENT, ref C85673-R400A 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 within the curtilage of the site without increase to flood risk on or off-site.

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.

23. 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of 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, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

24. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. 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 in line with paragraph 170 of the National Planning Policy Framework.

Informatives

1. 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. 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.
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. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.

4. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.
5. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
6. The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and the Environmental regulations page on GOV.UK.
7. No bonfires should be had at the site to avoid justified complaints from neighbours.
8. The network provided by Southern Water may require reinforcement. Accordingly Southern Water and the Developer will need to work together in order to ensure 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.
9. 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
10. The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies and measures to support biodiversity into the approved development.

Contact: Robin Gilbert

From: Valerie Severn, EM&L Parish Council <valerie.severn@btconnect.com>
Sent: 10 October 2019 10:47
To: Robin Gilbert
Subject: TM/19/01814/OA - Land west of Winterfield Lane, East Malling

For the attention of Robin Gilbert

Hi Robin

East Malling and Larkfield Parish Council would like to make the following comments on the above:-

Archaeological Assessment

The Parish Council is working through the individual documents which it notes are mostly headed up "Leybourne" although this site has always been in East Malling for hundreds of years as shown by this document.

This had lead on page 12 to setting out what the Domesday Survey records about Leybourne instead of East Malling. For accuracy we wish to record that the entry for this Parish, then called Metlinges, states it was part of the possessions of the Archbishop of Canterbury with 7 carucates of arable land plus 3 in demense an 38 villiens plus 12 borders. It records the church with 5 servants, two mills, 21 acres of meadow, plus wood for the pannage for 60 hogs. This is taken from Hasted. The church is no doubt that of St James the Great in East Malling village.

He goes onto the record the Manor of East Malling was given to the nunnery of the adjoining parish of West Malling where it stayed until dissolved in 1538. This no doubt included this land rather than it being dominated by the Leybourne Castle as the submitted document states. Indeed in more modern times the land was probably connected to The Hermitage, West Malling the A20 gate cottage to which still exists on the A20 shown as "Lodge" on the north west corner of the OS Map of 1936 at Figure 9. With a driveway leading to The Hermitage and tree lined.

Furthermore, at paragraph 4.8.2. reference is made to the map of Andrews and Drury of 1769 that is purported to be at Figure 3. However, the map extract there shows the area around Birling Place in the entirely different parish of Birling Place in the entirely different parish of Birling and not the area of where the development site is situated. We ask the correct extract is provided.

We would also place on record that Winterfield Lane bordering part of this site to its east is clearly ancient sunken road especially at the London Road (A20) end and led up to a group of buildings of some sort at Couch Green (see 1797 Map at Figure 4) so in our view is a local historical feature. As the maps show footpath across the area are long standing and both may lead to "finds"?

We consider care should be taken in developing the site, if this was allowed, and that appropriate conditions should bge imposed to make sure any archaeology that may come to light is recognised.

Regards

Val Severn
Clerk to East Malling and Larkfield Parish Council
01732 844546

Robin Gilbert

From: Valerie Severn, EM&L Parish Council <valerie.severn@btconnect.com>
Sent: 16 October 2019 15:44
To: Robin Gilbert
Subject: FW: TM/19/01814OA Forty Acres Field

Importance: High

Hi Robin

I have been asked to report that a resident has drawn attention to what he describes as the picturesque copse at Forty Acres Field which contains raised and undulating earthworks.. It is said these are of unknown age or purpose.

The Parish Council has previously commented on one of the historical reports and would ask this site be investigated. At the very best if permission were granted there should be a condition to make sure there is a watch for archaeological finds which may come to light.

The site is of course next to the A20 road from London, a turnpike between Wrotham and Larkfield Gate close to Wealden Hall, and it will be recalled that Roman remains have over the years been found at nearby Larkfield lastly at what is now Bradbourne Fields

Regards

Val Severn
Clerk to East Malling and Larkfield Parish Council
01732 844546

From: [Valerie Severn, EM&L Parish Council](#)
To: [Planning Applications](#)
Cc: [David Thornewell](#)
Subject: TM/19/01814/OA Forty Acres
Date: 26 October 2019 16:35:57

For the attention of Robin Gilbert

Hi Robin

Herewith further comments from East Malling and Larkfield Parish Council on the above application:-

These are further comments addressing the issues of the proposed community hall, the public footpaths, and the proposed link road through the site from the A20 to Winterfield Lane. The parish council objects to the principle of development of this green field site and these will follow shortly.

• **Community Hall.**

The application proposes a new community hall but as we have indicated we would question the need for such a hall here as there are already three halls within East Malling. There is the parish council owned hall in New Road; the Institute hall next to the King and Queen run by a separate charity; and the hall and other facilities close to this site in Chapman Way. This last set of buildings was the former primary school and is also run by another separate charity with not only a hall but a Pre-School next door. There is also a café and a number of community events take place. And there is a Scout Hut off Mill Street.

Further afield there is a community hall on the other side of the A20 at Leybourne and a parish council owned hall, Larkfield Hall, in New Hythe Lane and also two smaller halls at Church Farm. If this application is approved we would welcome the concept of improving such community facilities but this might be best achieved by upgrading the halls that already exist.

Public Footpaths.

The site is crossed by public footpaths MR119 from the A20 diagonally across to Lucks Hill and West Malling Station and MR 120 from the A20 opposite Rectory Lane to Winterfield Lane at its junction with Chapman Way. These are well used footpaths used for recreational purposes including dog walking especially by the residents of the built up north of A20 at Leybourne and Larkfield. They are also used by those walking to and from West Malling station. They are also used for longer walks taking in the countryside southwards by linking to MR117 and the whole network between East and West Malling.

- It is the Parish Council'S view these are important paths and their existence is a relevant

planning consideration. The comments of the Public Rights of Way Unit of KCC are noted and if the development is approved we would support everything they say. We would look to appropriate conditions to be made either through planning or highway legislation.

- However, the whole ambience of these paths would be changed and they would cease to be rural public paths and instead be changed to routes running through a built-up area. This would be a wholly different experience for users and we feel the loss of these rural paths would be detrimental to the local community.

The Link Road.

The parish council **OBJECTS** to the link road running through the site as it considers it would attract traffic to it and be likely to increase traffic using the network of roads and lanes to the south of the site and between East and West Malling.

- It is noted that the current A20/Winterfield Lane/Lunsford Lane junction with its traffic light is estimated to be at overcapacity by the end of the draft Local Plan period. Indeed there is queuing at peak times for traffic coming out of Lunsford Lane and Winterfield Lane to join the A20.
- The background to this is that by observation the parish council is aware of traffic going north/south follows a route from the A228 along Leybourne way turning right into Lunsford Lane or Gighill Road to travel southwards to the A20. There is an opposite flow and this use is particularly at peak times. Some of this traffic then turns right off A20 into Lunsford Lane to head south either via Lucks Hill into West Malling or left along Chapman Way to New Road and then south through East Malling village with its constricted nature to join A26 at either Teston or Wateringbury. Some vehicles also use the narrower route south up Broadwater Road and either Pikey Lane or Well street out via The Heath to Waterbury Road. This “by passes” East Malling High Street and Chapel Street with its narrow carriageway and parked cars with congestion at peak times.
- It should be recorded the route down to Teston is part of a “southern by pass” to Maidstone with drivers going over Teston bridge. From Wateringbury traffic lights the route south joins the A228 to Paddock Wood and beyond.
- These flows are separate from those people who use the A228 across junction 4 of the M20 and then via the Leybourne and West Malling by pass.
- We are of the opinion that a new road through the estate will attract through traffic to it as:
 1. It avoids the “hollow lane” section Winterfield lane up to Chapman Way.
 2. Traffic coming out of Lunsford Lane to use Winterfield Lane and vice versa get caught by two sets of lights at the junction whereas using the new road will avoid this.
 3. All new roads attract traffic and people who currently do not use the route may divert to it.

By attracting traffic to the route through the new residential area it will be detrimental to the new house occupants. Such new residential areas should not immediately become part of the through road routes. It is also the case that the

Southern part of Winterfield Lane being a lane with no footway is unsuitable to accept more traffic including extra movements from this development and would be particularly detrimental to pedestrians whose needs should be taken into

Account. The same applies to the lanes between East and West Malling such as Broadwater Road which form part of the designated Quiet Lanes network made by KCC and which is intended to be to the benefit of walkers, cyclists and

Hors riders.

It would appear these possibilities have not been taken into account either by the Highway Authority or the applicants although we appreciate they are to some extent a matter of prediction. We ask they be fully considered.

Regards

Val Severn

Clerk to East Malling and Larkfield Parish Council

01732 844546

East Malling & Larkfield Parish Council

From: [Valerie Severn, EM&L Parish Council](#)
To: [Planning Applications](#)
Cc: clerk@westmallingspc.org
Subject: TM/19/01814 - Forty Acres
Date: 25 November 2019 13:03:00
Attachments: [Forty Acres Info.pdf](#)

For the attention of Robin Gilbert

-
Hi Robin

Further comments in respect of the above from East Malling and Larkfield Parish Council:-

1. It has been drawn to our attention the site may have been crossed by an ancient highway – “Army Street” – as per the attached article and map in “Archaeologia Cantiana” Volume 89 by a then local historian C L Sinclair Williams who lived in Well Street.
2. The map shows a route from the A20 diagonally to Couch Green so historical finds may come to light along that route.

Regards

Val Severn
Clerk to East Malling and Larkfield Parish Council
01732 844546

THE CWYLLA OF
KING EDMUND'S WEST MALLING CHARTER

By C. L. SINCLAIR WILLIAMS

At some time during his brief reign from A.D. 942 to 946 King Edmund made a gift of land in Kent to Buhric, Bishop of Rochester.¹ The location and extent of this land approximated to the present parish of West Malling, but the precise interpretation of the bounds given in the charter has remained a subject of speculation.

Of special interest is a reference to a spring or stream, near the boundary with East Malling, for which the charter employs the Anglo-Saxon word *cwylla*² (*cwyllan* in the oblique case). Wallenberg observes that this is 'the only case of *cwylla* "well, spring" evidenced in OE.'³ He says further: 'Well Street in East Malling may perhaps be a reminiscence of the fact that there was a *cwylla* in this district.'³

In accordance with the custom of the times the body of the charter was in Latin with the definition of the bounds in Old English. In reproducing this charter Thorpe rendered the Old English into Latin,⁴ but mistranslated the unfamiliar word *cwylla*. His version of the passage where this word occurs is: '*et sic recte Austrum versus ab Orientis crocia [vel patibuli]*⁵ usque ad amplam viam.' In rendering into modern English, Fielding perpetuated this error, and compounded it by adopting Thorpe's alternative as though it were part of the original text, thus: 'and so southward from the east of the cross or gallows to the roadway.'⁵

The relevant passage in the original Old English (substituting modern forms for the runic 'th' and 'w') is as follows: 'Of cingces fyrthe on offahames gamaere. Thanan on here straet, andlang straete ofer lylle burnan oth east meallinga gamaere, & swa riht suth be eastan tham cwyllan oth tha wyde straet, suth andlang straete on geriht oth cingces fyrthe.' This may be translated into modern English as: 'From the

¹ W. G. de G. Birch (ed.): *Cartularium Saxonicum*, London, 1885-93, 779.

² J. R. C. Hall, *Concise Anglo-Saxon Dictionary*, London, 1898, 63, gives '*cwylla*—well spring'.

³ J. K. Wallenberg, *Kentish Place-names*, Uppsala, 1931, 252.

⁴ J. Thorpe, *Registrum Roffense*, London, 1769, 479.

⁵ R. E. Latham, *Revised Medieval Latin Word List*, London, 1965, 336, gives '*patibulum*—gibbet c. 1138, 1430; cross, rood 11c, 1240, post 1300; pillory, 1570.' That Thorpe gave it as an alternative suggests that he had only the meaning 'gibbet' in mind.

⁶ C. H. Fielding, *Memories of Malling and its Valley*, West Malling, 1893, 10-11.

King's wood [plantation] to the boundary of Offham. From thence to the Army street. Along [this] street over the Lylle bourn as far as the boundary of East Malling; and so straight south by a spring to the east as far as the Wide street. South along [this] street right on to the King's wood [plantation].⁷

The 'Army street' appears to have followed the route of the present London-Maidstone road (A20) for a short distance eastwards as far as the Town Hill turn. Here, the A20, which is also the boundary between the parishes of West Malling and Leybourne, bears slightly northwards. It is suggested that the ancient 'Army street' continued straight on, picking up the present boundary again near the Lylle Bourn. Continuing this straight line the East Malling boundary is then reached some four hundred yards further on. By keeping to the present London-Maidstone road the parish of West Malling would be left before reaching the Lylle Bourn and one would cross into the parish of Leybourne instead of into East Malling. In King Edmund's time the East Malling boundary may have been somewhat closer to the Lylle Bourn. Today, in this vicinity, the West Malling boundary bulges eastwards, just after turning south, to skirt the grounds of 'The Hermitage'. Reference to the map will show that where the boundary first turns southwards it is roughly in line with the East Malling boundary further south, beyond 'The Hermitage'. This suggests the possibility that in early times, the boundary ran in an uninterrupted straight line from the point where it first turns south; that is to say, where it left the 'Army street' and today leaves the London-Maidstone road.

A short distance along the road from West Malling to East Malling, east of the parish boundary, and on what is suggested may have been the route of the 'Army street', there is a cross-roads, known until recent times as Crouch Green but now garbled into Couch Green. The place-name 'Crouch' usually derives from Middle English *cruche*, Old English *cruc*—'cross'. Perhaps Thorpe was misled by this place-name in translating *cwylla*, confusing it with the Old English verb *cwellan*—'to kill, slay, murder'. He may well have proceeded to deduce 'cross' as an instrument of execution, with the alternative 'gibbet'.

Wallenberg appears to have been able only to assume that there was a stream or spring locally from which Well Street derives its name. It is, in fact, in this hamlet that there rises the stream which flows northwards, giving Bradbourne House its name and becoming Ditton Stream before debouching into the Medway. The spot is known today as 'Springhead', though there is evidence that, in the early seventeenth century ⁷ *Here street* can be translated as 'High road', and *Wyde street* has been translated as 'Broadway'; but such renderings are considered to take some liberty with the text, and for clarity the literal translations are preferred.

⁸ For this occurrence, derivation from Brit. *crocco*—'hill, barrow, mound' could be argued, but this alternative is not relevant to the present discussion.

but note the mound 136 at Crouch Green (Dine Tall) (Man-made, says Ralph L.)

THE ONLY 14 OF KING EDMUND'S WEST MALLING CHARTER.

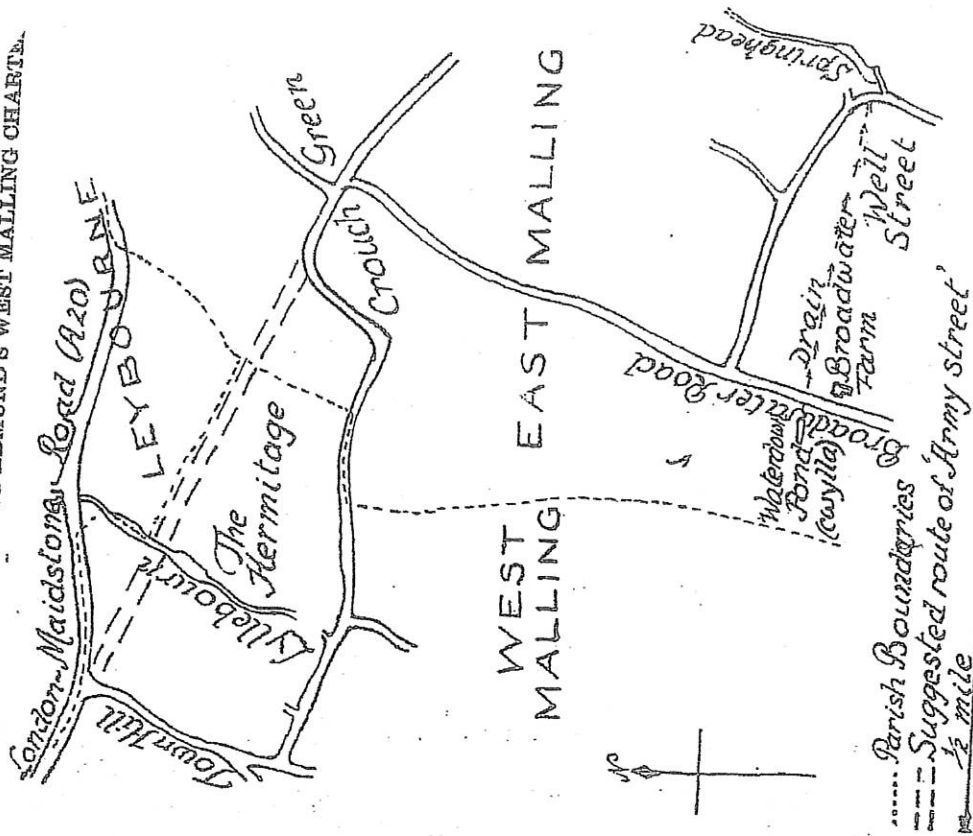


FIG. 1.

century, it was known as the 'Well Head'.⁹ Surprisingly, although this stream provided power for mills since at least Domesday until a few decades ago, it has remained un-named on its course to the point where it enters the parish of Ditton.¹⁰ It may well have been called the 'Bradbourne' in early times, but no record has been traced. However, in

⁹ Deed dated 1609, KAO U47/46 T38.

¹⁰ This stream was the subject of an article in *Salmon and Trout*, no. 100, 1941, when it was referred to as 'The Malling Bourne'. The new owner of its spring-head and upper reaches has revived this name.

postulating this water as the *wyllia* of the charter, Wallenberg appears to disregard the objection that this would place the eastern limit of King Edmund's gift over half a mile within the boundary of East Malling. Moreover, the charter gives the bounds as a line directly south from the 'Army street' at the East Malling boundary, after crossing the 'Lyle bourne'.

Although Wallenberg notices Broadwater Farm and traces references to this place-name as early as A.D. 1240,¹¹ he does not associate it with the *wyllia*. The farmhouse stands in Broadwater Road which runs north and south about two hundred yards within, and roughly parallel with, the East Malling boundary. It is this stretch of the bounds of King Edmund's gift which has the *wyllia* to the east. There is, however, today no water worthy of the name 'Broadwater' closer than the spring-head in Well Street. At a distance of more than half a mile, deep in a little valley, and in Saxon times probably even more obscured by trees than it is now, this spring-head could hardly have served as a landmark in tracing the boundary. It is equally unlikely that Broadwater Farm could have taken its name from a stream at this distance.

But just west of Broadwater Road, a hundred yards or so from the present farmhouse, there is a small pond. This pond is situated in land bearing the name 'Waterdown' on the Tithe Award map of 1842. At the same place, two adjoining fields are shown under the names 'Waterdowne Hill' and 'Waterdowne Bottom' in an estate survey of 1681-84.¹²

The pond is spring-fed and drains under Broadwater Road into a tunnel which flows eastwards for a short way until it disappears underground. The water is then conveyed by agricultural drain to the spring-head at Well Street. Map evidence is lacking, but the route of this drain was confirmed when a new water-main was laid in Well Street early in 1973 and the mechanical digger struck the drain-pipe. The flow ceased during the dry summer of 1973, but it was observed to gush water into the Well Street spring-head on one or two occasions after heavy rain. Land contours make the Well Street spring-head the natural direction of water-flow from Broadwater Farm and from Waterdown Bottom.

The evidence leaves little doubt that this nameless little pond is the *wyllia* of King Edmund's charter. It is just east of the West Malling boundary with East Malling where this boundary runs south from what was once the 'Army street'. It is exactly in the location described in the charter. The place-names associated with this location suggest

¹¹ J. K. Wallenberg, *The Place-names of Kent*, Uppsala, 1984.
¹² KAO U49 P4.

that in the Middle Ages the pond was of considerably greater extent than it is today, while in Saxon times it was significant enough to serve as a landmark. Topographically insignificant though this pond has become, it has the distinction of preserving a word in our Anglo-Saxon dictionaries which would otherwise have been lost.

From: valerie.severn@btconnect.com
To: [Planning Applications](#)
Cc:
Subject: TM/19/01814/OA Forty Acres, East Malling
Date: 10 January 2020 11:24:28

For the attention of Robin Gilbert

-

Hi Robin

Having read the letter from Boyer dated 9th December we wish to record we are pleased the amendment proposes the removal of the link road through to Winterfield Lane, and this amendment is now shown on the illustrative Master Plan.

The Parish Council felt for the reasons previously given, this would be detrimental not only to the new residents if permission is granted by having a through road across the site but the wider community by increasing traffic flows on the roads and lanes to the south.

It is noted that a footpath link and cycleway is still shown out to the Winterfield Lane/Chapman Way junction with just an emergency access. This is supported.

At our meeting it was pointed out that existing public footpath MR120 also emerges here and it would be desirable they be on the same line. Looking at the layout it would seem a diversion of this path which runs across to the A20/Rectory Lane junction would be necessary. No doubt this would be considered in due course with KCC, and we would record we feel the link to Rectory Lane should be kept.

Regards

Val Severn
Clerk to East Malling and Larkfield Parish Council
01732 844546

From: valerie.severn@btconnect.com
To: [Planning Applications](#)
Subject: 19/01814 Forty Acres
Date: 11 February 2020 13:14:01

For the attention of Robin Gilbert

1. We have noticed that the Landscape Officer by response dated 14th January 2020 was to make further comments on the landscape aspects of this application.
2. We would draw attention to the Medway Gap Character Area SPD which does make reference to the character of the London Road, Leybourne and especially on page 22 and the map on page 23. We ask this be taken into account in assessing this application. The map particularly shows the shaw opposite the junction with Rectory Lane which we consider to be an important local feature. There is also a scattering of small trees along the A20 northern boundary of this site some of which were cut down last year and arguably some are within the limits of the highway.
3. The map also shows the narrow belt of woodland separating Winterfield Lane, an old sunken highway, from the Winterfield estate to the east and highlighted in green. But there is also the same belt of trees adjoining the eastern boundary of Forty Acres on the bank, again some on highway land, and these trees create an archway effect over Winterfield Lane giving an important local character. This should be kept.

From: valerie.severn@btconnect.com
To: [Planning Applications](#)
Subject: TM/19/01814 Residential development - land on corner of Winterfield Lane, East Malling
Date: 14 February 2020 09:29:05

For the attention of Robin Gilbert

-
Hi Robin

1. It appears our comments on the principle of developing this greenfield site were not sent through and these are now set out below.
2. The existing Local Plan shows this as a countryside site and Policy CP14 and associated ones apply.
3. On the draft Plan submitted to the Planning Inspectorate the site is also shown as within a proposed extension of the Metropolitan Green Belt so as to protect the setting of West Malling with its many Listed Buildings and designated Conservation Area. It was also to prevent the joining up of West and East Malling plus Larkfield/Leybourne to the north. This proposal had significant public support through the Local Plan Reviews process and it would be preferable for the issue to be considered by the Examination in Public.
4. It should also be recorded the land has been used for arable farming for many years and this should be taken into account. We believe it is high grade land.
5. Although the illustrative layout plan shows the public paths crossing the site being kept (which is welcomed) they would cease to be rural countryside public paths.

Regards

Val Severn
Clerk to East Malling and Larkfield Parish Coiuncil
01732 844546

Comments for Planning Application 19/01814/OA

Application Summary

Application Number: 19/01814/OA

Address: Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Proposal: Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping

Case Officer: Robin Gilbert

Customer Details

Name: Mrs Valerie Severn

Address: East Malling & Larkfield Parish Council Church Farm, 198 New Hythe Lane Larkfield

Comment Details

Commenter Type: Councillor

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- member of neighbourhood group

Comment:!. The Parish Council notes the officers report includes reference to the KCC saying this development would generate a need for 70 additional primary school places and 50 additional secondary school places. It is proposed money be allocated to a new school at White Post Field, Aylesford and a secondary school at Broadwater Farm. The first site is subject to a "block" on issuing permission by the Government and the other has not yet been confirmed as a housing site via the now delayed Local Plan process.

Yet the existing secondary school at the Malling School is virtually next to the site. If permission is granted the council would hope that any legal agreement is flexible enough so contributions so contributions can be made to additional school provision that would be generated by this site and not tied to particular named sites.

2. It is further noted that apparently further comments were to be provided by the Councils landscape officer but the comments on trees are noted. If development takes place it is important that the existing trees should be retained especially around the boundaries of the site and the proposed open space areas. Attention is drawn to the Medway Gap Character Areas Supplementary Planning document of February 2012 with what it describes as the verdant frontage along the A20 by mature trees and hedges. There was concern when trees along the frontage of the A20 close to the old Winterfield Lane depot were felled. It is felt the triangular coppice opposite to where Rectory Lane emerges is an important landscape feature plus those going westwards and all should be kept. Ideally the council would like to see a TPO considered for

the site in respect of those trees not already covered. This is also important for the Winterfield Lane boundary to keep the character of this old sunken way with trees either side overhanging the road.



Planning Department
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent
ME19 4LZ

By Email

10th October 2019

Dear Planning Department,

TM/19/01814/OA – Development Site Land West of Winterfield Lane East Malling

West Malling Parish Council object to this application for the following reasons:

1. The site is not shown for housing on the current Local Plan and is instead shown as rural countryside. The majority of the area of this site was not submitted to the call for sites, with development upon it not included in the submitted Local Plan. The submission already includes sufficient sites to deliver the housing supply required by Government.
2. The site is proposed Green Belt on the submitted Local Plan. In addition to preserving a pristine green space, the inclusion of this site within the Green Belt extension is designed to preserve the distinctiveness of the historically separate settlements of West Malling, East Malling and Larkfield.
3. The site is crossed by virtually two diagonal, rural public footpaths which are used extensively and should be protected. Importantly, these paths provide easy access to West Malling station and therefore reduce the environmental impact of journeys to and from it by encouraging more people to walk. This application includes proposals to upgrade the footpaths, which may mean laying a hard surface. This type of work would spoil the rural character of these ancient pathways, making them much more urban in the process and spoiling their aesthetic and the enjoyment of local residents and walkers.
4. The site comprises high-quality agricultural land in continuous use since at least the last war. The site is classified as 'best and most versatile' agricultural land and records show that it has been in agricultural use for at least the last three quarters of a century. The previous Local Plan included reference to its special significance as agricultural land.
5. Even without the Green Belt designation, the site is vital in preserving the historic distinction between the settlement boundaries of West Malling, East Malling and Larkfield. These proposals will extend the urban area through this important green space which not

only marks the edge of the settlements to the north of the A20, but also the edge of both East and West Malling. The application itself acknowledges that these plans will mean a substantial extension to the build-up area.

6. Already struggling transport infrastructure will be stretched by this development. Neighbouring roads, such as the A20, are regularly heavily congested, particularly at morning and afternoon peaks and during disruption on the nearby M20. Rail capacity too is already limited during peak hours and the uncertainty around additional rail services into London and down further into Kent is further cause for concern. Specifically, the inclusion of a new access road linking the A20 to Winterfield Lane will place unmanageable pressure on Winterfield Lane, a narrow, rural thoroughfare and create a 'rat-run' from the A20 towards southerly destinations via East Malling and into West Malling.

7. The site contains a number of trees protected by Tree Preservation Orders which should be maintained. With the Council having recently declared a Climate Emergency, maintaining and upgrading green spaces with trees is a vital component of the Council's efforts to tackle irreversible climate change. This application proposes the removal of ten trees, three of which have TPO status. The application also requires four other trees to be removed away from the site, along with 51m of a hedgerow with 'important' status under the Hedgerow Regulations (1997) for access roads.

WMPC would wish to point out that this application falls within East Malling and not Leybourne.

Please note:

If this application is significantly amended subsequent to the Parish Council considering it, we would appreciate notification as this might affect our comments.

If you have any questions, please do not hesitate to contact the Parish Clerk.

Yours faithfully



Claire Christmas
Clerk to West Malling Parish Council

WEST MALLING PARISH COUNCIL
9 HIGH STREET, WEST MALLING. KENT ME19 6QH
TELEPHONE : 01732 870872 EMAIL : CLERK@WESTMALLINGPC.ORG

Planning Department
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent
ME19 4LZ

By Email

8th January 2020

Dear Planning Department,

TM/19/01814/OA – Development Site Land West of Winterfield Lane East Malling

West Malling Parish Council have had the opportunity to consider this amended application and would make the following comment.

West Malling Parish Council support the amendment to this application i.e. the removal of the link road between the A20 and Winterfield Lane, but in principle still object to the application. All other comments submitted by WMPC on 10th October 2019 still stand.

Yours faithfully



Claire Christmas
Clerk to West Malling Parish Council

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Planning, Housing & Environmental Health

Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ

Telephone 01732 844522
Web Site <http://www.tmbc.gov.uk>
email planning.applications@tmbc.gov.uk

The Parish Clerk
Leybourne Parish Council
Leybourne Village Hall
Little Market Row
Leybourne
ME19 5QL

il
Health

Your ref Land south of London Road, Le...
Our ref TM/19/01814/OA
Contact Robin Gilbert
Direct line 01732 876241
email planning.applications@tmbc.gov.uk
Date 21 August 2019

APPLICATION: TM/19/01814/OA

RECEIVED: 1 August 2019

VALIDATED: 1 August 2019

APPLICANT: Wates Developments Ltd c/o Boyer Planning Boyer London 2nd Floor 24
Southwark Bridge Road London SE1 9HF

PROPOSAL : Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping

LOCATION : Development Site Land West Of Winterfield Lane East Malling West Malling Kent

PARISH : Leybourne

Herewith copy of the above application

Views of the **Leybourne Parish/Town Council**:

Please see letter of objection.

Signed
Clerk

Please return the top copy of this document no later than 11 September 2019 unless extenuating circumstances prevail, in which case please notify me immediately.

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Annex 4: Highways England Comments

From: [Bowie, David](#)
To: [Planning Applications](#)
Cc: [Planning SE](#); [Bradley, Alistair](#); [Bown, Kevin](#)
Subject: TM/19/01814/OA - Development Site Land West Of Winterfield Lane East Malling West Malling Kent
Date: 11 September 2019 16:56:03

For attention of:	Robin Gilbert
Site:	Development Site Land West Of Winterfield Lane East Malling West Malling Kent
Proposal:	Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping.
Your Reference:	TM/19/01814/OA
Highways England's Reference:	85625 / #8401

Dear Robin

Thank you for your letter of 21 August 2019, regarding the above application and requesting a response by 11 September.

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 Junction 4.

Having reviewed the Planning Statement and Transport Assessment we have the following comments:

It is noted that para. 1.3.2 states that "*This TA addresses matters of design; however further modelling will follow in a TA Addendum and para. 6.3.2 that "Comments from KCC in June 2019 requested additional operational assessments of the following junctions which will be set out in a TA Addendum:*

- A20 London Road / New Hythe Lane junction (signals);
- A20 London Road / New Road junction (signals); and
- M20 Junction 4 (signals).

Currently the Transport Assessment does not assess the development impact at M20 Junction 4 and the TA Addendum is not on the Planning Portal.

By way of background we have assessed a number of recent applications in this locality that fall outside of the Local Plan; for each we the 2031 forecast year Local Plan Development Strategy model and reviewed spare capacity and the ability of the M20 Junction 4 to accommodate this additional growth including:

- **18/02093/OA** – (80 houses) – Highways England responded that *“On this occasion the level of trips generated by this development, at the size proposed, can be accommodated despite being additional to Local Plan Development Strategy. However any intensification or further developments will need to be further assessed for their impacts on the SRN”*.
- **18/01013** – (120 houses) - Highways England responded that *“On this occasion the level of trips generated by this development, at the size proposed, can be accommodated despite being additional to Local Plan Development Strategy. However any intensification or further developments will need to be further assessed for their impacts on the SRN”*.
- **TM/18/03030; TM/18/03031; TM/18/03032; TM/18/03033; and TM/18/03034** – (total 475 houses but tested 500) - Highways England responded that it had *“satisfied ourselves that the level of impact likely to result from the proposals, as outlined in the TN (i.e. 107 AM peak hour trips and 89 PM peak hour trips) can be accommodated on the SRN without resulting in a ‘severe’ impact on the SRN. Highways England also clarified that “once these and other recent developments that have been assessed and approved in the vicinity have been constructed and occupied, then the available spare capacity at the M20 Junction 4 is likely to be minimal and accordingly further additional trips are likely to severely affect the safety, reliability and / or operation of the junction to the extent that substantial mitigation will be required. It is therefore unlikely that Highways England will accept any further development that will impact M20 Junction 4 without accompanying improvements to the junction”*.

Accordingly the Transport Addendum should consider the ability of the M20 Junction 4 to accommodate the proposals on top of the above applications for which Highways England have given no objection.

Trip generation

The Planning Statement 18/01013 intimates comparability between this site and 18/01013; *“the site is therefore considered to have similar characteristics to the application site”*. It is noted that 18/01013 used Hermitage Lane Trip rates (17/01595) in its TA which provide slightly higher peak hour trip rates. (0.52 AM peak and 0.51 PM peak).

Trip distribution

The trip distribution analysis should be extended to include M20 Junction 4 and

any supporting rationale over route choice should be fully explained and evidenced.

Summary

In order to determine whether the application will have an impact on the SRN, we will require the Transport Addendum and the above information to demonstrate that the proposals will not 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.

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 required / requested 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 substantive response based on the position at that known time.

Should there be any queries regarding this response, please contact the team 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>

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1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

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From: [Bowie, David](#)
To: [Planning Applications](#)
Cc: [Planning SE; Bown, Kevin; Bradley, Alistair; growthandplanning](#)
Subject: TM/19/01814/OA - Development Site Land West Of Winterfield Lane East Malling West Malling Kent FAO Robin Gilbert
Date: 11 October 2019 16:48:22
Attachments: [HEPR 20191110 M 19 01814 OA - Development Site Land West Of Winterfield Lane East Malling West Malling Kent.pdf](#)

For attention of:	Robin Gilbert
Site:	Development Site Land West Of Winterfield Lane East Malling West Malling Kent
Proposal:	Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping.
Your Reference:	TM/19/01814/OA
Highways England's Reference:	85625 / #8401, #8637 & 8641

Dear Robin,

Thank you for your letter of 20 September 2019, regarding the above application and requesting a response by 4 October. We responded on 4 October indicating that we would respond within 21 days.

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 Junction 4.

Having reviewed the Planning Statement and Transport Assessment and responding on 11 September we made a number of comments. Subsequently you consulted us on a Transport Assessment Addendum dated 19 September 2019. Our response is structured using our original comments and issues, with references to the Addendum TA and our response:

It is noted that para. 1.3.2 states that "*This TA addresses matters of design; however further modelling will follow in a TA Addendum and para. 6.3.2 that "Comments from KCC in June 2019 requested additional operational assessments of the following junctions which will be set out in a TA Addendum:*

- A20 London Road / New Hythe Lane junction (signals);
- A20 London Road / New Road junction (signals); and
- M20 Junction 4 (signals)).

Currently the Transport Assessment does not assess the development impact at

M20 Junction 4 and the TA Addendum is not on the Planning Portal.

Trip generation

The Planning Statement 18/01013 intimates comparability between this site and 18/01013; *"the site is therefore considered to have similar characteristics to the application site"*. It is noted that 18/01013 used Hermitage Lane Trip rates (17/01595) in its TA which provide slightly higher peak hour trip rates. (0.52 AM peak and 0.51 PM peak).

Trip distribution

The trip distribution analysis should be extended to include M20 Junction 4 and any supporting rationale over route choice should be fully explained and evidenced.

It should be noted that we disagree with some aspects of the methodology; for example the trip distribution analysis seems to be inconsistent and no supporting evidence from the Google Maps journey planning software has been provided further to our request, for example Bexley trips have been allocated to the A228 north rather than the more likely route via the M20 West and it is not clear how 11.3% of Thanet trips are via the A229 South. Also it should be clarified that we have not reviewed the model so cannot verify the outputs.

Previously the council consulted Highways England on a number of residential planning applications which have been identified as impacting on M20 J4. In all of the recent cases we offered no objection as the modelling work undertaken demonstrated that there was spare capacity available at the junction. Most recently with regard to application no's **TM/18/03030; TM/18/03031; TM/18/03032; TM/18/03033; and TM/18/03034 (475 dwellings)** we advised that these could be accommodated at M20 J4 but that we were *'unlikely to accept any further development that will impact M20 Junction 4 without accompanying improvements to the junction'*. Those applications were subsequently refused consent by the council and therefore their impacts will not be realised on the junction.

Accordingly, this proposal TM/19/01814/OA can be considered in place of the refused applications. Therefore notwithstanding our comments on the adequacy of the supporting information it is our view that the development can be accommodated on the SRN and that the proposals will not 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. Accordingly our no objection HEPR is attached.

However, we advise the council that in accepting the impacts of this particular application this may result in a change of position from Highways England in relation to the impacts of application no's **TM/18/03030; TM/18/03031; TM/18/03032; TM/18/03033; and TM/18/03034 (475 dwellings)** should these sites either be appealed or resubmitted. It is therefore essential that the council advise Highways England immediately the status of any of these sites change. I trust that the above is of assistance and should there be any queries regarding this response, please contact the team 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>

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| 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](https://www.gov.uk/government/organisations/highways-england) | info@highwaysengland.co.uk

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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: TM/19/01814/OA

Location: Development Site Land West Off Winterfield Lane East Malling West
Malling Kent.

Proposal: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping.

Highways England Reference: #8637 & 8641

Referring to the planning application referenced above (validated 1 August 2019), in the vicinity of the M20 Junction 4 (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*

**on the basis that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109) in this location and its vicinity;*

~~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@dft.gsi.gov.uk.

Signature: 	Date: 11 October 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.

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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: 5 September 2019

Application - TM/19/01814/OA

Location - Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Proposal - Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping

Dear Robin

Thank you for consulting me on this planning application for 250 new homes on land to the south of London Road and west of Winterfield Lane, Leybourne. I have reviewed the Transport Assessment and my comments are provided below:

Accessibility/Sustainability

Improvements to footways and cycleways are proposed to provide connections to existing routes, services and facilities. The 3m footway/cycleway provision along the site frontage on A20 London Road should be extended to link with PRoW MR119 and MR120 and the pedestrian refuge on the A20 should be of sufficient width to accommodate cycles.

Bus services are available within walking distance of the site and public transport team have been consulted for advice on the suitability of these services and whether enhancements would be appropriate. Once I receive their response I will let you know.

Access

Access to the site is proposed by means of a new priority junction onto the A20 and a secondary access onto Winterfield Lane on the south side of the site. Visibility spays from the site accesses and forward visibility of the ghosted right turn lane on the A20 have been found to be acceptable. Tracking and a stage 1 safety audit has been completed on the access arrangements and found to be acceptable.

The provision of this second access will create a useful link for pedestrians/cycles and vehicles between the A20 and Chapmans Lane avoiding Winterfield Lane which is constrained in terms of width and has no footways.

Road Safety

The crash database has been interrogated to assess the safety of the surrounding road network for a 5-year period up to 30 September 2018. This should be updated to include the most recent statistics available.

The information provided to date indicates that there are no particular problems likely to be affected by this development.

Traffic Impact

Traffic generation associated with the proposed development has been estimated using the TRICs database and the methodology found to be sound.

The development is expected to generate 114 two-way vehicle trips in the AM peak and 112 in the PM peak.

Traffic distribution and assignment has been estimated using census data which is also acceptable.

The flows derived from the Visum model have been used to assess the local junctions. The junctions of A20/New Road, East Malling, A20/New Hythe Lane and M20 Junction 4 should be included in the study area and this has been agreed with the applicant and will be submitted separately in an Addendum to the Transport Assessment.

Assessments have been completed for the 2031 Do Something Scenario both with and without development traffic. This assessment includes the proposed local plan allocations, committed development and background growth. Additional assessments are required for the do minimum scenario with development.

Capacity assessments have been completed for the following junctions:

Site access junctions
A20/Lunsford Lane/Winterfield Lane
A20/Castle Way
A228/Ashton Way/Hermitage Farm

As mentioned previously the junctions of A20/New Road, East Malling, A20/New Hythe Lane and M20 Junction 4 should be included in the study area.

Site Access junctions

The results of the modelling indicate that the site access junctions would operate within capacity with development in 2031 and this includes for Local Plan growth.

A20/Lunsford Lane/Winterfield Lane

The results indicate that this junction is expected to operate over capacity in 2031 in the Do Minimum scenario and this is worsened with the addition of development traffic. Junction improvement options, comprising localised widening to increase capacity have been modelled and the results indicate that the proposals would lead to improved capacity at the junction. Please provide a safety audit of the junction improvement options.

Such improvement should be delivered by the developer under a S278 Agreement.

A20/Castle Way

The results for this junction indicate that the addition of the development traffic will take the junction over capacity in the PM peak period with significant additional queue lengths on A20

west. Mitigation and/or S106 contributions are therefore required for improvements to this junction.

A228/Ashton Way/Hermitage Farm

The results of the modelling indicate that this junction would operate within capacity with development in 2031 and this includes for Local Plan growth.

Conclusion

Additional information is required in support of this application as identified below:

1. Enhancements to bus services may be required, subject to confirmation with KCC Public Transport team.
2. The improvements to footways and cycleways through the site and fronting the site are welcomed and this should also include for :
The 3m footway/cycleway provision along the site frontage on A20 London Road should be extended to link with PRow MR119 and MR120.
The pedestrian refuge on the A20 should be of sufficient width to accommodate cycles.
3. Access arrangements have been subject to safety audit and capacity assessment and found to be acceptable as shown on drawing numbers number ITL11317-GA-001 rev. H and ITL11317-GA-006 rev D. Safety audit is also required for the highway improvement options at A20/Lunsford Lane/Winterfield Lane junction.
4. Crash data should be updated to include most recent statistics.
5. Traffic generation and distribution methodology is agreed as is the use of the Visum model traffic flows to assess local junctions. Additional junction assessments are required at A20/New Road, East Malling, A20/New Hythe Lane and M20 Junction 4. Also, additional scenarios for Do minimum with and without development are required in order to test the impact of the development without the Local Plan development strategy in place.
6. Options for mitigation/S106 contributions are required for the junction of A20/Castle Way.

Once this additional information is received I will update my comments. If you have any queries relating to the above please let me know.

Kind Regards

Louise Rowlands
Principal Transport & Development Planner



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: 31 October 2019

Application - TM/19/01814/OA

Location - Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Proposal - Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping

Dear Robin

I refer to my previous consultation response of 5 September 2019 which sets out my comments on the Transport Assessment relating to this planning application. I have now received a Transport Assessment Addendum (TAA) ref. JCB/DF/AC/ITL11317-015A R dated 19th September 2019 which seeks to address my previous comments. I have reviewed the TAA and my comments are provided below:

KCC Public Transport Team have confirmed that a contribution of £910 per dwelling would be appropriate and reasonable to allow for an improved bus service provision between the development and Maidstone Town Centre (with peak time extensions to West Malling Station) and / or bus journey time improvements.

Drawing no. ITL11317-GA-001-Rev I shows that the 3m footway / cycleway on the A20 London Road has been extended to connect with PRow MR119 and MR120 as previously requested. The pedestrian refuge has also been extended.

The proposed access arrangements have been subject to safety audit and capacity assessment and found to be acceptable as shown on drawing numbers number ITL11317-GA-001 rev. H and ITL11317-GA-006 rev D.

The crash analysis has been updated using the most recent data for the five-year period up until 30th June 2019. The study area has also been extended as requested to include the A20 London Road (between Lunsford Lane and New Road junctions), A20 London Road / New Road junction and Chapman Way. The results have been analysed and no further action is required.

Additional capacity assessments have been completed and additional scenarios have been modelled. This comprises of the following:

Junctions assessed

A20/ Site access
Winterfield Lane/site access
A20 London Road / Lunsford Lane / Winterfield Lane junction
A20 London Road / Castle Way
A228 Ashton Way / Bypass Link Road / Heritage Farm junction
A20 London Road / New Road
A20 London Road / New Hythe Lane
M20 Junction 4

These junctions have been modelled for the following scenarios:

2031 Do Minimum – this includes background growth, committed development without the Local Plan development strategy and without the application traffic
2031 Do Minimum with application traffic
2031 Do something - this includes background growth, committed development and the Local Plan development strategy but without the application traffic
2031 Do Something with application traffic
Additional scenarios have been added where mitigating measures are proposed.

Site Access junctions

The site access junctions operate with spare capacity in each of the scenarios.

A20/Lunsford Lane/Winterfield Lane

The junction is expected to operate over capacity in 2031 in the Do Minimum scenario with a Degree of Saturation of -39% in the AM peak and -19.5% in the PM peak. This becomes worse with the addition of development traffic. A junction mitigation scheme has been prepared by the developer, comprising localised widening to increase capacity. This has been modelled and the results indicate that the proposals would lead to improved capacity at the junction with a Degree of Saturation of -20.4% in the AM peak and -2.1% in the PM peak. This scheme could be delivered through a S278 Agreement. The improvement scheme is shown on Drawing number ITL11317-GA-014 at Appendix F. A stage 1 safety audit has been completed and subject to minor amendments found to be acceptable.

Whilst the applicant's improvement scheme does mitigate the impact of the development the junction will still be over capacity and queueing is expected to block through the junction in the future year assessment. KCC have developed a feasibility drawing to improve this junction and this scheme provides benefits over and above that provided by the applicant's proposed scheme. The modelling for the KCC scheme results in a Degree of Saturation of -7.5% in the AM peak and -7.9% in the PM peak. The resultant queue lengths are less likely to block through the junction; however, the applicant is not willing to provide the KCC scheme.

A20 London Road / Castle Way junction

The results for this junction indicate that the addition of the development traffic will lead to additional queue lengths and delays on A20 west in the PM peak period. The applicant proposes a s106 contribution towards improvements on the A20 corridor as mitigation.

A228 Ashton Way / Bypass Link Road / Heritage Farm junction

This junction operates with spare capacity in each of the scenarios.

A20 London Road / New Road

The Local Plan development strategy includes an improvement to capacity at this junction. The modelling indicates that this development will have some impact on the junction therefore the applicant proposes a s106 contribution towards improvements to the A20 corridor as mitigation and this is considered appropriate.

A20 London Road / New Hythe Lane junction

The results show that in the Do Something scenarios the junction operates within theoretical capacity, although most links operate with DoS's greater than 90%. In the Do Minimum scenarios the junction operates over capacity on each arm in each peak period. It is noted that the development adds 24 vehicles to the junction during both peak periods. KCC improvement scheme shows a net improvement in the performance of the junction. The applicant proposes a s106 contribution towards improvements on the A20 corridor as mitigation and this is considered appropriate.

M20 Junction 4

The results show that the traffic generated by this development has little impact on the junction and the junction remains within capacity in each of the scenarios modelled.

Summary of Junction Assessments Results

Junction	Performance	Mitigation Proposed by Applicant
Site Access junctions	Within capacity	None
A20 London Road / Lunsford Lane / Winterfield Lane junction	Over capacity	Applicants Mitigation Scheme
A228 Ashton Way / Bypass Link Road / Herm Farm	Within capacity	None
A20 London Road / Castle Way	Over capacity	S106 contribution
A20 London Road / New Road	Over capacity	S106 contribution
A20 London Road / New Hythe Lane	Over capacity	S106 contribution
M20 Junction 4	Within capacity	None

Conclusion

A significant amount of information has been provided to 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. Access to be provided from A20 London Road and Winterfield Lane as shown in principle on drawing number ITL11317-GA-001-Rev I and ITL11317-GA-006 rev. D and to include the agreed improvements to footways, cycleways and PRoW connections through the site and fronting the site and pedestrian refuges on the A20.
2. PRoW improvements to MR119 and MR120. All details to be agreed with KCC PRoW team.
3. No occupation of development until the capacity improvement scheme at the junction of A20/Lunsford Lane/Winterfield Lane as shown in principle on drawing number

ITL11317-GA-014 Rev A is completed. These works to be completed by the developer in accordance with a S278 Agreement.

4. S106 contribution of £910 per dwelling towards bus services enhancements/ bus infrastructure and / or bus journey time improvements in order to encourage sustainable travel.
5. S106 contribution of £1547.62 per dwelling towards highway improvements along the A20 between the junctions of the A228 and Coldharbour roundabout.
6. 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
7. 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.

Yours sincerely

Louise Rowlands
Principal Transport & Development Planner



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

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 6 January 2020

Application - TM/19/01814/OA

Location - Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Proposal - Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping

Dear Robin

Thank you for consulting me on the amended application. I have reviewed the most recent Technical Note ref. ITL11317-021B relating to the amendment to planning application TM/19/01814 and I note that the amendment proposes the removal of the secondary access which would provide a link through the site between the A20 and Winterfield Lane. I also note that the proposal to remove the link road from the plans follows concerns raised from East Malling and Larkfield Parish Council.

The Technical Note aims to address the initial concerns raised by KCC Highways regarding the removal of the secondary access and link; namely access arrangements and highway impact.

Access

The revised proposal removes the secondary access and provides for a single point of access from the A20 with an emergency access onto Winterfield Lane to be used only by pedestrians/cyclists and emergency services. A new ghosted right turn junction is proposed from the A20 and this is as previously agreed and includes for a new footway/cycleway along the site frontage. As the secondary access is removed traffic movements will be different to that previously assessed and therefore revised impact assessment have been provided.

The Kent Design Guide recommends that developments serving between 50 and 300 dwellings 'preferably has two points of access or is a loop with a short connection to a single point of access and a secondary emergency access link.' The illustrative site layout as shown on drawing number 6273-01g is in line with this advice.

Impact

The impact of the development on the highway with the new link road provided, has previously been assessed and found to be acceptable, subject to conditions. Further assessments have been completed to understand the impact of the development without the link road.

Trip generation is as previously agreed in respect of application TM/19/1814. The distribution and assignment of traffic has been amended to reflect the removal of the secondary access/link road from Winterfield Lane. The redistribution of traffic affects the junctions of A20/ site access and A20/London Road/Winterfield Lane. The adjustment basically takes the 10% of development traffic flows from the Winterfield Lane access and reassigns them through to the A20 junction and then along the existing Winterfield Lane. The reassigned traffic flows resulting from the removal of the secondary access are relatively small; Winterfield Lane would see an additional 11 traffic movements during the AM peak and 12 in the PM peak.

Assessments of the A20 site access junction and the A20/Lunsford Lane/Winterfield Lane junction have been conducted comparing the 2031 Do Minimum and 2031 Do something scenarios in the peak hours, with the same scenarios but with the Wates development traffic included.

2031 Do Minimum with development (Peak hours)
2031 Do Something with development (Peak Hours)
The scenarios without development remain unchanged.

A20/Site Access

The junction has been modelled using Junctions 9 PICADY and has been found to operate within capacity in the 2031 with development scenarios.

A20/Lunsford Lane/Winterfield Lane

The junction has been modelled using LINSIG assuming mitigating measures are in place. The mitigating measures comprise of junction improvements; an i-Transport scheme and a KCC scheme as identified previously.

The results indicate that for both schemes, the improvements to the junction would fully mitigate the impacts of the development albeit that the KCC scheme offers additional capacity and therefore improved results.

Conclusion

The secondary access/link road was put forward in the planning application in order to provide an alternative route to Winterfield Lane and to relieve congestion at the junction of A20/Lunsford Lane/Winterfield Lane. The assessment without the link road indicates that the removal of the link road from the proposal would not have any significant impact. Therefore, subject to the mitigating measures previously agreed the revised proposal would be acceptable in highway terms.

I therefore confirm that I have no objections to the amended application subject to the following conditions:

1. Access to be provided from A20 London Road and Winterfield Lane as shown in principle on drawing number ITL11317-GA-001 and ITL11317-GA-017 and to include the agreed improvements to footways, cycleways and PRoW connections through the site and fronting the site and pedestrian refuges on the A20.
2. Land to be dedicated to highway adjacent to the emergency access at the boundary with Winterfield Lane as shown on drawing ITL11317-GA-018.
3. PRoW improvements to MR119 and MR120. All details to be agreed with KCC PRoW team.

4. No occupation of development until the capacity improvement scheme at the junction of A20/Lunsford Lane/Winterfield Lane as shown in principle on drawing number ITL11317-GA-014 is complete. These works to be completed by the developer in accordance with a S278 Agreement.
5. S106 contribution of £910 per dwelling towards bus services enhancements/ bus infrastructure and / or bus journey time improvements in order to encourage sustainable travel.
6. S106 contribution of £1547.62 per dwelling towards highway improvements along the A20 between the junctions of the A228 and Coldharbour roundabout.
7. 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
8. 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.
9. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

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 sincerely

Louise Rowlands
Principal Transport & Development Planner

creating a better place



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

Our ref: KT/2019/126054/01-L01
Your ref: 19/01814/OA
Date: 05 September 2019

Dear Sir/Madam

OUTLINE APPLICATION: ERECTION OF UP TO 250 NEW HOMES (40% AFFORDABLE), NEW COMMUNITY BUILDING, PROVISION OF A NEW COUNTRY PARK AND OTHER AREAS OF PUBLIC OPEN SPACES, AREAS OF PLAY, UPGRADE OF EXISTING FOOTPATHS, TOGETHER WITH NEW VEHICULAR ACCESSSES ONTO LONDON ROAD AND WINTERFIELD LANE CREATING A NEW LINK ROAD AND ASSOCIATED PARKING AND LANDSCAPING

DEVELOPMENT SITE LAND WEST OF WINTERFIELD LANE, EAST MALLING, WEST MALLING, KENT

Thank you for consulting the Environment Agency on the above. Due to the previous use of land, the scale, nature and setting of this proposal and the supporting information submitted, we do not object to the proposal in principle providing the following conditions are placed on any permitted development.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

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 from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

NOTE: any hotspots of identified contamination, (tipped materials) surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works.

Condition

No infiltration of surface water drainage into the ground is permitted other than with

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



the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

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 in line with paragraph 170 of the National Planning Policy Framework.

We understand foul drainage will connect to the local foul drainage network. No other foul option is likely to be acceptable at this location.

Any planning permission must ensure that adequate provision in existing sewer capacity or any required upgrades are tied in to development timetables.

Condition:

Development here by approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority in consultation with the water undertaker. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any phase of development can take place until the installed scheme is confirmed as meeting the agreed specifications and connections are made to the SW network.

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 in line with paragraph 170 of the National Planning Policy Framework.

Informative

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and

the Environmental regulations page on GOV.UK.

Decision notice

We require decision notice details for this application, in order to report on our effectiveness in influencing the planning process. Please email decision notice details to kslplanning@environment-agency.gov.uk

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

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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/2019/075151
Date: 12 September 2019

Application No: TM/19/01814/OA

Location: Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Proposal: Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping

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

Kent County Council as Lead Local Flood Authority have the following comments:

We have reviewed the information received and are satisfied with the proposals for dealing with surface water, namely through the use of infiltration.

On this occasion we are prepared to accept the principle that half drain times of less than 24 hours are not achievable for the larger rainfall events, this on the understanding that there will be capacity within the basins to store this additional volume. As part of the detailed design application we would expect for it to be demonstrated that this area will contain valuable landscape features and not simply be a grass slope.

Should you as LPA be minded to grant approval we would recommend that the following conditions be applied:

Condition:

Development shall not begin in any phase 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 be based upon the DRAINAGE ASSESSMENT, ref C85673-R400A 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 within the curtilage of the site without increase to flood risk on or off-site.

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. 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.

Condition:

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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of 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, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

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,

Neil Clarke

Senior 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/2019/075151
Date: 19 December 2019

Application No: TM/19/01814/OA

Location: Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Proposal: Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular accesses onto London Road and Winterfield Lane creating a new link road and associated parking and landscaping

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

We have no further comment to make on this proposal and would refer you to our previous response on 16 September 2019.

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,

Becca Nicholas
Technical Support Officer
Flood and Water Management

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Economic Development

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

Invicta House
County Hall
Maidstone
ME14 1XX

Phone: 03000 417075
Ask for: Allan Gilbert
Email: allan.gilbert@kent.gov.uk

4 October 2019

FAO: Robin Gilbert

Your Ref: TM/19/01814/OA
Our Ref: K/E/TM/19/01814 AG

Dear Robin,

Provision and Delivery of County Council Community Services

I refer to the above planning application which concerns proposed residential development at **Development Site Land West of Winterfield Lane, East Malling** and comprising: **250 new households**.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

- 1) Necessary,
- 2) Related to the development, and
- 3) Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary

	Per 'applicable' House (x250)	Per 'applicable' Flat	Total	Project
Primary Education	£4535.00	£1134.00	£1,133,750.00	Towards Phase 1 of a new Aylesford Primary School
Primary Land	£3208.18	£802.05	£802,045.00	Towards land acquisition for a new Aylesford Primary School
Secondary Education	£4687.00	£1172.00	£1,171,750.00	Towards the new Broadwater Farm Secondary School
Secondary Land	£3059.26	£764.81	£764,815.00	Towards the land costs of the Broadwater Farm Secondary School

'Applicable' excludes 1 bed units of less than 56 sqm GIA, and sheltered accommodation.

	Per Dwelling (x250)	Total	Project
Community Learning	£32.57	£8142.35	Aylesford School Adult Education Centre additional equipment for the new learners
Youth	£65.50	£16,375.00	Towards additional resourcues for Youth services locally
Library bookstock	£50.39	£12,596.70	Towards Larkfield Library enhancement and additional bookstock for the new borrowers
Social Care	£146.88	£36,720.00	Towards extra care accommodation within the Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£237.54	£59,385.00	Towards new Household Waste Recycling Centre in Tonbridge and Malling
Broadband:	<p>INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise Broadband connections. Access to gigabit broadband is 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 gigabit connection. We understand that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to the developer. For advice on how to</p>		

	proceed with providing broadband access please contact broadband@kent.gov.uk
Highways	<i>Kent Highway Services will advise separately</i>

Please note that these figures:

- are to be **index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment** (Oct-16 Index 328.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Justification for infrastructure provision/development contributions requested

The County Council has reviewed the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the Appendices **1, 2 & 3** attached.

Primary Education

The proposal gives rise to 70 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of a new Primary School in Aylesford.

The additional Primary School pupils arising from the proposal could only be accommodated through the construction of a new primary school; there are no existing local schools which can be expanded to mitigate the direct demand generated. The ability for the County Council to mitigate the impact of the proposed development is dependent on securing land in the local area of sufficient size to accommodate a two-form entry primary school; this process is currently ongoing through both the Borough's Local Plan process and as part of a current separate planning application (TM/17/01595).

Land required for the school is not within this application site and is not yet within the County Council's ownership nor is the landowner of the intended school land obligated to transfer it to the County Council as part of an existing planning obligation. The intended new school which will form mitigation for this proposal is within site LP28 of Tonbridge and Malling's draft Local Plan, the proposed policy for which includes provision of a Two Form Entry Primary School Site. The Local Plan is at examination stage as of September 2019 and consequently is not yet adopted policy; there is not yet assurance that the provision of a Two Form Entry primary school site will be made within the Aylesford area.

The proposed allocation site (LP28) is subject to a current planning application (TM/17/01595) for 840 new dwellings and a primary school, the application does include provision of land for a school but the area of land has not yet been finalised; should the area not be sufficient to accommodate a two form entry school then the new school within TM/17/01595 would not be able to act as mitigation for this application site TM/19/01814.

A suitable mechanism such as a Grampian condition to prevent the development from generating pupil demand prior to the necessary school site being secured by the County Council would be required to ensure the direct impact of the proposal could be mitigated.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of *'first come, first served'* assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

The County Council requires a financial contribution towards the build costs of a **new Primary School in Aylesford** at **£4535 for each 'applicable' house & £1134 for each 'applicable flat** ('applicable' means: all dwellings, except 1 bed of less than 56sqm GIA and any sheltered accommodation).

The County Council also requires proportionate contributions towards the Primary School **land** acquisition cost at **£3208.18 per applicable house** and **£802.05 per applicable flat**.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2019-23 and and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

.....

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to 50 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of a **new Secondary School at Broadwater Farm**, north of Kings Hill within LP30 of the submitted Local Plan.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school accommodation will be provided through a new Secondary School at Broadwater Farm and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

The County Council requires a financial contribution towards construction of the **new Broadwater Farm Secondary** school at **£4687.00 for each 'applicable' house** and **£1172.00 for each applicable flat** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and any sheltered accommodation –please confirm if any 1 bed or sheltered accommodation is proposed).

Whilst KCC is expecting and will be using every endeavour to secure the new Broadwater Farm Secondary School site as an 'allocation' in the Local Plan at no cost to the County Council, KCC will require an undertaking for proportionate contributions up to a maximum of **£3039.26 per applicable house** and **£764.81 per applicable flat** from this site towards any land acquisition costs for the Broadwater Farm Secondary School.

The site acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

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Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£32.57 per dwelling** towards the cost of providing additional equipment and classes at Aylesford School Adult Education Centre, local to the development.

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Libraries

KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and there is an assessed shortfall in bookstock provision of 1007 bookstock per 1000 population in Tonbridge North which is below the County average of 1134, and both the England and total UK figures of 1399 and 1492 respectively. The capital cost of providing enhancements to Larkfield Library and supplying the additional stock required to mitigate the impact of the additional borrowers from this development is **£12,596.70**.

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Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards additional resources for the Youth service locally - Aylesford Youth club.

.....

Social Care

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.

To mitigate the impact of this development, KCC Social Care requires:

- a proportionate monetary contribution of **£146.88 per household** (as set out in Appendix 3) towards extra care accommodation in the Borough local to the development.
- The **Ministry of Housing, Communities and Local Government** identified in June 2019 guidance *Housing for older and disabled people* the need to provide housing for older & disabled people is critical. **Accessible and adaptable housing** enables people to live more independently and safely. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to Building Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant's requirements.

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Waste

Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's will be over capacity by 2020 and additional housing has a significant impact on the manageability of waste in Kent.

There is not currently a HWRC within the Tonbridge & Malling District. Residents are required to travel to the closest site, located in Tovil, Maidstone. The Tovil HWRC is a very busy site, which has reached its practical capacity, resulting in vehicles queuing out of the site on to the public highway, causing delays to visitors of the HWRC and the wider local

area. Measures to improve the efficiency of the site as well as the permitted tonnage capacity have been investigated and where possible implemented over the past few years. However, demand has continued to grow, such that there are now no practicable options to make further improvements at this site. Future housing growth / population increase from developments such as that proposed in East Malling indicates a significant increase in capacity will be required in this area.

Consequently, KCC has a project to open a new site within the T&M District area, that will relieve the capacity issues currently being observed at Tovil and provide much needed capacity in this area for the projected increase in demand from residents of new developments such as that at East Malling.

A contribution of **£237.54 per household** is therefore required towards the new Household Waste Recycling Centre in Tonbridge & Malling, to accommodate the increased waste throughput and mitigate the impact arising from this development.

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Broadband: Fibre to the premise/gigabit capable

The Department for Culture, Media and Sport requires fibre to the premise/gigabit capable fibre optic connection for all.

Please include within any Planning Consent the requirement to provide 'fibre to the premise' broadband connections to all premises of gigabit capacity.

.....

Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

We look forward to hearing from you with details of progress on this matter.

Yours faithfully,

Allan Gilbert

Allan Gilbert
Development Investment
Kent County Council

cc Wates Developments Ltd, c/o Boyer Planning, 2nd Flr, 24 Southwark Bridge Rd,
London SE1 9HF – Philip Allin
KCC Education & Communities, Invicta House
File

Appendix:

The following Appendix contains the technical details of the County Council's assessment:

1. Education assessment
2. Communities assessment
3. Social Care assessment

KCC developer contribution assessment for Primary Education

District: Tonbridge and Malling	1-bed: 0
Site: Development Site Land West Of Winterfield Lane East Malling West Malling Kent	Houses: 250
Plan ref: TM/19/01814	Flats: 0
Date: 19/09/2019	Total units: 250

Current and forecast pupils on roll for schools within

East Malling planning group

DFE no.	School	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
2514	Brookfield Infant School	178	177	172	172	178	182
5223	Brookfield Junior School	235	254	244	247	248	248
5208	Ditton CE Junior School	248	240	247	247	250	252
5212	Ditton Infant School	175	164	174	174	180	184
3324	Leybourne St. Peter and St. Paul CE Primary School	209	209	210	210	214	218
2562	Lunford Primary School	210	207	211	213	216	219
2006	St. James the Great Academy	195	183	201	202	208	212
3057	St. Peter's CE Primary School (Aylesford)	165	164	166	165	170	172
2030	Valley Invicta Primary School at Aylesford	301	329	319	337	343	350
Current and forecast pupils on roll (excluding the expected pupil product from all new developments)		1,916	1,927	1,946	1,967	2,009	2,037
Required capacity to maintain 5% surplus capacity		2,017	2,028	2,048	2,070	2,114	2,144

Current and forecast capacity for schools within

East Malling planning group

DFE no.	School	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
2514	Brookfield Infant School	180	180	180	180	180	180
5223	Brookfield Junior School	240	248	248	252	252	252
5208	Ditton CE Junior School	256	256	256	256	256	256
5212	Ditton Infant School	180	180	180	180	180	180
3324	Leybourne St. Peter and St. Paul CE Primary School	210	210	210	210	210	210
2562	Lunford Primary School	210	210	210	210	210	210
2006	St. James the Great Academy	210	210	210	210	210	210
3057	St. Peter's CE Primary School (Aylesford)	168	164	168	168	168	168
2030	Valley Invicta Primary School at Aylesford	330	330	330	315	300	285
Current and forecast capacity (1)		1,984	1,988	1,992	1,981	1,966	1,951

(1) including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within:

East Malling planning group

Planning reference	Development	Houses	Flats	Primary product
TM/19/01816	Land East of A229 & West of Chatham Road, Aylesford, Kent	31	0	9
TM/19/00376	Land South West of London Road and west of Castor Park, Allington Maidstone Kent	68	14	20
TM/19/00246	Pinewood Depot Winterfield Lane East Malling West Malling	13	0	4
TM/18/03048	Garden Centre Rear Of 400 Hermitage Lane Maidstone Kent ME16 9NT	9	0	3
TM/18/03031	Development Site North Of 51 Amber Lane Kings Hill West Malling Kent	73	2	21
TM/18/03032	Heath Farm Wateringbury Road East Malling West Malling Kent	40	0	11
TM/18/03008	Site East Of Clare Park Estate New Road East Malling West Malling Kent	110	0	31
TM/18/02966	Development Site South Of Brampton Field Between Bradbourne Lane And Kiln Barn Road Ditton Aylesford	270	6	76
TM/18/00995	94 Mill Hill Aylesford Kent ME20 7JN	0	13	1
TM/17/03513	Land West of Hermitage Lane and East Units 4a,4b & 4c Mills Road Quarrywood Industrial Est Aylesford	33	12	10
TM/17/03350	Former Distribution Centre, Station Road, Aylesford (S106)	56	20	0
TM/17/01595	Land South of London Road and East of Hermitage Lane, Aylesford	840	0	235
TM/17/00964	Phoenix House, Forstal Road, Aylesford (S106)	12	0	0
TM/16/03657	Land North of Junction New Hythe Lane & Sheldon Way Larkfield The Old Print Works (S106)	4	8	0
Previously assessed developments in the area		1,559	75	420
This development		250	0	70

Assessment summary

Detail	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from all new developments)	-33	-40	-56	-89	-148	-193
Expected pupil product from previously assessed developments	420	420	420	420	420	420
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments	-452	-460	-476	-509	-568	-613
Expected pupil product from this development	70	70	70	70	70	70
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments and this development	-522	-530	-546	-579	-638	-683
Expected pupil product from this development that on current plans for school provision cannot be accommodated	70	70	70	70	70	70

Background notes:

Pupil forecasts 2018 (base + migration) employed from September 2018. Incorporating roll data from Schools Census Autumn 2017. Data from the Health Authority includes pre-school children born up to 31st August 2017. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

KCC developer contribution assessment for Secondary (Years 7-11) Education

District:	Tonbridge and Malling	1-bed:	0
SRA:	Development Site Land West Of Winterfield Lane East Malling West Malling Kent	Houses:	250
Plan ref:	TM/19/01814	Flats:	0
Date:	19/09/2019	Total units:	250

Current and forecast pupils on roll for schools within		Malling non-selective and Maidstone & Malling selective planning groups					
DfE no.	School	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
4058	Jevkta Grammar School	1,098	1,167	1,164	1,164	1,172	1,185
4522	Maidstone Grammar School	931	977	976	994	1,003	998
4523	Maidstone Grammar School for Girls	880	899	896	883	880	888
5422	Oakwood Park Grammar School	767	782	783	784	770	778
5410	Aylesford School - Sports College	682	667	721	724	763	798
4065	Holmesdale School	538	526	530	540	537	573
5425	Malling School	721	826	876	958	999	1,018
Current and forecast pupils on roll (excluding the expected pupil product from all new developments)		5,617	5,844	5,947	6,047	6,123	6,237
Required capacity to maintain 5% surplus capacity		5,913	6,152	6,259	6,365	6,446	6,565

Current and forecast capacity for schools within		Malling non-selective and Maidstone & Malling selective planning groups					
DfE no.	School	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
4058	Jevkta Grammar School	1,122	1,080	1,062	1,044	1,026	1,008
4522	Maidstone Grammar School	905	935	965	995	1,025	1,025
4523	Maidstone Grammar School for Girls	900	900	900	900	900	900
5422	Oakwood Park Grammar School	770	800	810	820	800	800
5410	Aylesford School - Sports College	900	900	900	900	900	900
4065	Holmesdale School	900	900	900	900	900	900
5425	Malling School	900	900	900	900	900	900
Current and forecast capacity (1)		6,397	6,415	6,437	6,459	6,451	6,433

(1) including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within		Malling non-selective and Maidstone & Malling selective planning groups			
Planning reference	Details	Houses	Flats	Secondary product	
TM/19/01816	Land East of A229 & West of Chatham Road, Aylesford, Kent	31	0	6	
TM/19/01531	Barfield House Teston Road Offham West Malling Kent ME19 5FD	7	0	0	
TM/19/01390	West Malling Golf Club London Road Addington West Malling Kent ME19	3	0	0	
TM/19/01067	Scarbroths London Road Addington West Malling Kent ME19 5AH	18	0	1	
TM/19/00376	Land South West of London Road and west of Carter Park, Abingdon Maidstone Kent	68	14	14	
TM/19/00246	Pinewood Depot Winterfield Lane East Malling West Malling	13	0	3	
TM/18/03048	Garden Centre Rear Of 400 Hermitage Lane Maidstone Kent ME16 9NT	9	0	2	
TM/18/03033	Development Site between 23 Kings Hill Avenue & 8 Abbey Wood Rd, Kings Hill	0	38	0	
TM/18/03031	Development Site North Of 51 Amber Lane Kings Hill West Malling Kent	73	2	15	
TM/18/03030	Development Site between J. Tower View and 35 Kings Hill Avenue, Kings Hill West Malling	0	48	1	
TM/18/03024	Development Site North And East Of Jubilee Way Kings Hill West Malling Kent	113	57	6	
TM/18/03012	Heath Farm Wateringbury Road East Malling West Malling Kent	40	0	8	
TM/18/02098	Site East Of Clare Park Estate New Road East Malling West Malling Kent	110	0	22	
TM/18/02966	Development Site South Of Brampton Field Between Bradbourne Lane And Kibb Barn Road Ditton Aylesford	270	6	54	
TM/18/02093	Field at Corner of Lavender Road & Swan Street West Malling	80	0	4	
TM/18/01043	Land East of King Hill West Malling Kent	120	0	6	
TM/18/00995	94 Hill Hill Aylesford Kent ME20 7JN	0	13	1	
TM/17/03513	Land West of Hermitage Lane and East Units -a, -b & -c M&B: Road Quarrywood Industrial Est Aylesford	33	12	7	
TM/17/03330	Former Distribution Centre, Station Road, Aylesford	56	20	12	
TM/17/01864	Site of former Upper Bell Pit, 1 Chatham Road, Aylesford	4	8	1	
TM/17/01595	Land South of London Road and East of Hermitage Lane, Aylesford	840	0	168	
TM/17/00964	Private House, Forstal Road, Aylesford (S106)	12	0	0	
TM/16/03657	Land North of Junction New Hyde Lane & Sheldon Way Larkfield The Old Print Works	4	8	1	
MA/19/50380	Land West of Old Chatham Road, Sandling, Maidstone	8	0	0	
MA/19/503652	Tovill Working Mens Club Tovill Hill Tovill ME15 6QS	12	6	1	
MA/19/502469	Plumtree Retreat Hogham Lane Harrietsham ME17 1JZ	248	0	12	
MA/19/502426	Land at Fishers Farm, Fishers Road, Staplehurst	16	0	1	
MA/19/501600	Land West of Church Road Offham Maidstone	308	88	17	
MA/19/506657	Land West of Loder Close and Westwood Close Ham Lane Lenham	46	0	2	
MA/19/506389	51 Cranville Road Maidstone Kent ME16 2BQ	0	10	0	
MA/18/505358	81 London Road Maidstone Kent ME16 0DU	0	3	0	
MA/18/50624	27-27 Lower Stone Street, Maidstone ME15 6RH	0	16	0	
MA/18/505561	Benketts Scrap Yard, Claygate Road, Yalding, Maidstone ME18 6BB	32	0	2	
MA/18/504207	11 Waterloo Street Maidstone ME15 7UG	0	10	0	
MA/18/503551	1-3 Foster Street Maidstone ME15 6NH	3	9	0	
MA/18/502683	Lyeewood Farm Green Lane Boughton Moncheheca	79	0	4	
MA/18/501414	Kent House Romney Place Maidstone Kent ME15 6JA	0	16	0	
MA/18/500160	3 Tonbridge Road Maidstone Kent ME16 8BP	0	4	0	
MA/17/505255	La Rochelle, Church Lane, Harrietsham, ME17 1BG	10	0	1	
MA/17/505295	Spencers Field Goodhurst Road Marden Kent (S106)	50	6	0	
MA/17/504754	Marden Cricket and Hockey Club, Stanley Road, Marden (S106)	103	6	0	
MA/17/504568	KCC Springfield, Sandling Road, Maidstone	0	136	2	
MA/17/504632	Brunswick Street, Maidstone (S106)	14	33	0	
MA/17/504128	Car Park, Union Street/Queen Anne Road, Maidstone (S106)	17	18	0	
MA/17/503520	Land at Castle Dene, Maidstone	14	0	1	
MA/17/503118	Land West of Windmill Lane, Eylome Street, Hollingbourne	10	0	1	
MA/17/503237	J B Garage Doors Siray Hill Tovill Maidstone Kent ME15 6PL	0	6	0	
MA/17/502355	Land at Forest Hill, Tovill	20	5	1	
MA/17/502433	Springfield Hill, Sandling Road, Maidstone (S106)	70	151	0	
MA/17/502396	Land East of Globe Gardens, Old Ashford Road, Lenham	10	0	1	
MA/17/502072	Site H1(60), Forstal Lane, Coxheath (S106)	210	0	0	
MA/17/501278	Land West of Eclipse Park, Sittingbourne Road (S106)	33	8	0	
MA/17/501449	Land North Of Bicknor Wood Sutton Road Maidstone (S106)	232	8	0	
MA/17/501196	Riverhill Apartments, 10-12 London Road, Maidstone	12	0	1	
MA/17/501503	Springfield Park, Engineers Road, Maidstone	0	140	2	
MA/17/500388	The Maidstone Studios Vinters Business Park New Cut Road Maidstone	51	23	3	
MA/17/500157	Land North of Old Ashford Road, Lenham	151	0	8	
MA/16/508660	Land South of Vicarage Road, Yalding (S106)	62	5	0	
MA/16/508640	East of Eylome Street, Hollingbourne	10	0	1	
MA/16/507464	34C Gabriels Hill, Maidstone	0	22	0	
MA/16/507471	Land Adj Royal Engineers Road Maidstone Kent (S106)	0	136	0	
MA/16/507035	Gibbs Hill Farm, Grigg Lane, Headcorn (S106)	55	0	0	
MA/16/506649	Land South of Heath Road, Coxheath	68	0	3	
MA/16/506707	57-59 Church Street, Tovill Maidstone Kent ME15 6RB	9	3	0	
MA/16/506266	Sharn House, Tovill Green, Tovill	12	0	1	
MA/16/505892	Headcorn Hill Biddenden Road Headcorn Kent TN27 9UD	14	0	1	
MA/16/505401	Vicarage Field, Wares Farm, Linton Hill, Linton	13	0	1	
MA/16/505427	Bell Farm, North Street, Barming (S106)	34	1	0	
MA/16/505425	Wrens Cross, Upper Stone Street, Maidstone	0	50	1	
MA/16/504364	Knightbridge Court Knightbridge Street Maidstone ME15 6LU	0	8	0	
MA/16/503775	Land At Bicknor Farm Sutton Road Langley Kent ME17 3NG (S106)	220	23	0	
Previously assessed developments in the area		4,155	1,176	398	
This development		250	0	50	

Assessment summary						
Details	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from all new developments)	494	263	178	94	5	-132
Expected pupil product from previously assessed developments	398	398	398	398	398	398
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments	87	-134	-220	-104	-392	-530
Expected pupil product from this development	50	50	50	50	50	50
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments and this development	37	-184	-270	-154	-442	-580
Expected pupil product from this development that on current plans for school provision cannot be accommodated	13	50	50	50	50	50

Background notes:

Pupil forecasts 2018 (base + migration) employed from September 2018. Incorporating m&B data from School Census Autumn 2017. Data from the Health Authority includes pre-school children born up to 31st August 2017. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

Appendix 1A									
Education									
Site Address:		Land West of Winterfield Lane, East Malling							
Planning Ref:		TM/19/01814							
Unit Numbers:									
		Houses:	250						
		Flats:	0						
		Total:	250						
Primary									
1.1 Primary Pupils generated:									
		Per house	0.28	70.00					
		Per flat	0.07	0					
		Total New Prim Pupils generated		70.00					
1.2 New Primary School build contribution:									
		New Build cost per pupil		£16,198					
						*Total	£1,133,750.00		
						*Total above will vary if development mix changes			
						Rate	per pupil	£16,198	
						Rate	per house	£4,535.00	
						Rate	per flat	£1,134.00	
1.3 New Primary School site contribution									
		Residential Land prices	Tonbridge & Malling	£950,000	per acre				
Primary:		2FE School	420 pupils	2.05 ha	5.065555 acres				
Equation:		(Prim School Site area x Residential Land Value) x Number of pupils generated by the proposed development / Number of pupils in New Prim School							
		(5.065555 x £950,000)	x	70 /	420 =	*Total:	£802,045.00		
						*Total above will vary if development mix changes			
						**Cost	per pupil	£11,457.80	
						**Cost	per house	£3,208.18	
						**Cost	per flat	£802.05	
1.4 Total Primary Build & Land contribution									
									£1,935,795.00
Secondary									
2.1 Secondary Pupils Generated									
		Per House	0.20	50.00					
		Per Flat	0.05	0.00					
		Total New Sec Pupils generated		50.00					
2.2 New Secondary School Build contribution									
		New build cost per pupil		£23,434					
						*Total	£1,171,750.00		
						*Total above will vary if development mix changes			
						Rate	per pupil	£23,434	
						Rate	per house	£4,687.00	
						Rate	per flat	£1,172.00	
2.3 New Secondary School site contribution									
		Residential Land prices	Tonbridge & Malling	£950,000	per acre				
Secondary:		8FE School (inc sixth form)	1550 pupils	10.1 ha	24.9571 acres				
Equation:		(Sec School Site area x Residential Land Value) x Number of pupils generated by the proposed development / Number of pupils in New Sec School							
		(24.9571 x £950,000)	x	50 /	1550 =	*Total:	£764,815.00		
						*Total above will vary if development mix changes			
						**Cost	per pupil	£15,296.29	
						**Cost	per house	£3,059.26	
						**Cost	per flat	£764.81	
2.4 Total Secondary Build & Land contribution									
									£1,936,565.00
Notes:									
*Totals above will vary if development mix changes and land prices change									
**Costs above will vary dependant upon Land Price at the date of Transfer of the School site to KCC									

APPENDIX 2

KCC Communities

Development Contributions Assessment

Site Name	Land west of Winterfield Lane, East Malling
Reference No.	TM/19/01814
District	Tonbridge and Malling
Location (Ward)	East Malling
Assessment Date	28/08/2019
Development Size	250

E

COMMUNITY LEARNING & SKILLS		
	Centres	Outreach
Current adult participation in Tonbridge and Malling district	1,988	468
LESS Current Service Capacity	1,436	451
Initial capacity shortfall/surplus (Year ending 2011)	-552	-17
New adult participation from this development	11.45 clients	6.17 clients
Will service capacity be exceeded?	YES	YES
Contributions requested from this development		<u>£32.57 per dwelling</u>
<i>250 dwellings from this proposal</i>		<u>£8,142.35</u>
<i>Contributions requested towards Aylesford School Adult Education Centre additional equipment for the new learners</i>		

YOUTH SERVICE	
	Centres
Current youth participation in Tonbridge and Malling district	812
LESS Current Service Capacity	536
Initial capacity shortfall/surplus (Year ending 2011)	-276
New youth participation from this development	9.35 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£65.50 per dwelling</u>
<i>250 dwellings from this proposal</i>	<u>£16,375.00</u>
<i>Contributions requested towards additional resources for Youth services locally</i>	

LIBRARIES	
	Larkfield Library
Libraries assessed for this development	
Current overall library borrower numbers in assessed area	3,842
LESS Area Service Capacity	2,517
Initial capacity shortfall/surplus (Year ending 2011)	-1,325
New borrowers from this development	140.51 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£50.39 per dwelling</u>
<i>250 dwellings from this proposal</i>	<u>£12,596.70</u>
<i>Contributions requested towards Larkfield Library enhancement and additional bookstock for the new borrowers</i>	

Net contributions requested for KCC Communities' Services

£37,114.05

APPENDIX 3				
	Social Care			
	Land west of Winterfield Lane, East Malling			
	TM/19/01814			
	250	Households		
	Project	Location	Cost per Household	Cost for this Site
	Extra Care Accommodation	within the Borough	£ 146.88	
			£ 146.88	£ 36,720.00
and	All Homes built as	Wheelchair Accessible & Adaptable Dwellings	in accordance with Building Regs Part M 4 (2)	

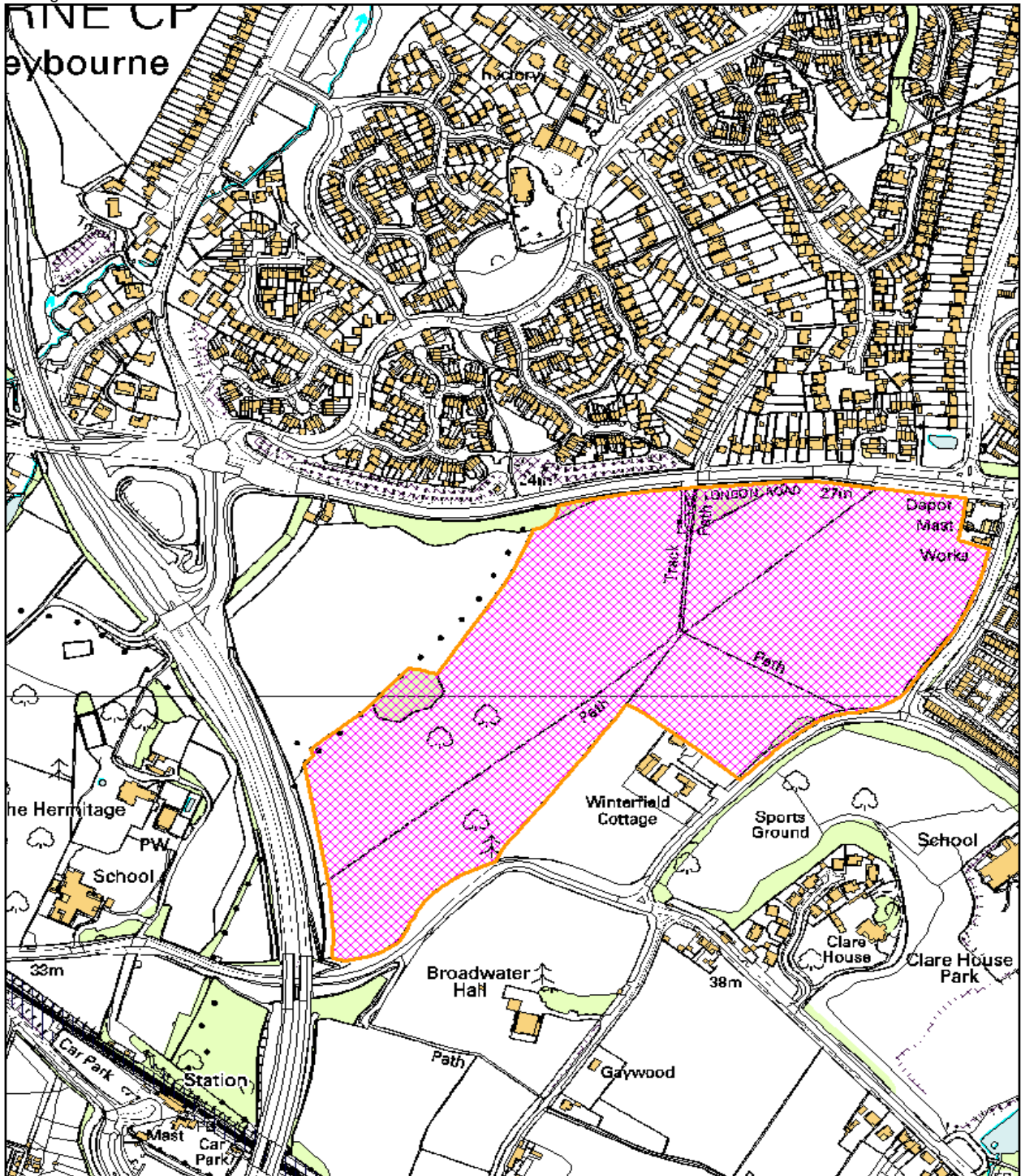
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TM/19/01814/OA

Development Site Land West Of Winterfield Lane East Malling West Malling Kent

Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping

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**East Malling &
Larkfield**
East Malling

14 May 2018

TM/18/01106/FL

Proposal: Proposed new entrance to No.165 Wateringbury Road
Location: Belvidere Oast 165 Wateringbury Road East Malling West
Malling Kent ME19 6JE
Go to: [Recommendation](#)

1. Description:

- 1.1 Determination of this application was deferred on 04 June 2020 to allow for legal services to provide the committee with written legal advice setting out the risks involved should the recommendation of officers to refuse planning permission on highway safety grounds not be accepted. This advice is appended as a private report to these papers.
- 1.2 Copies of the all previous reports and annexes are also appended in full for ease of information. For the avoidance of any doubt, there have been no new issues raised, information provided or representations received since 04 June.
- 1.3 The recommendation to refuse planning permission is reiterated below.

2. Recommendation:

- 2.1 **Refuse planning permission** for the following reason:

Reason:

- 1 The proposed development by virtue of the lack of suitable forward visibility splays for vehicles emerging from the proposed access, will cause unacceptable harm to highway safety and is, therefore, contrary to policy SQ 8 (2) of the Managing Development and the Environment - Development plan Document 2010 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

Contact: Matthew Broome

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Report from 4 June 2020

**East Malling &
Larkfield**
East Malling**14 May 2018****TM/18/01106/FL**

Proposal: Proposed new entrance to No.165 Wateringbury Road
Location: Belvidere Oast 165 Wateringbury Road East Malling West
Malling Kent ME19 6JE
Go to: [Recommendation](#)

1. Description:

- 1.1 Determination of this application was deferred by APC3 on 25 April 2019 to allow the applicant a further opportunity to submit information in support of the proposed development. My previous report is appended in full for Members information, at Annex 1.
- 1.2 A Technical Note was subsequently prepared by Charles and Associates on behalf of the applicant and submitted in support of this application in August 2019. This is appended in full in Annex 2. The note seeks to describe the lack of visibility afforded by the current vehicle access serving this (and the neighbouring) site, provides a summary of the accidents recorded along this stretch of Wateringbury Road, close to the application site, and the forward visibility that would be afforded by the proposed access.
- 1.3 Members will note that this application was previously intended to be reported back to APC3 on 19 March but it was necessary to cancel that meeting due to national circumstances.

2. Consultees: (since 25 April 2019)

- 2.1 KCC (H&T): I note that speed surveys have not been undertaken. For the purposes of calculation therefore, without survey data, traffic speeds of 40mph, the speed limit, are assumed.
- 2.1.1 I disagree with paragraph 3.1.2 of the report, *'The proposed access location is positioned along a straight section of the Wateringbury Road'*. I consider that the proposed access is positioned immediately south of a kink in Wateringbury Road and Figure 2.6 – looking north, within the report demonstrates this. I also disagree with paragraph 2.1.10 of the report which is unclear and unsubstantiated.
- 2.1.2 My analysis of the current proposals are as follows: -
- 40mph = 17.88 meters per second; design visibility splay = 65m
 - Visibility proposed north from access = 25m, 38% of that required for 40mph. Time taken to cover 25m at 40mph = 1.4 seconds

2.1.3 Stopping is broken down into reaction time and then deceleration from breaking until stationary. The standard reaction time used in the industry is 1.5 seconds. In other words, the figures suggest that a motorist controlling a southbound vehicle travelling at 40mph could still be travelling at 40mph after 25m when trying to stop.

2.1.4 I appreciate that the existing access is poor and from historic Google Earth images this appears to have been like this since at least 2003. However, on behalf of this authority I cannot condone a new access which has such a poor, substandard visibility splay.

3. Determining Issues:

3.1 The relevant adopted planning policies and all other material considerations are set out within my previous report and should be read in conjunction with the further assessment that follows.

3.2 It is accepted that the existing access which serves both the application site and the neighbouring property at 163 Watringbury Road currently provides a substandard level of visibility for vehicles leaving the site and pulling out on Watringbury Road. However, the proposed access, whilst providing more visibility for the *applicant's* property than the existing access, would still fail to provide an adequate degree of forward visibility for vehicles, particularly when looking to the right. In making their representations, KCC (H+T) seeks to explain this point by explaining that a vehicle travelling south along the Watringbury Road towards the application site at the speed limit of 40mph would still be travelling at that same speed as it passes the proposed access even if the driver could see a car emerging from the access at the earliest opportunity and applied his brakes as soon as possible. This is due to the limited visibility provided to the side of the proposed access (25 metres) and the accepted reaction time of a motorist being able to apply their brakes is 1.5 seconds i.e. a delay of 1.5 seconds occurs between a motorist seeing an obstruction and applying the brakes. In this small period of time, a vehicle travelling at 40mph would cover 25 metres. Due to these factors a vehicle leaving the proposed access would not be seen by vehicles travelling at the legal speed limit for the road until it was too late to stop (and therefore cause an accident).

3.3 It is acknowledged that the proposed access would provide a greater degree of visibility than the existing access to the site. However, it is still considered to be unacceptable by the local highway authority because of the inadequate degree of visibility it would provide for the speed of the road.

3.4 It is clear that the Technical Note provided in support of the scheme does not contain any information that allows for KCC (H+T) to remove their previous objection, and that certain elements contained within the report are disputed. In this respect, Members should be aware that the views of statutory consultees should as a matter of law be given 'great' or 'considerable' weight. A departure from those views requires "*cogent and compelling reasons*" (as set out by the High

Court in *R(Hart DC) v Secretary of State for Communities and Local Government [2008] EWHC 1204 (Admin)*). There remain no such reasons in this case.

- 3.5 The technical note provided on behalf of the applicant considers that the provision of the new access for the applicant's property would reduce the risk of accidents occurring as less movements would take place using the existing access. However, the same amount of vehicle movements would still take place as currently occur, only from two separate substandard accesses, rather than one. Given the unequivocal advice from the highway authority in response to the technical note submitted on behalf of the applicant, it is clear that the applicant has failed to provide further information to demonstrate that the access would be acceptable in terms of highway safety. This is not a criticism of the applicant or the writer of the technical note but rather because the particular circumstances of this case are such that the proposed access would be unacceptable due to sub-standard visibility splays.
- 3.6 Consequently, the further information submitted on behalf of the applicant has not been such that KCC (H+T) have removed their objection to the proposal, which remains contrary to adopted policy and the requirements of the NPPF. I therefore continue to recommend that planning permission be refused.

4. Recommendation:

- 4.1 **Refuse planning permission** for the following reason:

Reason:

1. The proposed development by virtue of the lack of suitable forward visibility splays for vehicles emerging from the proposed access, will cause unacceptable harm to highway safety and is, therefore, contrary to policy SQ 8 (2) of the Managing Development and the Environment - Development plan Document 2010 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

Contact: Matthew Broome

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**East Malling &
Larkfield**
East Malling

14 May 2018

TM/18/01106/FL

Proposal: Proposed new entrance to No.165 Wateringbury Road
Location: Belvidere Oast 165 Wateringbury Road East Malling West
Malling Kent ME19 6JE
Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought to create a new vehicular access to this property onto Wateringbury Road. Currently, access to the site is shared with the neighbouring property at 163 Wateringbury Road and visibility for vehicles leaving the site is limited in either direction due to the geometry of the road and layout of boundary walls and buildings in the locality.
- 1.2 The proposed new access would be located approx. 30m to the south of the existing access which is to remain in place to serve the residential property at 163 Wateringbury Road. This would require the removal of a section of close boarded fence, shrubs and bushes.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Roud to fully assess the merits of the proposed development.

3. The Site:

- 3.1 The site is located outside the settlement confines of East Malling, within the countryside, on the east side of Wateringbury Road. The site contains a detached dwelling house created through the conversion of a former oast house. A timber cart barn is located in front of the dwelling.
- 3.2 Wateringbury Road in the vicinity of the site has a 40mph speed limit and the carriageway measures between 4m and 5.5m in width. The road is bisected by white lines defining the north and south bound carriageways. The road is flanked by vegetation on both sides in the locality, although sections of ragstone boundary wall are located on either side of the existing access to the application site and in front of the neighbouring dwelling at 163 Wateringbury Road, which measure between approx. 1.2m and 1.5m high. A section of footpath is located on the west side of the road, opposite the site.

4. Planning History (relevant):

TM/08/01476/FL Approved 12 June 2008

Freestanding car port to front of building and shed/workshop to rear garden

5. Consultees:

- 5.1 PC: No objection but in respect of the proposed vision splay, it is felt that the highway authority need to assess whether this is satisfactory.
- 5.2 KCC (H&T): Initial comments: I estimate visibility to the nearside when looking right/north to be 1/3 of the minimum recommend for the speed on this road. This is of concern and I consider grounds to recommend a refusal to this application. Visibility to the south is also inadequate.
- 5.2.1 Looking at the cross sections provided I estimate the gradient of the access proposed to the highway to be 1:4.3 of 23%. The gradient of the access should be no steeper than 1in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- 5.2.2 In conclusion I recommend a refusal for this application on behalf of the highway authority.
- Subsequent comments submitted in respect of amended plans of the proposed access*
- 5.2.3 I am grateful for the cross section provided which shows a satisfactory access gradient (1:20, maximum acceptable 1:8) although this is not based on a survey; levels shown indicatively; the access extends at least 18m into the site/off the highway.
- 5.2.4 For a 40mph speed, a sight stopping distance of 65m is required. This is measured from a view point 2.4m back off the highway to a nearside point on the highway which can be 1m from the kerb line/edge of carriageway. Currently from the latest access plan, the visibility to the north (looking right on emerging) is 24m. This is unacceptably low. Visibility to the north ignoring (i.e. removing) the Ragstone wall next to the garages indicates that a visibility of 41m might be achieved. This equates to a stopping distance for traffic approaching at 29mph.
- 5.2.5 On behalf of this authority I write to confirm that a refusal of this application is recommended on the grounds that inadequate/unsafe visibility is available for emerging traffic.
- 5.2.6 Private reps (including site notice): 2\0S\0X\0R

6. Determining Issues:

- 6.1 The main issue with this application is the impact of the works upon highway safety.
- 6.2 Policy SQ8 of the MDE DPD relates to road safety, transport and parking. Point 2 of the policy states:

“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.”

- 6.3 Paragraph 108 of the NPPF states that when assessing specific planning applications it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development upon highway safety can be cost effectively mitigated to an acceptable level.
- 6.4 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 6.5 It is apparent from the representations made by the highway authority that an acceptable level of forward visibility cannot be provided with the design of the proposed access onto Wateringbury Road. Particularly when looking north (i.e. into the path of approaching traffic from East Malling), the amount of visibility that would be provided (24m) is approx. 1/3 of what is required for the 40mph speed of the road. This is considered by the highway authority to be “unacceptably low”. The highway authority has even considered the likely visibility were the ragstone wall that fronts onto Wateringbury Road in front of the site removed. I must stress that this is not part of the proposed development but a hypothetical situation. However, even if that wall was removed, the visibility looking north from the proposed access would still fall well short of that required for the speed of the road. The visibility to the south of the proposed access is also considered to be unacceptable to the highway authority.
- 6.6 In light of the above, it is considered that the proposed access would not be safe or suitable. Adequate mitigation cannot be undertaken (such as by the removal of the front boundary wall to the north of the proposed access) that would render the proposed development acceptable. Consequently, the proposed development is considered to have an unacceptable impact upon highway safety and is, therefore, contrary to policy SQ 8 of the MDE DPD and also current national planning advice contained within paragraphs 108 and 109 of the NPPF.
- 6.7 Turning to other matters material to the consideration of this application, policy CP24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its

surroundings. The proposed access would require the removal of a section of close boarded fencing and shrubs located behind it. The size and design of the proposed access are such that it would not have an unacceptable impact upon the character of the site or wider rural locality. It would not, therefore, be contrary to policy CP24 of the TMBCS.

- 6.8 To provide the required visibility splays would necessitate the demolition of the ragstone walls in front of the application site and the neighbouring dwelling at 163 Wateringbury Road, as well as cutting back a long section of vegetation on the south side of the access road. These works would have a detrimental impact upon the character of the street scene, which would be contrary to policy CP24.
- 6.9 In light of the above considerations, the proposed development would result in an unacceptable impact upon highway safety and, as such, would be contrary to adopted development plan policy SQ8 as well as current Government planning policy contained within the NPPF. As such, I recommend that planning permission is refused.

7. Recommendation:

- 7.1 **Refuse planning permission** for the following reason:

Reason:

1. The proposed development by virtue of the lack of suitable forward visibility splays for vehicles emerging from the proposed access, would not provide safe or suitable access for those using it and would, therefore cause unacceptable harm to highway safety which cannot be mitigated to an acceptable level. The development is, therefore contrary to policy SQ 8 (2) of the Managing Development and the Environment – Development plan Document 2010 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

Contact: Matthew Broome



Technical Note

165 Watringbury Road

19-039-001 Rev A

Proposed Access & Visibility Splays

August 2019

Rev	Issue Purpose	Author	Checked	Reviewed	Approved	Date
-	Issue	DH	SW	SW	JW	06/08/19
A	Minor Update	DH	SW	SW	JW	07/08/19

1 Introduction

Context

- 1.1.1 This Technical Note has been prepared by Charles & Associates on behalf of Mr & Mrs Kenward in support of a proposed new entrance to 165 Watringbury Road, planning application no.TM/18/01106/FL. At present the residents of 165 Watringbury Rd share an access with a neighbouring property (no. 163).
- 1.1.2 The proposed access arrangement is located approximately 30m to the south of the existing access and is shown on **drawing PL-103B** within **Appendix A** of this technical note. This drawing was submitted as part of the planning application.
- 1.1.3 The planning application has currently been deferred by the planning committee following a recommendation for refusal from the highways officer at Kent County Council (KCC) on the grounds that it was thought inadequate/unsafe visibility is available for emerging traffic.
- 1.1.4 This supplementary report is intended to provide further justification of the proposed access arrangement in the context that it provides a significant improvement in terms of safety compared with the existing access.



2 Existing Access & Conditions

Wateringbury Road

2.1.1 Wateringbury Road is a rural road connecting the village of Wateringbury via Red Hill, to East Malling and further on towards the A20 London via New Road and the M20 motorway. It's primarily a straight road with sporadic street lighting and various access roads to residential dwellings.

2.1.2 The carriageway width varies between 4.5-5.5m in width with centreline markings and a footway located alongside the western carriageway lane. Wateringbury Road has an existing speed limit of 40mph, with areas of traffic calming on the approach to Chapel St to the north where the 40mph speed limit ends and vehicles enter a 20mph zone approaching East Malling.

Existing Access Arrangements

2.1.3 The existing access to 165 Wateringbury Road is currently shared along with property 163 and is located on the inside of a sharp bend. The access itself is positioned up close to the edge of the road, with a gap between the property boundary walls approximately 6m in width allowing access to the properties. **Figure 2.1** below shows the existing access.

Figure 2.1 – Existing Access



- 2.1.4 The visibility from the existing access is extremely limited. **Figure 2.2** and **Figure 2.3** below show the maximum achievable visibility in its current form.

Figure 2.2 - Looking South



Figure 2.3 - Looking North



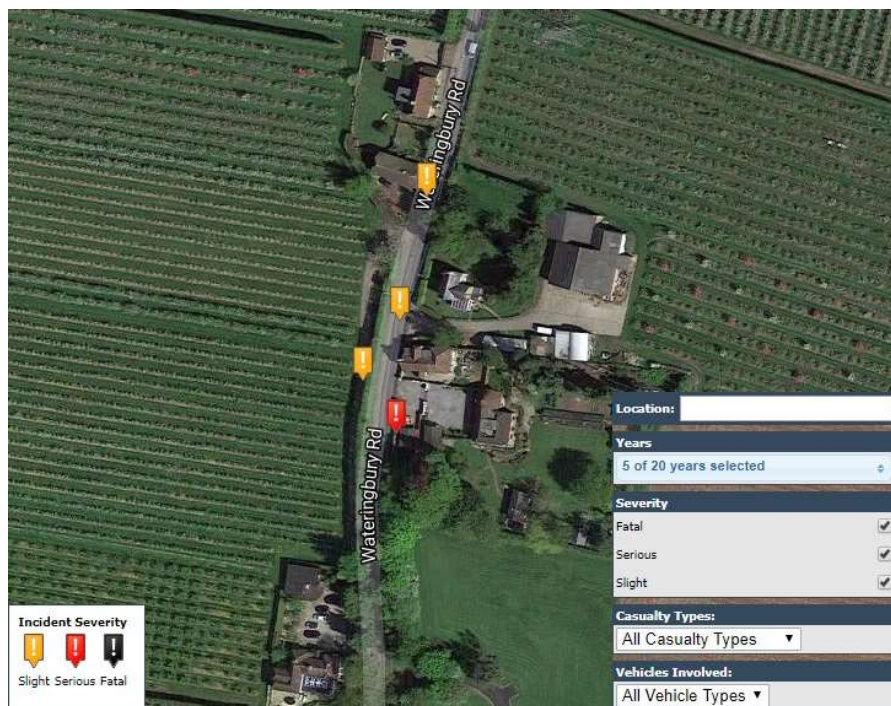
- 2.1.5 With regard to the plans submitted with the planning application (**drawing PL-103B** in **Appendix A**) the existing access is considered to achieve visibility of approximately 25m (Y-distance) of visibility in both directions. It should be noted, however, that this appears to have been measured 1m (X-distance) back from the major road and measured to the offside kerb. Current guidance recommends that visibility be measured from an X-distance of 2.4m to the near side kerb.
- 2.1.6 **Drawing PL-103B** has been updated with an X-distance measurement set back 2.4m, and splays measured 1m offset from the nearside kerb, where vehicles are generally placed on the carriageway. This achieves approximately 5m visibility in both directions which represents a significant safety concern as vehicles traveling on Wateringbury Road have virtually no reaction time to stop and avoid a collision with vehicles exiting the current access. See **drawing 19-038-001** within **Appendix C** for details.
- 2.1.7 Based on the above and observations undertaken on site is considered that the existing access represents an extremely dangerous situation which has a high risk of causing a serious or worse accident involving existing vehicles and/or vehicles travelling on Wateringbury Road.

Accident Data

2.1.8 A review of accidents in close proximity of the existing access has been analysed using data downloaded from www.Crashmap.co.uk. The full accident data reports are contained within **Appendix B** whilst **Figure 2.4** below shows the accident locations which have been categorised by severity as follows:

- Slight;
- Serious; and
- Fatal.

Figure 2.4 – Accident Locations



2.1.9 Three slight accidents and one serious accident occurred during a five-year period between 2014-2018 in close proximity to the current access. The serious accident shown in red above, involved a single motorcycle that appears to have lost control on the bend close to the access road.

2.1.10 Although the accident reports do not specifically identify a causation factor directly attributed to the existing access, it is considered that the number of accidents concentrated in this location is significantly higher than normal and unsafe movements manoeuvring out of the existing access could further exacerbate this issue.

3 Proposed Access Arrangement

- 3.1.1 The proposed access to 165 Wateringbury Road is situated approximately 30m to the south of the existing access, which is to remain as access solely to property no.163.
- 3.1.2 The proposed access location is positioned along a straight section of the Wateringbury Road which naturally leads to improved visibility in comparison to an access on the inside of a bend.
- 3.1.3 During the site visit, photographs were taken to provide a rough indication of the improvement to visibility on the proposed access. **Figure 2.5** and **Figure 2.6** below show the approximate visibility achievable for the proposed access.

Figure 2.5 - Looking South



Figure 2.6 - Looking North



- 3.1.4 The access proposal within **drawing PL-103B** shows much improved visibility splays of approximately 45m (Y-distance) in both directions, measured back 3m (X-distance) from the major road.
- 3.1.5 Following current best practice the proposed access visibility has been reviewed adopting an X-distance of 2.4m and measured to the furthest achievable point offset 1 metre from the nearside kerb. The proposed access achieves 37m visibility to the south and 25m visibility to the north as shown in **drawing 19-038-001** contained within **Appendix C** of this report.

- 3.1.6 It is acknowledged that the available visibility from the proposed access falls short of recommended design standards for a 40mph road, however, in comparison to the existing access the proposals represent a significant improvement in safety terms. The achievable visibility to the south is increased by approximately 32m or 640% and to the north by 20m or 400%. The new access and increased visibility affords vehicles travelling on Wateringbury Road significantly more reaction time to avoid collisions in comparison with the existing access.
- 3.1.7 Furthermore, the implementation of the new access would significantly reduce the number of movements from the existing access in proportional terms; which are considered to be extremely unsafe. It is anticipated that the number of movements would be reduced by approximately 70% based upon the number of vehicles owned by the respective users.
- 3.1.8 The response from the highway authority regarding the visibility from the proposed access when viewed in isolation is understood, however, it is considered that any improvement from the existing situation would be beneficial; and when considered in overall terms would reduce the risk of accidents occurring in this location.

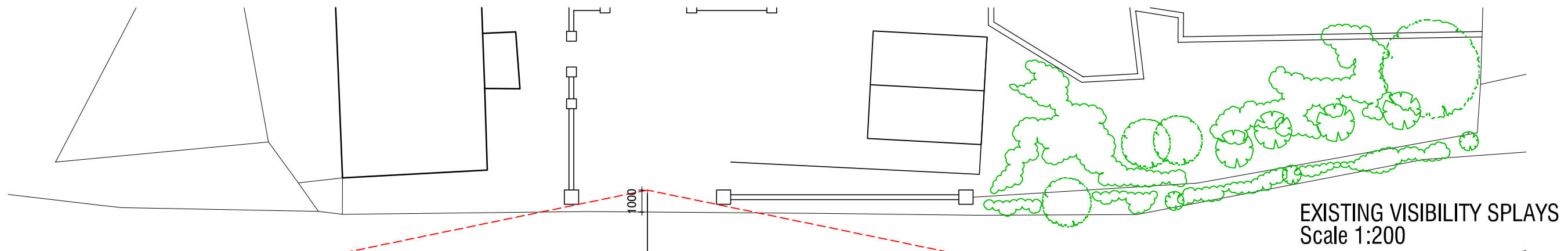
4 Summary & Conclusions

- 4.1.1 This technical note has been produced in support of a proposed new access to property 165 Wateringbury Road (planning application no. TM/18/01106/FL).
- 4.1.2 The existing access shared by properties no.163 and no.165 has extremely limited visibility in both directions and is considered to represent a high risk of serious accidents occurring in the future.
- 4.1.3 The proposed access for property no. 165 is positioned 30m south of the existing access and is considered a significantly safer overall design in comparison to the existing arrangement. Positioned away from the sharp bend of Wateringbury Road the access provides increased visibility of 640% to the south and 400% to the north.
- 4.1.4 The existing driveway will remain as access to property no.163; however, the introduction of the proposed access to property no.165 would remove a significant proportion of trips using the hazardous access, therefore reducing the risk of vehicle collisions.
- 4.1.5 It is acknowledged that the proposed access does not meet recommended design standards for visibility for a 40mph road, however, when considered in balance with the dangerous situation at the current access, represents an improvement in overall safety terms and a reduced risk of serious accidents occurring in the future.

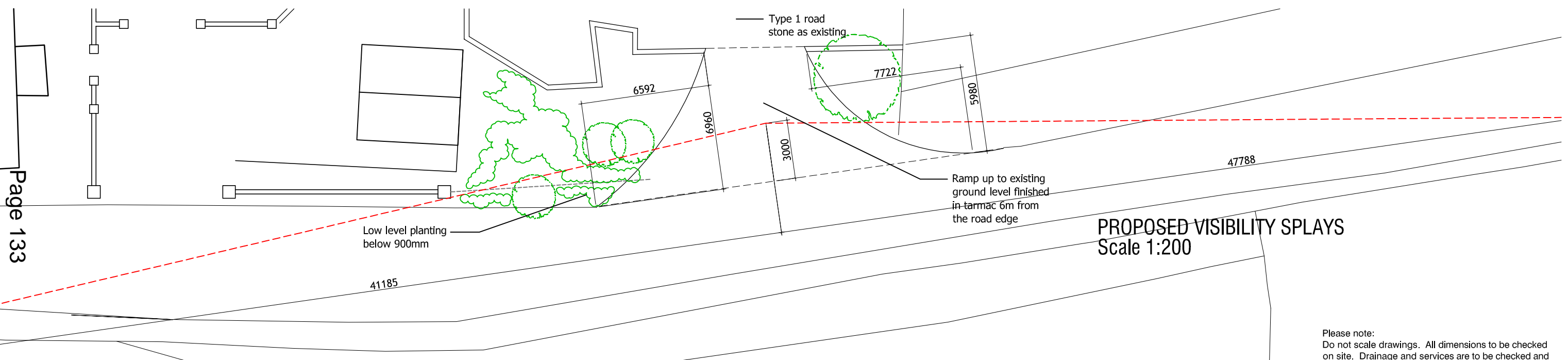
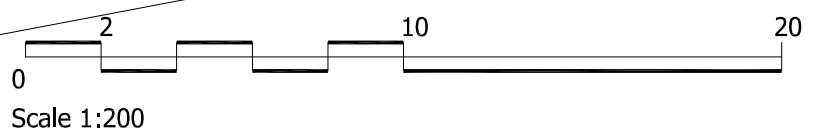
Appendix A Existing & Proposed Access (Planning Submission)

Appendix B Accident Data

Appendix C Updated Visibility Splays



EXISTING VISIBILITY SPLAYS
Scale 1:200



PROPOSED VISIBILITY SPLAYS
Scale 1:200

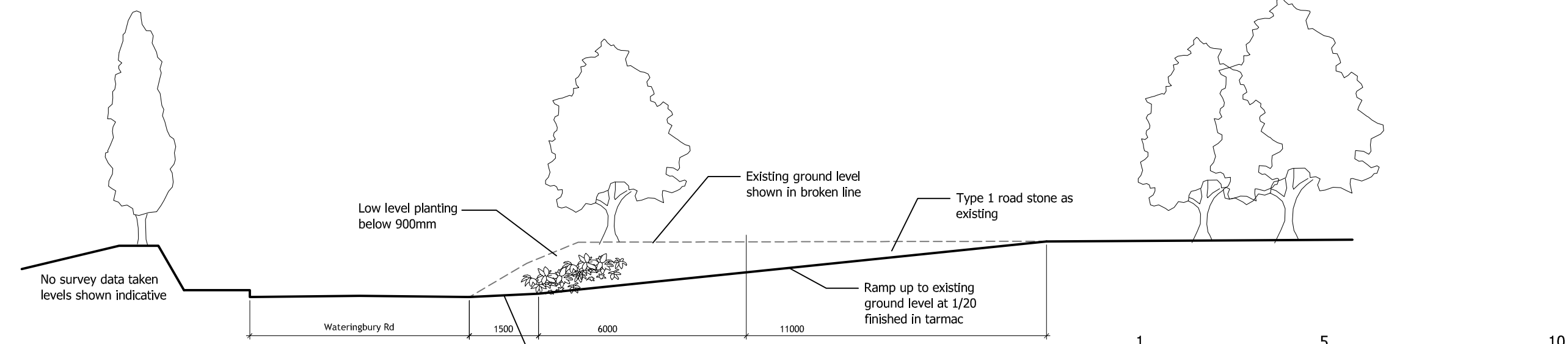
Please note:
Do not scale drawings. All dimensions to be checked on site. Drainage and services are to be checked and located prior to commencement of work

All work to be carried out in accordance with the building Regs. 2000 or any subsequent amendments and to the satisfaction of the local building control inspector

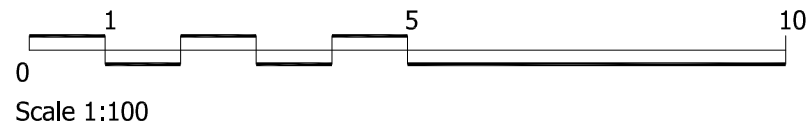
Proprietary components must be installed in strict accordance with the manufacturers instructions and details. Contractors are responsible for verifying component suitability for intended purpose.

Proposals are subject to structural engineers designs and approval.

- B. 06.12.18 Revised access gradient
- A. 10.05.18 Revised to clients comments



CROSS SECTION
Scale 1:100



client Mr & Mrs Kenward		
project Alterations at 165 Wateringbury Rd East Malling, Kent		
drawing title Visibility Splays PLANNING DRAWINGS		Job No. 2015_02
scale 1:100/1:200 @A3	dwg No. PL-103B	date May 2018
MRW Design Ltd 8 Wilberforce Road, Coxheath Maldstone, Kent. ME17 4HA 07763463754 matthew@mrw-design.co.uk		



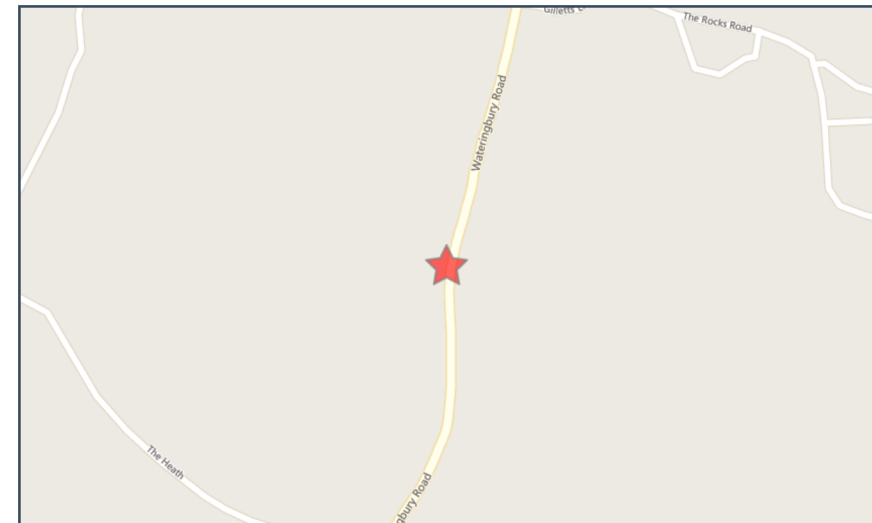
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crashmap.co.uk

Crash Date: Thursday, March 27, 2014 **Time of Crash:** 7:06:00 AM **Crash Reference:** 2014460239940

Highest Injury Severity:	Slight	Road Number:	U0	Number of Casualties:	2
Highway Authority:	Kent exc Medway Towns	Number of Vehicles:	2	OS Grid Reference:	570000 156310
Local Authority:	Tonbridge and Malling District (B)				
Weather Description:	Fog or mist - if hazard				
Road Surface Description:	Wet or Damp				
Speed Limit:	40				
Light Conditions:	Darkness: no street lighting				
Carriageway Hazards:	None				
Junction Detail:	Using private drive or entrance				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				
Road Type:	Single carriageway				
Junction Control:	Give way or uncontrolled				



For more information about the data please visit: www.crashmap.co.uk/home/Faq

To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Maneouvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
2	Car (excluding private hire)	-1	Male	21 - 25	Vehicle proceeding normally along the carriageway, not on a bend	Front	Other	None	Telegraph pole/Electricity pole
1	Car (excluding private hire)	12	Female	21 - 25	Vehicle is in the act of turning left	Back	Other	None	None

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Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Slight	Driver or rider	Female	21 - 25	Unknown or other	Unknown or other
2	2	Slight	Driver or rider	Male	21 - 25	Unknown or other	Unknown or other

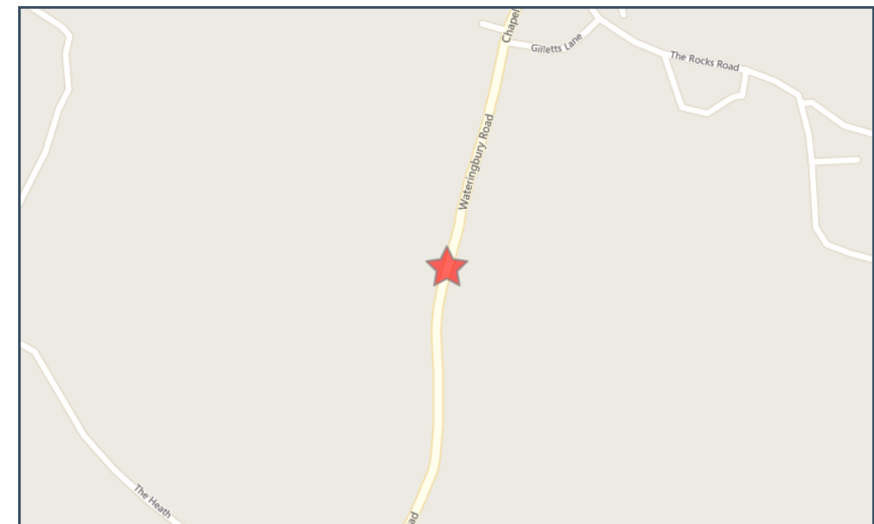
For more information about the data please visit: www.crashmap.co.uk/home/Faq

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Crash Date: Tuesday, June 30, 2015 **Time of Crash:** 9:19:00 AM **Crash Reference:** 2015460258494

Highest Injury Severity:	Slight	Road Number:	U0	Number of Casualties:	1
Highway Authority:	Kent exc Medway Towns			Number of Vehicles:	2
Local Authority:	Tonbridge and Malling District (B)			OS Grid Reference:	570020 156360
Weather Description:	Fine without high winds				
Road Surface Description:	Dry				
Speed Limit:	60				
Light Conditions:	Daylight: regardless of presence of streetlights				
Carriageway Hazards:	None				
Junction Detail:	Not at or within 20 metres of junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				
Road Type:	Single carriageway				
Junction Control:	Not Applicable				



For more information about the data please visit: www.crashmap.co.uk/home/Faq
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
2	Van or goods vehicle 3.5 tonnes mgw and under	5	Female	46 - 55	Vehicle proceeding normally along the carriageway, not on a bend	Offside	Journey as part of work	None	None
1	Van or goods vehicle 3.5 tonnes mgw and under	-1	Unknown	Unknown	Vehicle proceeding normally along the carriageway, not on a bend	Offside	Other	None	None

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Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
2	1	Slight	Driver or rider	Female	46 - 55	Unknown or other	Unknown or other

For more information about the data please visit: www.crashmap.co.uk/home/Faq

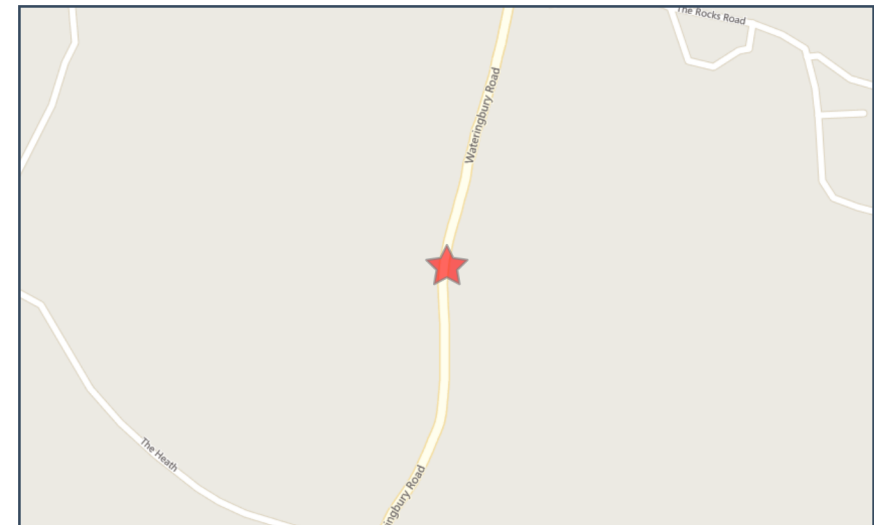
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Crash Date: Wednesday, September 20, 2017 **Time of Crash:** 12:40:00 PM **Crash Reference:** 2017460223871

Highest Injury Severity: Serious **Road Number:** U0 **Number of Casualties:** 1
Highway Authority: Kent exc Medway Towns **Number of Vehicles:** 1
Local Authority: Tonbridge and Malling Borough **OS Grid Reference:** 570011 156288

Weather Description: Fine without high winds
Road Surface Description: Dry
Speed Limit: 50
Light Conditions: Daylight: regardless of presence of streetlights
Carriageway Hazards: None
Junction Detail: Not at or within 20 metres of junction
Junction Pedestrian Crossing: No physical crossing facility within 50 metres
Road Type: Single carriageway
Junction Control: Not Applicable



For more information about the data please visit: www.crashmap.co.uk/home/Faq
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Maneouvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Motorcycle over 50cc and up to 125cc	3	Male	21 - 25	Vehicle proceeding normally along the carriageway, not on a bend	Front	Other	None	None

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Serious	Driver or rider	Male	21 - 25	Unknown or other	Unknown or other

For more information about the data please visit: www.crashmap.co.uk/home/Faq

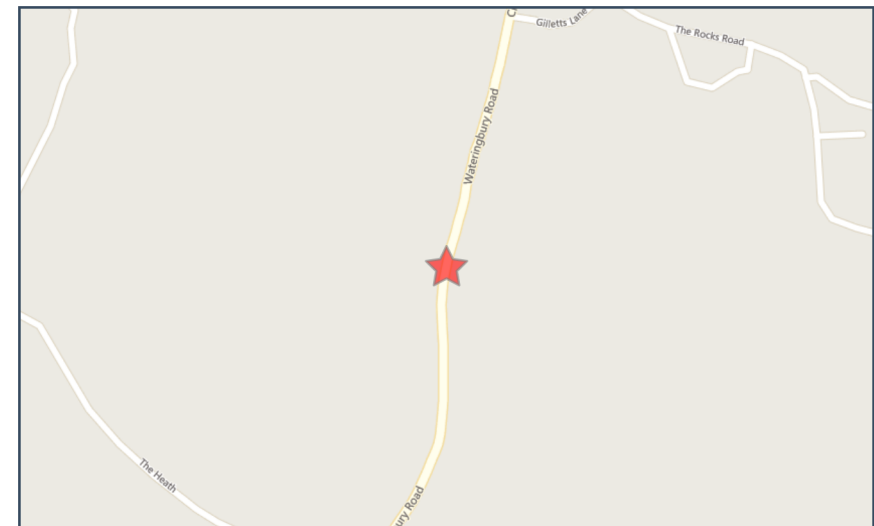
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



2018 data is provisional and is subject to change

Crash Date: Wednesday, April 25, 2018 **Time of Crash:** 6:05:00 AM **Crash Reference:** 2018460288934

Highest Injury Severity:	Slight	Road Number:	U0	Number of Casualties:	1
Highway Authority:	Kent exc Medway Towns			Number of Vehicles:	2
Local Authority:	Tonbridge and Malling Borough			OS Grid Reference:	570013 156322
Weather Description:	Fine without high winds				
Road Surface Description:	Dry				
Speed Limit:	30				
Light Conditions:	Darkness: street lights present and lit				
Carriageway Hazards:	None				
Junction Detail:	Not at or within 20 metres of junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				
Road Type:	Single carriageway				
Junction Control:	Unknown				



For more information about the data please visit: www.crashmap.co.uk/home/Faq
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



2018 data is provisional and is subject to change

Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Maneouvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
2	Motorcycle over 50cc and up to 125cc	-1	Male	25-34	Vehicle proceeding normally along the carriageway, not on a bend	Unknown	Commuting to/from work	None	None
1	Car (excluding private hire)	-1	Male	25-34	Vehicle is moving off	Unknown	Commuting to/from work	None	None

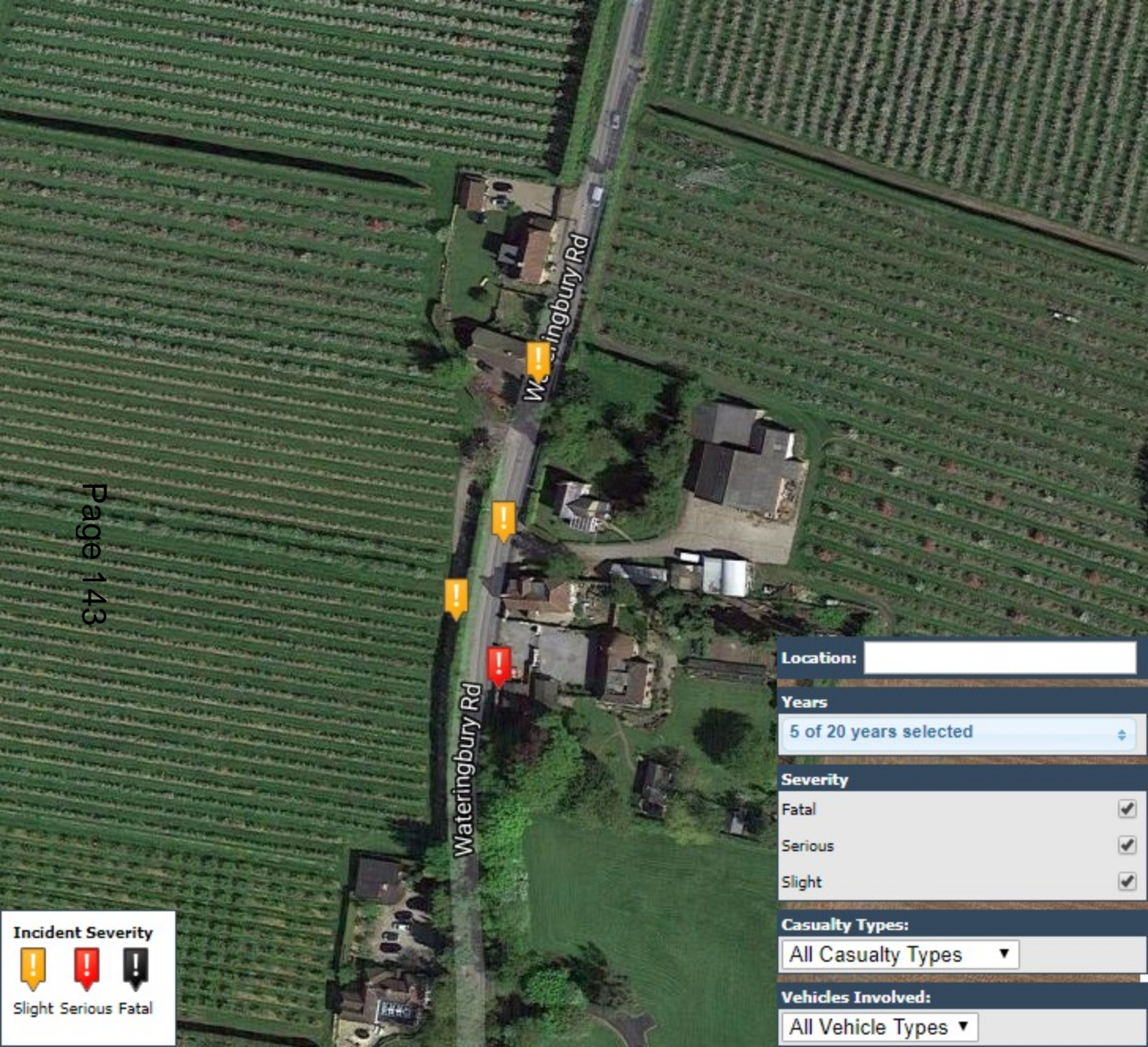
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Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
2	1	Slight	Driver or rider	Male	25-34	Unknown or other	Unknown or other

For more information about the data please visit: www.crashmap.co.uk/home/Faq

To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Location:

Years
5 of 20 years selected

Severity

Fatal	<input checked="" type="checkbox"/>
Serious	<input checked="" type="checkbox"/>
Slight	<input checked="" type="checkbox"/>

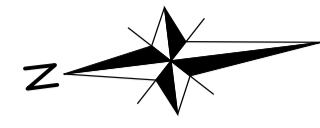
Casualty Types:
All Casualty Types

Vehicles Involved:
All Vehicle Types

Incident Severity

Slight	Serious	Fatal

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PROPERTY BOUNDARY

EXISTING ACCESS TO PROPERTY NO.165

5M VISIBILITY SPLAY TO THE NORTH, MEASURED 1M OF THE KERB. EQUIVALENT TO 4MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

5M VISIBILITY SPLAY TO THE SOUTH, MEASURED 1M OF THE KERB. EQUIVALENT TO 4MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

2.40

WATERINGBURY ROAD

EXISTING ACCESS & VISIBILITY SPLAYS - 1:100



PROPOSED ACCESS TO PROPERTY NO.165

PROPERTY BOUNDARY

25M VISIBILITY SPLAY TO THE NORTH, MEASURED 1M OF THE KERB. EQUIVALENT TO 20MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

37M VISIBILITY SPLAY TO THE SOUTH MEASURED 1M OF THE KERB. EQUIVALENT TO 27MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

2.40

53.4

WATERINGBURY ROAD

PROPOSED ACCESS & VISIBILITY SPLAYS - 1:100

NOTES

TM/18/01106/FL- Annex 3C

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Rev	Amendments	Drn	Chk	App	Date



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 Landmark House East Malling Trust Estate
 Station Road Redbourne Lane
 Monk Aylesford
 Hampshire RG27 9HA
 01264 626426 enquiries@c.a.uk.com ME20 6SN
 www.c.a.uk.com 01752 448120

Job Title 165 Wateringbury Road

Drawing Title Existing & Proposed Access to no.165 Visibility Splays

Client Mr & Mrs Kenward

Scale	1:100	Date	Aug 19	Designed	DH
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Drawn	DH	Checked	SW	Approved	SW
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Job No	19-039	Drawing No	19-039-001	Rev	-
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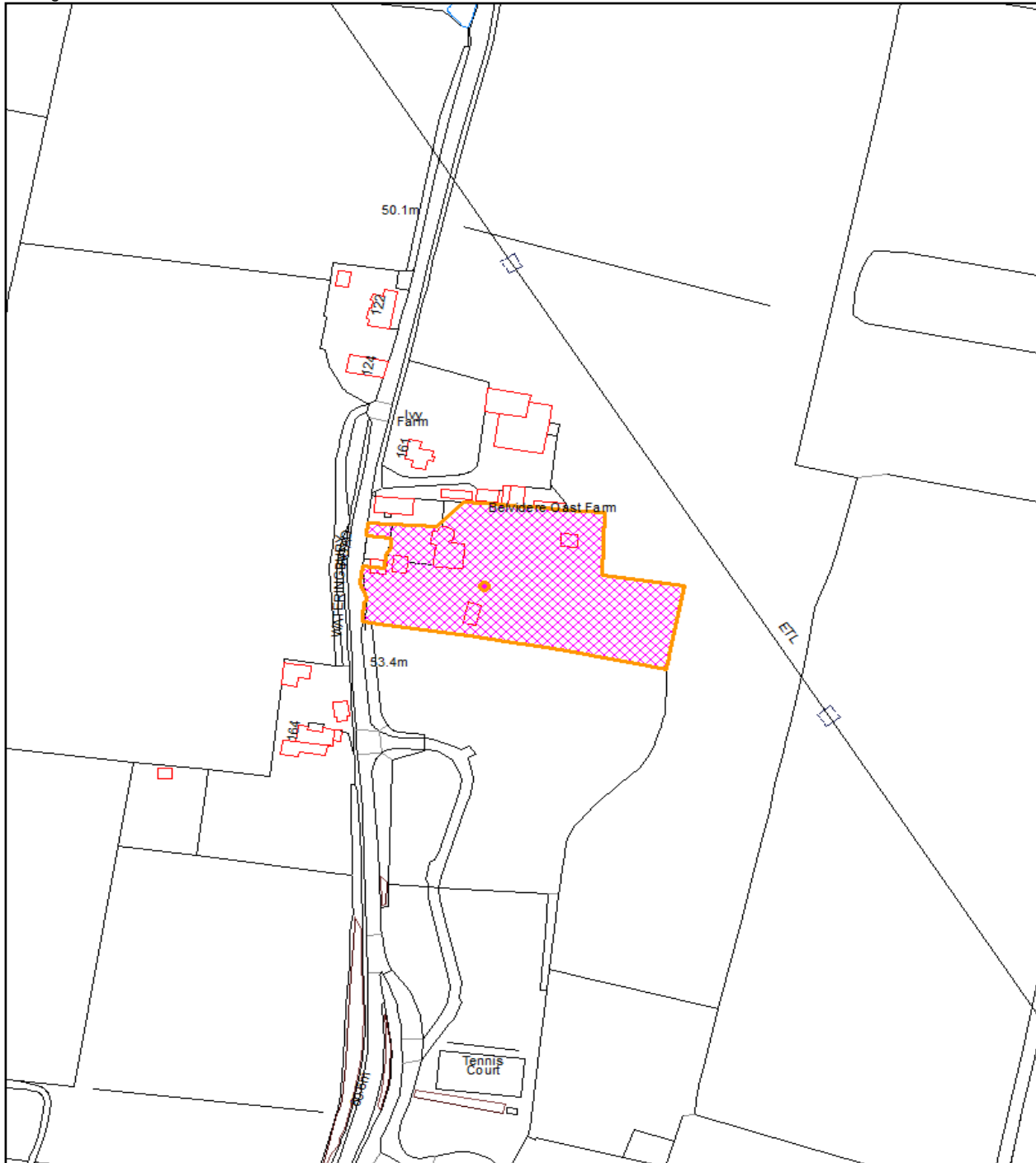
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TM/18/01106/FL

Belvidere Oast 165 Wateringbury Road East Malling West Malling Kent ME19 6JE

Proposed new entrance to No.165 Wateringbury Road

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

9 July 2020

Report of the Director of Planning, Housing and Environmental Health

Matter for Information

TM/17/01595/OAEA: 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 planning application (ref: TM/17/01595/OAEA) 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.

1 Resolution of the Area 3 Planning Committee:

- 1.1 Members will recall that during the November 2019 meeting of the Area 3 Planning Committee they resolved to grant outline planning permission for this development subject to the applicant entering into a s.106 agreement with the Borough and County Councils to ensure that key infrastructure was delivered at the appropriate time to facilitate this development.
- 1.2 The following advice regarding the likely timescale for the completion of the s106 agreement formed part of the officer recommendation that the Committee endorsed when it resolved to grant permission:

“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.”

1.3 As the agreement has yet to be completed, the following section of this information report will update Members as to why that is the case and the current progress made with the s.106 agreement

2. Progression of the s106 agreement:

2.1 The s.106 agreement is between the Borough Council, the County Council, the applicant and the landowners. Since the time of the Committee's resolution last November the applicant has engaged positively with both the Borough and County Councils to progress the agreement.

2.2 Members will recall that following their resolution to grant permission, a request was made to the Secretary of State at the end of 2019 to call the application in for his determination. Ultimately, the Secretary of State decided not to do so and directed that the Borough Council as LPA should determine this application. However, this process lasted nearly 4 months and added delays to the progression of the s106 Agreement (notwithstanding the fact that all parties were actively involved in discussing different aspects of the agreement whilst waiting for the Secretary of State's decision).

2.3 This is a complex matter bearing in mind that the purpose of the agreement is to ensure that numerous key highway and community infrastructure is delivered at the appropriate time either before or during the construction of the approved development. There has been much discussion, for example, between the applicant, the Borough and County Council's (from both an education and highways perspective) as to at what point should the link road be completed and open to use and how many houses should be built before the primary school should open.

2.4 It is for these reasons why the s106 Agreement has not been resolved in the timescale set out in the Committee resolution. At no point has the applicant or landowner been unwilling to agree terms with the Borough Council or sought to delay the progression of the agreement.

2.5 I am now pleased to say that the agreement is now nearing completion and has progressed to the engrossments phase. We await the signed agreement for completion at which point the decision can be issued.

3. Concluding comments

3.1 Officers will sign and complete the agreement upon receipt at which point the decision will be issued. This is anticipated to take place within the next 6 weeks dependant on how quickly it reaches us from the other parties.

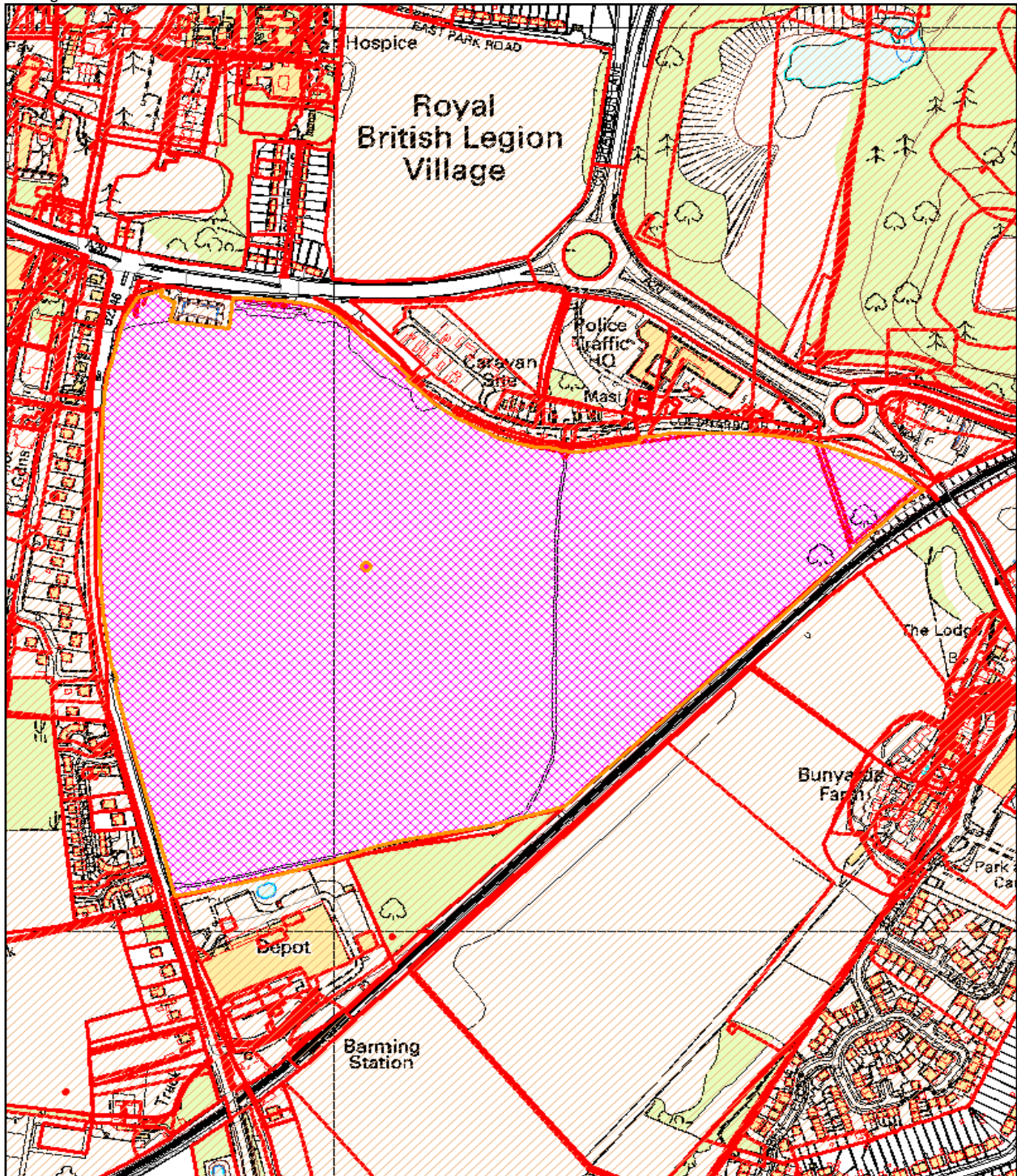
FOR INFORMATION

TM/17/01595/OAEA

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

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

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Agenda Item 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**

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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