



EXECUTIVE SERVICES

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**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

20 January 2021

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, 28th January, 2021 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**

1. Apologies for Absence
2. Declarations of Interest

*Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 19 November 2020

4. Glossary and Supplementary Matters 9 - 14

*Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)*

*Any supplementary matters will be circulated via report in advance of the meeting and published to the website.*

#### **Decisions to be taken by the Committee**

5. TM/19/00376/OAEA - Land south west of London Road and 15 - 122 west of Castor Park, Allington

*Outline Application: permission for a residential scheme of up to 106 units, associated access and infrastructure*

6. Urgent Items

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

#### **Matters for consideration in Private**

#### **PART 2 - PRIVATE**

7. Exclusion of Press and Public 123 - 124

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

8. Urgent Items

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

## **MEMBERSHIP**

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

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

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

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

Thursday, 19th November, 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 Thornewell and Cllr C J Williams

Councillors V M C Branson, N J Heslop, H S Rogers and N G Stapleton were also present pursuant to Council Procedure Rule No 15.21.

### PART 1 - PUBLIC

#### **AP3 20/34 DECLARATIONS OF INTEREST**

Councillor Roud declared an Other Significant Interest in application TM/18/02966/OA (development site south of Brampton Field) on the grounds that a close relative was employed by NIAB/EMR at East Malling Research Centre and a member of the public might conclude that any decision might be prejudiced by this fact. He withdrew from the meeting prior to any discussion and did not vote on the application.

#### **AP3 20/35 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 1 October 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 20/36 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 20/37 TM/18/02966/0A - DEVELOPMENT SITE SOUTH OF BRAMPTON FIELD BETWEEN BRADBOURNE LANE AND KILN BARN ROAD, DITTON**

Outline Application: Development of the site to provide up to 300 dwellings (Use Class C3) and provision of new access off Kiln Barn Road at Development site south of Brampton Field between Bradbourne Lane and Kiln Barn Road, Ditton. All other matters reserved for future consideration.

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

- (1) the deletion of condition 15 from the main report (regarding the requirement for a construction management plan) as this is duplicated at condition 23;
- (2) the renumbering of conditions 18 to 23 as 18 to 24 to rectify the incorrect numbering of conditions in the main report;
- (3) the addition of conditions:-

25. Prior to the first occupation of the development hereby approved, the planned improvements being delivered by Kent County Council at the junction of A20/Mills Road/Hall Road must be substantially completed.

Reason: In the interests of highway safety.

26. Prior to the first occupation of the development hereby approved, the improvements to the junction of A20/Station Road/New Road, Ditton must be completed. These works are to be provided by the developer as shown in principle on Drawing number 182600-017A.

Reason: In the interests of highway safety.

27. The details submitted in pursuance of Condition 1 shall show arrangements for the secure storage and screening of bicycles to be approved by the Local Planning Authority. Prior to the occupation of each dwelling shown to be served by such storage, the approved arrangements shall be implemented in relation to that particular dwelling, and retained at all times thereafter.

Reason: To encourage sustainable modes of transport and preserve visual amenity.

(4) the addition of Informatives:-

4. The applicant is strongly encouraged to advise prospective occupants of the approved dwellings of the nearby quarrying activities and the potential for noise and vibration to be experienced as a result of these activities.

5. The applicant is strongly encouraged to liaise with Kent County Council Highways and Transportation to fully explore the possibility of making amendments to the speed restrictions on Kiln Barn Road.

6. The applicant is strongly encouraged, in formulating the detailed landscaping strategy for the site, to consider the retention of the southern boundary hedge in its entirety and to ensure that landscaping along the route of the public footpath is suitably rural in character and type.

7. In considering the scheme pursuant to Condition 10 of this planning permission, the applicant is requested to fully investigate opportunities for upgrading Public Right of Way MR100 to become a footpath and cycleway in order to further encourage alternative and sustainable modes of transport through and around the site and surrounding locality.

8. In designing the detailed layout of the development as approved, within the scope of the approved parameter plans, the applicant is reminded that the adopted vehicle parking standards (IGN3: Residential Parking) do not include garages as recognised parking spaces and tandem parking spaces are discouraged.

[Speakers: Verbal statements were made by Mr L Henry (on behalf of Ditton Parish Council) and Mr P Baldock, Mr C Clarke, Mr J Bailey, Mr A Martin and Mr C Rook (members of the public). Video or audio statements were made by Mrs H Baldock, Mr and Mrs Barden and Mr S Jenkins (members of the public).

The following representations were made by written statements and read out by the Democratic Services Officers: Aylesford Parish Council and Ms J Doorne (member of the public). The statement of Ms J Doorne was made on behalf of 65 local residents living in Brampton Field (J Masters, D Schwartz, H Lockyer, N Wines, J Wilson, J & J Sikes, M Edwards, Mr & Mrs Hisee, P Stevenson & G Lander, N & E Tabuga, S, M and P Spence, C Shanahan, M & K Carter, Mr & Mrs Jobling, W & L Lopez, J & M Harrigan, J Doorne and G & K Wiles), Cherry Orchard (R Apps), New Road (M Covey and N Carney), Scott Close (D & L Lomas), Woodlands Road (A Allies, P Ryan and T & P Cook), Acorn Grove (K & C Ridgeway) and Fernleigh Rise (L & D Wells) in Ditton and in East Malling (P Aldridge, K & M Barrett, A Davies and M & S Yates), Leybourne (D & S Smithson, E Lockyer and

R & J Brooks), Larkfield (A Dixon, L Mason, Mr & Mrs Paice, L Bobbett, J & J Tranter, C Lewis, T Hoad and G McCarthy) and Barming (P & L Baker).

Written statements had also been received from Mr R Angel; W Heeley, T Lee, Mr E Baldock, Mr D Morrissey, Mr S Soffe, Mr I Smith, Mr R Dixon, Mr & Mrs Burr, Mr R Steer, Mr K Wood, Mr J Rush, Mr C Shea, S Redmond, G Godden, Mr N Dave, Mr R Ware, Mr & Mrs Dean, A Gore, Mr R Zaborski, L Noble, I Pierce, Mr R Jackson, L Rush, Mr P Duplock, L Lopez, Mr E Lopez and Mr A Mulcuck. The Principal Democratic Services Officer read out a summary of any points raised in these written statements which had not been highlighted by other representations.

Mr G Evans (Agent) made a verbal statement on behalf of the Applicant.]

## **PART 2 - PRIVATE**

### **AP3 20/38 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.51 pm  
having commenced at 6.30 pm

## **GLOSSARY of Abbreviations used in reports to Area Planning Committees**

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
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
AT	Advertisement consent (application suffix)
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document

DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services
EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)
HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document
KFRS	Kent Fire and Rescue Service
KWT	Kent Wildlife Trust
LB	Listed Building Consent (application suffix)
LBX	Listed Building Consent: Extension of Time
LDF	Local Development Framework
LDLBP	Lawful Development Proposed Listed Building (application suffix)
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
LDE	Lawful Development Certificate: Existing Use or Development (application suffix)
LDP	Lawful Development Certificate: Proposed Use or Development (application suffix)
LP	Local Plan
LRD	Listed Building Consent Reserved Details (application suffix)
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDE DPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MHCL	Ministry of Housing, Communities and Local Government
MIN	Mineral Planning Application (application suffix, KCC determined)
MSI	Member Site Inspection
MWLP	Minerals & Waste Local Plan
NE	Natural England

NMA	Non Material Amendment (application suffix)
NPPF	National Planning Policy Framework
OA	Outline Application (application suffix)
OAEA	Outline Application with Environment Impact Assessment (application suffix)
OAX	Outline Application: Extension of Time
OB106D	Details pursuant to S106 obligation (application suffix)
OB106M	Modify S106 obligation by agreement (application suffix)
OB106V	Vary S106 obligation (application suffix)
OB106X	Discharge S106 obligation (application suffix)
PC	Parish Council
PD	Permitted Development
PD4D	Permitted development - change of use flexible 2 year
PDRA	Permitted development – change of use agricultural building to flexible use (application suffix)
PDV14J	Permitted development - solar equipment on non-domestic premises (application suffix)
PDV18	Permitted development - miscellaneous development (application suffix)
PDVAF	Permitted development – agricultural building to flexible use (application suffix)
PDVAR	Permitted development - agricultural building to residential (application suffix)
PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
POS	Public Open Space
PPG	Planning Practice Guidance

PWC	Prior Written Consent
PROW	Public Right Of Way
RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TEPN56/TEN	Prior Notification: Telecoms (application suffix)
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy 2007
TMBLP	Tonbridge & Malling Borough Local Plan 1998
TNCA	Notification: Trees in Conservation Areas (application suffix)
TPOC	Trees subject to TPO (application suffix)
TRD	Tree Consent Reserved Details (application suffix)
TRICS	Trip Rate Information Computer System
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WAS	Waste Disposal Planning Application (KCC determined)

(Version 1/2020)

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**Aylesford**  
Aylesford South

**15 February 2019**

**TM/19/00376/OAEA**

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Proposal: Outline Application: permission for a residential scheme of up to 106 units, associated access and infrastructure  
Location: Land South West Of London Road And West Of Castor Park Allington Maidstone Kent  
Go to: [Recommendation](#)

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**1. Description:**

- 1.1 Outline planning permission is sought for the development of up to 106 dwellings within this site. All Matters are reserved for future consideration other than access. Initially the matters of scale and layout were also for consideration at this stage but the applicant amended the application earlier on in its life to reserve these Matters for future consideration.
- 1.2 Whilst matters of layout, scale and landscaping are reserved for future consideration the applicant has submitted indicative drawings of how a development of up to 106 dwellings could be laid out. 40% of the proposed dwellings would be affordable and the development would be accessed from the existing residential road of Castor Park, which joins Beaver Road which itself joins on to the London Road A20. The access road into the site would be a continuation of the main westerly arm of Castor Park which would sweep northwest wards into the body of the site. The submitted plans show footpaths on either side of the carriageway, all of which would be the same width as the existing road in Castor Park.
- 1.3 The indicative layout shows the principal road running north west wards through the site towards its northern end with roads coming off this to the east and west. There are two principal areas of open space, the larger roughly round area located towards the northern end of the site close to the eastern (London Road A20) boundary, most of which is currently occupied by a small, former quarry. The other main area of open space is located within the north western corner of the site, which currently contains a WWII pillbox which is planned to be retained as part of the development. These two main areas of open space are shown to be linked by a green corridor which would cross the main spine road within the site.
- 1.4 The layout plans also indicate that a mix of terraced, semi-detached and detached houses will be laid out mainly fronting onto the access roads in a typical suburban layout. However, there are two areas of open space located immediately between the southern boundary of the site and the front of the existing houses in Castor Park and Goodwin Road. The indicative layout shows that row of houses in the proposed development could front onto these areas of

open space opposite the existing dwellings. The dwellings are shown to be between 2 and 3 stories in height.

- 1.5 The site, whilst falling mainly within the TMBC area, also includes an element that lies within Maidstone Borough Council's (MBCs) area. This is part of the access road, rather than any of the site of the proposed houses. However, as this application lies in both boroughs, MBC is also required to determine its own version of the application as well. The development will not, therefore, be able to commence until both Councils have issued a planning permission concerning the development and all of the conditions have been adhered to.

**2. Reason for reporting to Committee:**

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

**3. The Site:**

- 3.1 The site lies outside the defined settlement confines of Aylesford, within what is currently countryside. It measures approx. 3.4ha in area and stands between the railway line to the north west, the London Road A20 to the north east and residential properties to the south east. Open fields adjoin the site to the south west. Immediately to the north west of the railway line lies the site (known as the Whitepost Field site) the subject of planning application TM/17/01595/OAEA. This application has now been granted planning permission for a development of up to 840 dwellings, land for a new primary school, a link road between the A20 and Hermitage Lane and associated open space. Improvements to the Poppyfield roundabout have also been secured as part of the permission, as have financial contributions to the enhancement of the Mills Road/Hall Road/ London Road junction.
- 3.2 Both the Whitepost Field site and the current application site form part of a wider allocation in the draft local plan (draft policy LP28) for a comprehensive residential led development of approximately 1000 dwellings but which also includes provision of a new primary school and associated improvements to local infrastructure. Together the proposed scheme and that already approved for the Whitepost Field site would provide 946 dwellings of the planned 1000 allocated in the draft policy. A small rectangular parcel of land forms the remainder of the draft local plan allocation, located south of the Whitepost Filed site, east of Hermitage land and immediately north of Barming Railway Station. No plans have come forward at this time (in terms of planning applications) to develop this final section of the draft allocation.

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

TM/18/02360/EASC      EIA Required

Screening Opinion for TM/18/02130/OA: Outline Application for layout, access and scale for a residential scheme of 106 units comprising a mix of 1, 2, 3 and 4 bed dwellings (including bungalows, houses and apartments), associated access and infrastructure

TM/18/03044/EASP EIA opinion scoping application 11 January 2019

Request for scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed residential development

## 5. **Consultees:**

5.1 PC: The Aylesford Parish Council objects to the above application on the following grounds:-

(A) The development is contrary to Policy CP5 of the Tonbridge and Malling Borough Council Core Strategy as this development is located in the Mid Kent Strategic Gap which maintains the separation and separate identities of the built up areas of Maidstone and the Medway Gap.

(B) Any development at this location is premature and unnecessary at this stage before there is an agreed Tonbridge and Malling Borough Council Local Plan which will set out clearly whether this site has been allocated for development and what are the agreed and necessary infrastructure improvements required from the South Aylesford site within the proposed Local Plan.

(C) The development will lead to additional traffic movements on an already over capacity A20 which is highlighted by the traffic congestion at the traffic lights at the Beaver Road junction with the A20 which at peak times tails back to the Coldharbour roundabout and beyond to the motorway and Aylesford and the A20/Mills Road /Hall Road junction.

(D) This development will cause additional air quality issues on the edges of the existing Aylesford and Maidstone A20 AQMA's.

5.2 Highways England: Reproduced in full at Annex 1.

5.3 KCC (H&T): Reproduced in full at Annex 2.

5.4 KCC (Economic Development): Reproduced in full at Annex 3.

5.5 KCC (Heritage): The site of the proposed development lies in an area of broad archaeological potential associated with prehistoric activity. There are indications of post medieval or later horticultural activity to the south and the site does contain a pillbox, a locally important military structure and related to a network of pillboxes.

I note the pillbox is to be retained and included within an open space area, which is very welcome. In view of the broad potential for prehistoric and later archaeology I recommend a condition [requiring further archaeological field work to be undertaken].

Although I note the pillbox is to be retained I would welcome long term conservation measures and protection for this structure during development. As such I would also like to recommend additional conditions [to safeguard the pill box as an historic feature].

- 5.6 KCC (SUDS): Within the drainage strategy, it is noted that a possible surface water flow path exists within the site. The Environment Agency's surface water flood mapping indicates a flow path following the low points within the site and flowing into the depression which was a former quarry. It has been proposed within design and access statement to infill this depression and to achieve similar to levels across the site. Whilst we have no objection in principle (due to the limited extent of the mapped flow path beyond the site boundaries) any mitigation measures should be detailed in the final drainage strategy.
- 5.6.1 In addition, the underlying strata is the Hythe Formation (Ragstone) in which there is a risk of encountering loosely infilled features known as 'gulls'. The installation of soakaways may lead to ground instability if these features are present and are inundated with water. Infiltration testing is referred to in the drainage strategy but no ground investigation details appear to be provided. The use of shallow soakaways in the Hythe Formation can present a risk of washout of the fine grained deposits. We will require that information is submitted in the detailed design to determine that the proposed infiltration depth is within clean, competent, natural ground.
- 5.6.2 While supporting drainage calculations have been provided for 1 in 100 year storm with 20% allowance for climate change, we require that an additional analysis is undertaken to understand the flooding implication for a greater climate change allowance of 40%.
- 5.6.3 Should your authority be minded to grant permission for the above development, we would recommend that conditions be attached requiring details of the full drainage strategy for the site and a verification report be submitted before the dwellings are occupied that demonstrates that the SUDS scheme works appropriately.
- 5.7 EA: No objection subject to the imposition of conditions to safeguard the ground and ground water from pollution.
- 5.8 Southern Water: Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

5.8.1 We request that should this application receive planning approval, the following informative is attached to the consent:

“A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>”

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

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

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

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

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

- Specify a timetable for implementation.

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

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

5.8.7 We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

- 5.8.8 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 5.8.9 Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 5.8.10 The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 5.9 Natural England: No comments to make.
- 5.9.1 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.
- 5.9.2 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.
- 5.9.3 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 5.9.4 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available online at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

5.10 NHS (CCG): The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

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

Necessary  
 Related to the development  
 Reasonably related in scale and kind

5.10.2 We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

	Total chargeable units	Total	Project
General Practice	106	£92,196	Towards a new general practice premises for Aylesford Medical Centre or towards refurbishment, reconfiguration and/or extension at Bower Mount Medical Practice, Blackthorn Medical Centre and/or Vine Medical Centre.

5.10.3 The obligation should also include the provision for the re-imburement of any legal costs in incurred in completing the agreement.

5.11 Maidstone Borough Council: No comments.

5.12 Housing Services: 42 Affordable homes, with a tenure split of 70% rented and 30% intermediate is in line with policy.

5.12.1 As the development includes two bedroom bungalows and four bedroom homes, some of these homes need to be included in the AH provision.

5.12.2 The two bedroom houses are towards the small end of the scale. These units need to accommodate households of up to four people, and be at least 75m<sup>2</sup> (there are references to 74m<sup>2</sup> and 75.99 m<sup>2</sup> in the documents provided).

- 5.12.3 The type of rent for the rented affordable homes will need to be considered and agreed in consultation with the Council. If Affordable Rent is proposed it's likely levels will need to be set in the region of 60% of market rents in order to be affordable and sustainable for households. Also, rents will need to be capped at LHA, as well as 80% of market rents – whichever is lowest
- 5.12.4 More information about the breakdown of units by tenure is needed – which will be rented and intermediate?
- 5.12.5 It's important to consider accessibility in the development, with level access to all properties, and for some to be wheelchair accessible. It would be useful for flats to have lift access and for some to have a separate bath and shower, with a flush floor shower.
- 5.12.6 The majority of the AH provision is made to the north end of the site adjacent to the railway line, this could be split up more to integrate the units with the rest of the development.

5.13 Environmental protection:

Air Quality:

- 5.13.1 I agree with the air quality assessment and have no major issues but would like to draw attention to the mitigation measures in section 10.5.2, all gas-fired boilers meet a minimum standard of <40mgNO<sub>x</sub>/kWh and 1 Electric Vehicle charging point per dwelling with dedicated parking or 1 charging point per 10 spaces, being the best available technology at the time of planning.

Contaminated Land:

- 5.13.2 Based on the review of: Geo-environmental Investigation (Ground & Environmental Services Limited, July 2018) The report presents the findings of a combined preliminary and intrusive site investigation. The only potential source of contamination identified on site is an old quarry. This was the location of the only soil sample to show any contamination. As this quarry is to be infilled as part of the site re-profiling, the contamination will not be accessible to future site users and so does not require any remediation. On the basis of available data and information, the site is not identified as a site of potential concern or any adjacent site.
- 5.13.3 To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development, I suggest the imposition of conditions

Noise:

- 5.13.4 The Applicant has submitted two reports associated with noise.

- 5.13.5 The first of these forms part of the Environmental Statement. Chapter 11 deals with Noise And Vibration, and was carried out by their consultant, SLR (their ref: 416.09117.00001-FINAL, dated February 2019). I do have some issues to raise with this report. At para 11.2.94 (pg18) it is noted that piling may be used on this proposal. Wherever possible, this should via the Continuous Flight Auger (CFA) method, as this will substantially reduce the likelihood of nuisance being caused to nearby receptors. If any other method is to be used, the Applicant should be advised to contact the Environmental Protection team at the Council at the earliest opportunity. At para 11.2.112, pg 21), the proposed hours of construction are cited as Mon-Fri 07:00-19:00 and Sat 07:00-13:00. The Council's Core Hours for such activities are Mon-Fri 07:30-18:30; Sat 08:00-13:00; with no such work on Sundays or Public Holidays. These times include deliveries/collection to/from the site. It will be expected that the Council's Core Hours will be adhered to. At para 11.4.32 and Table 11-16 (pg31), a 15dB attenuation for a partially open window has been assumed. This is very much at the top end of the scale (10-15dB) and for a more robust assessment I would recommend using a lower attenuation figure of 13dB. At para 11.4.34 (et seq) (pg 32), an external amenity area target of 55dB LAeq, T has been used. This should be viewed as an upper limit. The desirable limit cited in BS8233:2014 is 50dB LAeq, T and this is the target that should be aimed for. As a point of correction, the report has incorrectly referred to the development at the junction of Hermitage Land and London Road (A20) as being in Maidstone Borough Council's area. This is incorrect, it is within the Tonbridge & Malling Borough Council area.
- 5.13.6 The second is a Noise Assessment carried out by their Consultant, MLM Consulting (their ref 102405/001R/RT, undated but a last revision date of 13-Feb-19). The Noise Assessment seeks to assess the noise climate present at the site and determine whether this can be mitigated and/or attenuated to achieve satisfactory internal and external noise levels in accordance with BS8233:2014, WHO's Guidelines for Community Noise 1999 and ProPG on Planning and Noise 2017. Vibration has also been assessed with reference to BS6472:2008.

Internal noise.

- 5.13.7 The Noise Assessment has demonstrated that there is a technical solution to secure satisfactory internal noise levels and appropriate performance criteria are proposed for the construction materials; it is imperative that the Ctr adjustment is included, as the dominant noise source is road traffic. I believe that some of the properties may require acoustically screened mechanical ventilation, as they are not able to achieve satisfactory internal noise levels with windows at least partially open. Passive ventilation has been proposed as a possible solution for some properties, but I am not in favour of relying on passive ventilation as this is unsatisfactory for decent ventilation rates. I would therefore recommend either:

a) Some form of whole property mechanical ventilation system with heat exchange; or

b) Individual room ventilation units that will give controllable levels of mechanical ventilation at satisfactory rates whilst maintaining acoustic integrity.

5.13.8 It is therefore imperative that we have a Condition that requires further submission of specific details of windows and mechanical ventilation to be installed, together with acoustic data demonstrating that satisfactory internal noise levels will be achieved with windows at least partially open.

#### External Noise

5.13.9 It is not clear from the Noise Assessment whether levels of up to 50dB LAeq can be achieved in external amenity areas for the dwellings proposed. The Noise Assessment makes reference to a level of 55dB LAeq as not being guaranteed to be achievable. 55dB LAeq should be very much viewed as being an upper limit, with a desired target of 50dB LAeq. The Noise Assessment makes reference to the use of close boarded fencing (presumably acoustic fencing) of 2.5-3.0m tall, where levels are predicted to exceed 55dB LAeq. Such fencing should be installed to gardens that are predicted to exceed 50dB LAeq and the appropriate areas specifically identified. No information appears to have been provided as to whether any acoustic protection is to be provided to the Open Spaces, in particular that in the Northern corner of the site. This is particularly relevant if the area is to be proposed to be used in lieu of properties individual amenity spaces.

#### Vibration

5.13.10 The vibration monitoring carried out suggests that vibration will not be issue for the proposed development, and I would not wish to comment further on this particular aspect. I anticipate that the abovementioned issues will be addressed at the detailed design stage, once the layout has been finalised.

5.14 Private reps: 19 + site + press notice/OS/0X/9R. The nine responses raise the following objections to the proposed development.

- Already have congestion on the A20 London Road and the junction of Beaver Road
- The drainage/sewage system is not capable of dealing with the recently built houses let alone the proposed development
- The infrastructure can't cope (Doctors and schools are at capacity)
- Noise levels would be made worse

- Air quality would be made worse
- The access road isn't wide enough to support the traffic entering the site
- This is a greenfield site separating the villages of Aylesford and Allington
- The area is used by walkers and children to play on
- The additional traffic from the 106 homes in an area where there are no convenient public transport links is unsustainable
- Loss of wildlife habitat
- The site has significant archaeological interest
- Construction noise will be unbearable
- The site is in the Strategic gap and should not be built on
- Yet more building on the Green Belt when there is a lot of brownfield land available.

**6. Determining Issues:**

*Principle of development:*

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

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

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

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

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

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

6.3 In terms of the principles of the development, policies CP6, CP11 and CP14 are the most important to the determination of this application, due to its specific locational characteristics outside, but close to, the Malling Gap urban area.

6.4 Concerning policy CP6, this states:

*“1. Development will not be permitted within the countryside or on the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements.*

*2. Any development that is considered acceptable in terms of this policy should maintain or enhance the setting and identity of the settlement, and in the countryside, be consistent with Policy CP14.”*

6.5 This policy does not seek to arbitrarily prevent development in out of settlement locations such as that the subject of this particular application. Rather it seeks to preserve the separate identity of different settlements and their particular character. This aim is entirely consistent with the advice contained within paragraph 127 of the NPPF (which is set out in full below), particularly point (c).

*127. Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate*

*amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

6.6 Consequently, this policy is not considered to be out of date with the NPPF and should, therefore, be given substantial weight in the consideration of this application.

6.7 Policy CP 11 states:

*“Development will be concentrated within the confines of the urban areas of;*

*a) Tonbridge (including Hilden Park)*

*b) The Medway Gap (i.e the major developed parts of Kings Hill, Leybourne, East Malling, Larkfield, Lunsford Park, Ditton & Aylesford south of the River Medway, Aylesford Forstal and Snodland)*

*c) That part of the Medway towns urban area that lies within the Tonbridge & Malling Borough (Walderslade).*

*Development adjoining these urban areas will only be permitted where there is an identified need and there are no suitable sites within the urban areas. Priority will be afforded to the use of previously developed land.”*

6.8 As has been stated earlier in this report, the site does not lie within the Medway Gap urban area and this policy contains the presumption against allowing development outside it unless there is an identified need and no suitable sites within the relevant urban area. There is of course an identified need for housing within the Borough due to the lack of a current year housing land supply. The last published position (April 2019) demonstrated a 2.6 year supply. It is also unlikely that the housing need can be accommodated within the urban area. This, of course, accounts for the fact that the draft local plan seeks to allocate an area of land that the application site forms part of for 1000 homes (policy LP 28). However, given that the policy seeks to control the spatial location of development (including housing) within the Borough at a time when it cannot demonstrate a 5 year supply of housing land, by virtue of footnote 7 of the NPPF, the policy has to be considered to be out of date with the NPPF. Notwithstanding this, this does not mean that the policy carries no weight at all in considering this application. Previous decisions including those determined by appeal have shown that limited weight can be attributed to this policy.

6.9 Policy CP 14 states that within the countryside development will be restricted to:

a) Extensions to existing settlements in accordance with Policies CP11 or CP12;  
or

b) The 1 for 1 replacement, or appropriate extension, of an existing dwelling or conversion of an existing building for residential use; or

c) Development that is necessary for the purposes of agriculture or forestry including essential housing for farm or forestry workers; or

d) Development required for the limited expansion of an existing authorised employment use; or

e) Development that secures the viability of a farm, provided it forms part of a comprehensive farm diversification scheme supported by a business case; or

*(f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or*

*g) affordable housing which is justified as an exception under Policy CP19; or*

*(h) predominantly open recreation uses together with associated essential built infrastructure; or*

*(i) any other development for which a rural location is essential.*

6.10 This policy seeks to limit development within the countryside including housing. It has been accepted that this policy is out of date with the NPPF and can, therefore, be attributed only limited weight.

6.11 Reference has been made in some of the representations that the development would be contrary to policy CP5 of TMBC which seeks to protect the strategic gap between the built-up areas of the Medway Gap and Maidstone. However, following the abolition of the Regional Spatial Strategies (which supported such policy) by central Government and the subsequent production of the NPPF, which no longer supports the strategic gap policy, policy CP5 is out of date and cannot be given any weight in the consideration of this application.

6.12 With regard to the application of the presumption in favour of sustainable development, regard must first be had for whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 6) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in footnote 6 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless 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:*

- 6.13 Dealing firstly with policy CP 6, as was set out earlier in this report, the purpose of this policy is to ensure that settlements retain their separate or own identity. The site is such that it would adjoin a residential development that falls partly within TMBC area and partly in Maidstone (The Castor Park development). This development itself appears as part of the Maidstone urban area. The railway embankment spatially and visually cuts off the site from the existing developed confines of Aylesford. As such the proposed development would appear as an extension to the Castor Park development and would not erode the separate identities of Aylesford and Maidstone. Furthermore, whilst it is acknowledged that the Whitepost Field site would, when developed in time, infill the gap between Aylesford and the current application site, again due to the railway embankment that separates the two, both sites would be visually separated from one another. Consequently, the development would not be contrary to policy CP 6 of the TMBCS.
- 6.14 Paragraph 78 of the NPPF advises that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Paragraph 79 then follows stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”.
- 6.15 Given that the site lies within the countryside as designated – and notwithstanding my earlier comments concerning the application of policies CP 11 and CP14 of the TMBCS – an assessment of the development on this basis must take place.
- 6.16 The interpretation of isolated homes in the countryside has been clarified in the Court of Appeal judgment in Braintree DC v SSCLG [2018] EWCA Civ. 610. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. (para.31)
- 6.17 The site is immediately adjacent to the urban area of Maidstone. It also lies east of, but close to, the eastern boundary of the Medway gap area (within TMBC) and although Hermitage Lane intervenes I consider that the development would provide a spatial expansion of this urban area (particularly as it adjoins the site of a development for 840 dwellings that was granted planning permission in July

2020), which itself adjoins the Medway Gap urban area. Furthermore, the confines of Maidstone are located less than 200m away to the east of the site. Given the scale of the development and its location, it would certainly not result in isolated dwellings being introduced within a rural area but would instead be a sustainable location for new dwellings to be located as a meaningful expansion of the existing urban area. The development would not, therefore, conflict with paragraph 79 of the NPPF.

- 6.18 As such, in locational terms and having due regard to relevant case law and material planning considerations, I conclude that the development of this site for residential purposes in the manner proposed would not be harmful.

*Character and pattern of development and impact upon visual amenities:*

- 6.19 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.

- 6.20 In particular, paragraph 127 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. Furthermore, paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 6.21 The Landscape and Visual (LV) section of the ES identifies two separate aspects to consider when assessing the landscape and visual affects of a development. These are:

- Assessment of landscape effects – assessing the effects on the landscape as a 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

- 6.22 With regard the former (Landscape effects) such matters as landscape designations, the landscape quality, scenic quality, rarity, recreational value and perceptual aspects and associations should be considered.
- 6.23 The site is not the subject of any specific landscape designation. It's quality is typical of other open land in the wider locality; open, gently undulating grass land and which is enclosed by urbanising elements to the east (London Road) and to the south east (edge of Maidstone urban area). The site is of limited scenic quality and its most notable features are the hedgerow and trees that stand along the London Road boundary of the site and the trees.
- 6.24 A former quarry is located within the north eastern part of the side, close to London Road. This is to be infilled to the same height as the prevailing ground level to the west of it. The land north and east of the former quarry is to be made up as well with a bund running parallel to the eastern boundary of the site, returning around the southern side of the former quarry. Part of the fill material would come from three specific areas of the site which are to be cut (regraded). One lies immediately to the south side of the quarry, one is at the south western corner of the site and the third in the central part of the site. The purpose is to provide a more uniform level for the development to take place on. Whilst the site undulates and contains a small former quarry that is to be infilled, the landscape of the site is not considered to be rare nor contain rare features or characteristics.
- 6.25 The site is not accessible to the public for any lawful recreational purpose and does not contain any public rights of way. The site contains a pill box located at the northern end of the site close to the railway line which is to be retained.
- 6.26 The other aspect of visual impact arises from how receptors will perceive the change in the landscape following the development. Those receptors which are most susceptible to a change in the local landscape include the residential properties that face onto the site and people engaged in outdoor recreation, whose attention is likely to be focused on the local landscape. People travelling along the local roads and rail routes are likely to be less susceptible to change as their focus is more likely to be on the journey, unless of course the journey involves a highly scenic landscape, which the application site does not form part of.
- 6.27 The site is visible to those residential properties that have a view across the site (e.g. those in Wyatt Road, Rufus Walk, Castor Park and Goodwin Road to the south/south east of the site). They will experience the greatest change in the landscape of the site as the development will be located up to the open space serving this neighbouring development that adjoins the site. However, this is a relatively new development with no hard boundary between it and the application site. Due to this and that the access to the application site will be

gained via Castor Park, to existing residents, it could appear as a natural continuation of the existing development.

- 6.28 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 or replaced under the proposed development.
- 6.29 Views from PROWs, including the Medway Valley Walk along the River Medway and from further afield at the top of Blue Bell Hill (North Downs Way) would be at best very limited. Indeed, any views of the development would be seen from the elevated position of the North Downs Way in the context of the adjacent developed part of the Medway Gap urban area and the M20 motorway.
- 6.30 Although reserved for future consideration, the indicative plans provided show that the dwellings will be of a similar scale to those in the locality and the scheme has been designed to retain and manage the existing soft boundary treatments. An area of open space is shown to be located at the entrance to the development between the two existing areas of open space located in front of the dwellings within Castor Park, Rufus Walk and Wyatt Road. Whilst the access road would bisect this area, the effect would be an open green corridor between existing and proposed developments. Similarly, whilst indicative, two areas of green open space are shown to be located at the northern end of the site, one on the eastern side of the site adjacent to London Road and the other on the western side, which the WWII pill Box would be located within. These two areas are shown (indicatively) to be linked by a green corridor. Breaking up the expanse of the proposed built areas and additional landscaping is proposed to take place, including appropriate tree planting as the development plans take shape at the next (Reserved Matters) stage.
- 6.31 As has been highlighted above, the site lies close to existing residential properties and access to the site will have to come through the access road serving them. The development has the potential to harm the amenities of these neighbouring properties both during the construction phase and operation phase of the development. With regard to the construction phase the applicant is suggesting the use of a Construction Management Plan (CMP) to help reduce those impacts upon residents. This will cover such matters as how the site is to be accessed for the duration of the construction works, when and how deliveries will be made, how waste is taken away, working hours and how construction workers should access the site (including where they should park their vehicles). Whilst the impacts arising from a construction project (such as noise, disturbance, dust etc) can be significant for the local residents, they will be temporary and cease once the development is complete. However, the operation of an agreed construction management plan will help to minimise such harm to residents and clearly set out for everyone's benefit how the construction works are to be undertaken.

- 6.32 With regard to the operational phase, the siting and layout of the dwellings, which will not be more than 3 stories in height based on the submitted parameters plan, can be achieved without causing unacceptable impacts upon the existing houses to the south and south east of the site in terms of loss of light or privacy. The detailed layout of the site will be considered at the Reserved Matters stage where the impacts of that scheme will be considered afresh.
- 6.33 The development will also generate traffic that will have to travel via Castor Park to reach Beaver Road and the A20 beyond. Whilst this new through traffic will create noise from vehicles driving through Castor Park, the impacts would not cause such harm to residential amenity that would warrant a recommendation to refuse permission.
- 6.34 In all these respects, I consider that the development would come forward in an acceptable manner that would accord with the adopted development plan and the policies contained within the Framework.

Highway safety, capacity and parking provision:

- 6.35 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.
- 6.36 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.
- 6.37 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.
- 6.38 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.39 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.
- 6.40 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.41 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.
- 6.42 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.
- 6.43 Members will see from section 5 of this report that both the Highways Agency and the local Highway Authority did previously raise objections to the proposed development on the basis that it had not been clearly demonstrated that the development would not cause unacceptable harm to the strategic road network (jct 5 of the M20). Concerns have also been raised regarding the junction of Beaver Road with the A20 London Road. These issues have now been resolved but revisions to the Beaver Road junction with London Road will need to be undertaken. A splitter island will be installed to provide a dedicated left turn lane from Beaver Road onto the west bound carriageway of the London Road, separating this from the other lane which will allow for forward and right turning traffic. This minor reconfiguration will reduce the queuing times for traffic leaving Beaver Road. This work will be under a s278 Agreement with the highway authority. A condition will be used to require the junction works to be undertaken prior to the occupation of the proposed dwellings.
- 6.44 The impacts of the development upon other local junctions has also been considered, taking into account the cumulative impact of the Whitepost Field development for 840 house which has now been granted planning permission and which lies immediately to the west/north west of the site across the railway

line. The other developments proposed in the local plan for the Aylesford area have also been taken into consideration, as has the recently permitted household waste recycling (HWRC) facility at Allington.

- 6.45 A significant amount of work has taken place since the application was submitted for the full impacts of the development to be assessed. The submission of the additional Transport Assessment addendums (four in total) now demonstrate that the development will have a negligible impact upon the Poppyfields and Coldharbour Roundabouts and only a minor impact upon the junction of Hermitage Lane and the London Road (a maximum of 8 additional movements during the peak hour). Of course, the Coldharbour roundabout is scheduled for improvements by KCC later this year and next year, alongside improvements to the junction of London Road/Mills Road/New Road. Due to the limited impacts that the proposed development would have, KCC is not seeking contributions to these junction improvement schemes.
- 6.46 The potential highway impacts of this development have been the subject of numerous conversations between Borough Council officers and colleagues at KCC (Highways). Owing to the nature, scale and likely impacts of the development, the only mitigation that is considered to be required to be undertaken by the applicant are the improvements at the Beaver Road/London Road junction.
- 6.47 The Transport Assessment which forms part of the ES also contains a Travel Plan document which sets out that a Travel Plan Co-ordinator (TPC) should be appointed to oversee a Travel Plan for the development. The aims of the Travel Plan will be to reduce single occupancy car journeys and promote the use of cycling, walking and public transport. The Travel Plan document points out that a final Travel Plan will need to be agreed between the developer, the highway and planning authorities and required by a condition attached to a permission. However, it is expected that the developer would fund (at least in part) the role of the TPC. As the Travel Plan requires a financial contribution to be made, it would need to be dealt with by way of a s106 Planning Obligation rather than a condition. However the principle of the use of a Travel Plan for the purposes set out in this application is acceptable, as it's very purpose is to seek to reduce the impact of the development upon the highway and encourage more sustainable transport choices.
- 6.48 A position has now been reached whereby both Highways England and KCC (H&T) have removed their objections to the proposed development. Highways England is now satisfied that the development would not cause unacceptable harm to the strategic highway network (Jct. 5 of the M20). With regard to the local road network, providing that the applicant contributes to the improvements to the Beaver Road junction with the London Road, the development is considered to be acceptable in terms of highway safety impacts. A s.106 obligation can be used to secure such a contribution.

- 6.49 In addition, a Travel Plan has been submitted for the development. This provides an action plan that includes the production of residential travel packs, promoting car sharing and use of public transport to future residents. Secure cycling provision will also be provided as part of the development. I consider this to be acceptable for the development given its location.
- 6.50 A condition can be imposed on any permission granted requiring layout plans to provide for car parking at a level that is in accordance with the adopted residential parking standards (Kent Design Guide Review: IGN3) and secure cycle storage as well, which will assist with the aims of the Travel Plan to promote sustainable transport choices for future occupiers of the development.
- 6.51 In light of the above and taking into account the infrastructure improvements to be undertaken by the local Highway Authority (with the necessary contributions from the developer) I am satisfied that the development would not now result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 109-111 of the NPPF.

*Ecology and biodiversity:*

- 6.52 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.
- 6.53 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.
- 6.54 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.
- 6.55 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.

- 6.56 An Ecological Appraisal report has been submitted in support of the application. The report advises that the site comprises a single, large, grassland field. Boundary vegetation is present along the perimeters of the field with a hedgerow to the west, scattered scrub to the north and mature tree belts and woodland to the south and east.
- 6.57 The site provides limited opportunities to foraging and commuting bats, with bat activity overall limited to low numbers of common species utilising mainly the boundary hedgerows and trees on the north eastern side of the site. It is proposed to replace the existing trees in this area with appropriate trees and shrubs to provide and improve foraging/commuting habitat for bats. It is also proposed to plant trees and shrubs along the north western boundary of the site (along the line of the railway embankment) to also provide additional opportunities in time for foraging and commuting bats. Due to the size of the site and the proposed development there will also be opportunities for enhanced tree and shrub planting within the open spaces that will be an integral part of this development. Whilst full details of landscaping will be dealt with at the Reserved Matters Stage, the development provides an opportunity to enhance the habitat on site to support local bat populations.
- 6.58 In respect of breeding birds, blackbird and wren were recorded during a survey of the site. These are commonly associated with the woodland and scattered scrub habitats present within the site. Additional tree and shrub planting is recommended within the site by the applicant's ecological adviser as well as replacement tree and hedgerow planting in the north eastern corner of the site. It is also planned to plant a wildflower meadow as well to improve the biodiversity of the site. The site is able to accommodate much additional tree and hedge planting due to its size and the number of dwellings proposed, which will provide enhanced habitats for breeding birds.
- 6.59 The site is considered to have a moderate habitat for reptiles and 10 surveys of the site have been undertaken on behalf of the applicant to assess the presence of them. A low population of slow worms (less than 5) was found together with a medium population of common lizard (between 5 and 20). The mitigation proposed by this development comprises the creation of enhanced habitats on site within the areas of open space as well as the translocation of reptiles on site to the land immediately to the south west of the site which is in the same land ownership. Given that the donor site lies immediately adjacent to the site and contains the same habitat, this is considered an appropriate donor site to translocate the reptiles to prior to the commencement of the development.
- 6.60 I am therefore satisfied that the development would have a net positive effect on habitats and biodiversity on the site which would be an overt benefit arising from the development. The proposal therefore accords with local and national policy focused on maintaining and enhancing biodiversity.

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

*Best and most versatile agricultural land:*

6.62 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

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

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

6.65 Paragraph 170 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. In particular section b) requires the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services to be recognised – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.66 Whilst I appreciate that policy CP9 relates to the allocation of sites rather than decision making, this policy when considered in conjunction with paragraph 170 (b) of the NPPF makes it clear that there is a need to balance the need for additional housing with the loss of agricultural land.

6.67 The site is classified as grade 2 which is typical of the surrounding area. Grades 1, 2 and 3a are referred to as 'best and most versatile' land. It is recognised that the site comprises the best and most versatile agricultural land, although it is a small area being less than 4ha in size and confined on three sides by a railway line, the London Road and existing development. 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 small pocket of agricultural land would have little tangible impact on agricultural yield.

6.68 Of course, the cumulative impacts of the loss of such agricultural land need to be considered. The much larger adjacent Whitepost Field site (c.34ha) which is grade 2-3 has now been granted planning permission to be developed. As part of the assessment of that application it was considered that the loss of the agricultural land was not sufficient to outweigh the benefits deriving from that scheme which included a substantial housing (including 40% affordable) provision at a time when the Council cannot demonstrate a 5 year supply of housing land in the Borough.

In this case the loss of the proposal site of less than 4ha would result in only a minor additional loss of additional agricultural land, which itself is considered to be of little effect in terms of food production, and would be outweighed by the benefit of providing a significant amount of additional housing within the Borough including a policy compliant amount of affordable housing when there is a lack of a five year housing land supply.

Minerals:

- 6.69 The development would be undertaken on land that is safeguarded within the Kent Mineral and Waste Local Plan (Policy OL 7) for Kent Ragstone and Sandstone. Whilst the site's geology is consistent with the Hythe Formation (ragstone), it is considered too small to be commercially viable to extract. Furthermore, the last remaining company actively quarrying ragstone (Gallagher Group) operates two quarries locally with reserves until 2037 (Hermitage Quarry) and 2054 (Blaise Farm). As such the development of this site would not sterilise a commercially viable mineral deposit of which there is an adequate supply of in the local area. Accordingly, it is not considered that the development would fail to comply with policy OL7 of the KMWLP.

Potential land contamination:

- 6.70 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 6.71 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.
- 6.72 In terms of land contamination, the submitted Geo-Environmental Report is considered to adequately review the history and environmental setting of the site. It notes that the site has not been previously developed and contains no signs of contamination that would pose a threat to human health, ground water or the plant life present on site. The Assessment considers that no further

investigation is required as to ground contamination. However it also recommends a precautionary approach in that should malodorous or stained material be encountered during the levelling/enabling works, then those works should cease until the material is investigated by a suitably qualified person and dealt with appropriately.

- 6.73 Both the EA and the Council's Contaminated Land Officer agree with the conclusions of the assessment and recommend that a condition be used to deal with unforeseen contaminated land should it arise. Given the potential for ground water contamination within the site, the EA has also recommended the use of a condition to prevent the discharge of surface water to ground unless details have first been approved by the LPA.

*Flooding and surface water management:*

- 6.74 KCC (Flood and Water Management) has advised that it has no objection in principle to the development. Due to the underlying conditions (the Hythe Formation), there is a risk of encountering loosely infilled features known as 'gulls' and the installation of large point infiltration areas or sources may lead to ground instability if these features are present and are inundated with water.
- 6.75 A detailed sustainable surface water drainage scheme has therefore been recommended that should also determine the potential instability risks associated with infiltration drainage into the mentioned deposits. Conditions have been advised which are entirely appropriate.
- 6.76 Southern Water has advised that it can accommodate the needs of the proposed development, without the development providing additional local infrastructure (in terms of foul waste). It advises that surface water should be dealt with by a SUDS scheme and not discharge to a public sewer.

*Noise:*

- 6.77 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.
- 6.78 A Noise Assessment has been submitted as part of the ES, in support of the application. The report details the measurement of the noise climate present at the site, compares this with appropriate standards and offers advice on the attenuation measures that could be implemented to secure an acceptable environment. The report concludes that the main sources of noise to future occupiers of the development are from traffic using the A20 London Road and from the railway. Achieving appropriate amenity levels for the proposed dwellings will be dependent upon such factors as the eventual layout of the

development, the positioning of the dwellings in relation to the sources of noise and orientation of the dwellings. Noise attenuation measures such as acoustic fencing or enhanced glazing may need to be considered at the detailed design stage. It is apparent, however, that a residential scheme of the size proposed can be accommodated on site and provide an adequate level of amenity for future residents. A condition can be added to ensure that the necessary noise mitigation/attenuation measures are incorporated into the development. The proposal therefore accords with paragraph 180 of the NPPF.

Air quality:

- 6.79 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.
- 6.80 An AQMA lies along the A20 corridor to the north of the north west of the application site (starting from between the Coldharbour roundabout and the junction of London Road and Hermitage Lane and extending westwards). The impact of the development has been assessed as being low to imperceptible due to a change of less than 1% upon existing receptors in the locality. The assessment does, however, recommend that electric vehicle charging points be installed for dwellings with their own parking spaces to facilitate their use by residents of the proposed development. The assessment also recommends the use of a Construction Management Plan for the duration of the construction works in order to minimise impacts upon air quality. The details of a CMP have been submitted as part of this application and a condition can be utilised to ensure the measures are adhered to. Not only would this be beneficial to air quality, it would also help to mitigate the impacts of the construction works upon local residents and highway safety. The Council's Air Quality officer considers the assessment to be acceptable and recommends that the proposed mitigation measures be secured by planning conditions.
- 6.81 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's own expert, 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:

- 6.82 The site is part of an area that is proposed to form part of a strategic allocation site (South Aylesford) for approx.1000 dwellings and key infrastructure including a 2 FE entry primary school, new link road between the A20 London Road and Hermitage Lane, and contributions towards the improvement of the A20/Hall Road/Mills Road junction as set out within policy LP 28of the draft local plan which was submitted to the Secretary of State for examination on 23 January 2019.
- 6.83 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.
- 6.84 Paragraph 49 then advises:
- “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.”*
- 6.85 Of course, in this case, the proposed development would take place on a small parcel of the land which is the subject of the proposed local plan allocation and would include a quantum of residential dwellings commensurate with policy LP28. As Members may recall, much of the infrastructure improvements required under this draft policy have been secured by way of a s106 Planning Obligation concerning the now approved development of the adjacent Whitepost Field development (TM/17/01595/OAEA).
- 6.86 With the current application, whilst there is no requirement to contribute to the improvement of the Coldharbour roundabout or the junction of London Road/Mills Road/Hall Road, there is a need to improve the Beaver Road junction with London Road in order to mitigate the impacts of this development. The applicant is willing to make the necessary financial contributions to the highway authority to enable this work to be undertaken. The applicant is also willing to make the necessary contributions that relate to community infrastructure as set out in further detail below. Consequently, the proposed development complies with the requirements of policy LP28 in any event.

6.87 Whilst the development complies with this draft policy, the local plan examination process has been stopped by the Inspectors for the reasons set out in their letter dated December 2020. As such only limited weight can be applied to this policy at this time.

Planning Obligations:

6.88 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

6.89 Paragraph 56 of the NPPF reflects this statutory requirement.

6.90 The scheme proposes to provide 40% of the total number of dwellings (106) as affordable housing, which would be 42 residential units. The scheme therefore accords with Policy CP17 of the TMBCS. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need

6.91 Policy OS3 of the MDE DPD required all developments of 5 units or more (net) to provide an open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The indicative plans show that the development would incorporate children's play areas, amenity green space and areas of natural and semi-natural green space. After taking this on-site provision into account, a financial contribution of £110,980 is also being secured through a s.106 obligation for the enhancement of Leybourne Lakes Country Park.

6.92 The development generates a need for 30 additional primary school places that cannot be accommodated within existing local schools. A new 2FE primary school is to be provided as part of the development on the adjacent parcel of land (Whitepost Field) to the north west of the application site. That school will contain capacity larger than that required to accommodate the number of pupils generated by the Whitepost Field development. As such, there will be capacity to accommodate the primary aged children that will live within the proposed development. A contribution of £324,256 will be secured by a s106 planning obligation from the applicant towards the cost of building the new school on the adjacent site. It will also be necessary for the applicant of this residential development to make a financial contribution of £229,383.94 for primary land

provision as they will not need to find land within their site to accommodate a new primary school. This particular contribution will be returned to the developer/landowner of the Whitepost Field development to compensate them for providing all of the land necessary to accommodate a 2FE primary school.

- 6.93 KCC has also advised that to mitigate the additional impact that the development would have on delivery of its community services, the payment of an appropriate financial contribution is required. This consists of contributions for secondary education (£294,226 for enhancing Aylesford School teaching space), £8,411.47 for enhancements and addition book stock for Larkfield library, £5,925.40 for enhancing the Aylesford Priory Changing Place facility, and £1,427.84 for improvements to Aylesford Youth Club. As with all the other contributions, these are being secured by a s106 planning obligation.
- 6.94 NHS CCG has advised that the proposal will generate approximately 256 new patient registrations based on an average of 2.34 per dwelling and that this would have implications on the delivery of general practice services in the Aylesford area. Therefore, mitigation is required and this will be in the form of the payment of a financial contribution of £92,196 towards new GP premises for Aylesford Medical Centre or refurbishment of existing facilities in the local area. This is also being secured by the s106 planning obligation.
- 6.95 These obligations, along with that also required for highways improvements, would ensure that the effects of the development would be adequately mitigated, and that these would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

*Planning balance and overall conclusions:*

- 6.96 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. In terms of the benefits, the proposed development would provide 106 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. In addition, the proposal would provide net benefits to biodiversity. Any adverse impacts on infrastructure, such as highways, schools and medical facilities, are considered to be adequately mitigated through planning obligations. The loss of 4ha of BMV land is considered to be a minor adverse impact in the overall balance. Matters such as noise and air quality can be adequately mitigated through conditions and the Travel Plan secured through planning obligation.
- 6.97 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. It is therefore recommended that outline planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out throughout this report and various planning conditions to ensure that the development comes forward in an acceptable, high quality fashion.

**7. Recommendation:**

- 7.1 **Grant outline planning permission** as detailed in the following: Other junction mitigation tech note received 03.12.2020, Transport Assessment Third Addendum received 09.07.2020, Transport Assessment Fourth Addendum received 07.09.2020, Environmental Statement Volume 2 Appendix 11-1 to 11-9 received 15.02.2019, Environmental Statement Volume 2 Appendix 12-1 to 12-2 received 15.02.2019, Environmental Statement Volume 3 Non technical summary received 15.02.2019, Site Survey 14731-S1 received 15.02.2019, Site Survey 14731-S2 received 15.02.2019, Site Survey 14731-S3 received 15.02.2019, Site Layout PL01 REV 11 Proposed received 15.02.2019, Site Layout PL010 REV 1 Proposed received 15.02.2019, Site Layout PL011 REV 1 Open spaces strategy received 15.02.2019, Site Layout PL012 REV 1 Adoptable highways received 15.02.2019, Site Layout PL013 REV 1 Paramaters plan received 15.02.2019, Drawing PL014 Council boundary overlay received 15.02.2019, Proposed Elevations PL015 House types received 15.02.2019, Street Scenes PL016 Illustrative scale received 15.02.2019, Plan PL800 REV 01 Proposed earthworks received 15.02.2019, Location Plan EX01 Existing received 15.02.2019, Location Plan EX02 Site analysis plan received 15.02.2019, Location Plan LE03 received 15.02.2019, Location Plan LE04 received 15.02.2019, Statement 0805-02.RPT M17 Affordable housing received 15.02.2019, Planning Statement 0805-07.RPT M17 received 15.02.2019, Report Badger issue 1 received 15.02.2019, Bat Survey Activity Issue 1 received 15.02.2019, Bat Survey Emergence Issue 1 received 15.02.2019, Appraisal Ecological Issue 1 received 15.02.2019, Survey Reptile Issue 1 received 15.02.2019, Design and Access Statement Jan 2019 received 15.02.2019, Flood Risk Assessment received 15.02.2019, Sustainable drainage scheme Appendix 5 received 15.02.2019, Statement Open space received 15.02.2019, Waste Management Strategy Waste Audit received 15.02.2019, Environmental Investigation R 1 received 15.02.2019, Assessment Minerals resource R 1 received 15.02.2019, Report Historical mapping received 15.02.2019, Desk Study Assessment Archaeological received 15.02.2019, Statement Built heritage received 15.02.2019, Arboricultural Survey Issue 2 received 15.02.2019, Statement Community involvement received 15.02.2019, Environmental Statement Volume 1 Chapters 1-15 received 15.02.2019, Environmental Statement Volume 2 Appendix 1-1 to 1-2 received 15.02.2019, Environmental Statement Volume 2 Appendix 2-1 to 2-2 received 15.02.2019, Environmental Statement Volume 2

Appendix 2-1.1 to 2-1.5 received 15.02.2019, Environmental Statement  
Volume 2 Appendix 5-1 to 5-6 received 15.02.2019, Environmental Statement  
Volume 2 Appendix 8-1 received 15.02.2019, Environmental Statement  
Volume 2 Appendix 9-2 to 9-3 received 15.02.2019, Environmental Statement  
Volume 2 Appendix 9-4.1 to 9-4.3 received 15.02.2019, Environmental  
Statement Volume 2 Appendix 9-5.1 to 9-5.2 received 15.02.2019,  
Environmental Statement Volume 2 Appendix 9-6 received 15.02.2019,  
Environmental Statement Volume 2 Appendix 10-1 received 15.02.2019  
subject to:

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

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 28 July 2021, 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

### **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 two years from the date of this permission.

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

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

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

- 4 Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the layout of roads, footpaths, other means of access, car parking and the drainage of those areas 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: Reason: In the interests of highway safety and the amenity of the locality.

- 5 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

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) further archaeological investigation, recording and reporting, determined by the results of the evaluation, 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.

- 6 No development shall take place until fencing has been erected, in a manner to be agreed with the Local Planning Authority, about the pillbox; and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: To ensure that important archaeological remains are not adversely affected by construction works.

- 7 Prior to occupation of any dwellings, the applicant, or their agents or successors in title, will secure the implementation and completion of a programme of heritage interpretation work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological resource on the site, especially the pill box, are properly assessed and disseminated in accordance with NPPF (paragraph 141)

- 8 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 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.
- that infiltration does not pose a resultant unacceptable risk of ground instability
- that 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.

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

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

- 10 The overall development hereby permitted shall not be commenced until such time as a scheme to connect all plots to mains foul drainage has been submitted

to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

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

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 12 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 13 No development on any new building shall commence until detailed topographical plans and cross-section drawings of the site showing the proposed changes to the ground levels within the site in relation to the existing levels of the site and adjoining land have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

- 14 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date

for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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

- 15 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of hard landscaping including details of road and footpath finishes, external lighting, and surfacing of parking areas, driveways and garage courts. The scheme shall be implemented in accordance with the approved details prior to the occupation of the last dwelling within the development.

Reason: In order to protect and enhance the appearance and character of the site and locality.

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

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

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

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

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

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

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

- 17 No development shall commence until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and surrounding the site will be protected during the construction phase has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 24 No dwellings shall be occupied until details of secure cycle storage provision for all of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to the occupation of the dwellings they would serve and retained at all times thereafter.

Reason: In order to facilitate sustainable transport choices for the residents of the development, in the interests of highway safety and in accordance with paragraph 110 of the National Planning Policy Framework 2019.

- 25 The development shall be carried out in accordance with the recommendations for the reptile mitigation specified within section 5 of the document "Reptile Survey and Mitigation Strategy" dated October 2018.

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

- 26 The development shall be carried out in accordance with the recommendations for the Bat mitigation specified within section 5 of the document "Bat Emergence and Dawn Re-entry Surveys" dated October 2018

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

- 27 No dwelling shall be occupied until the junction of Beaver Road and London Road has been improved as shown in Junction Mitigation technical Noted dated

November 2020.

Reason: In the interests of highway safety in accordance with paragraph 109 of the National Planning Policy Framework 2019.

### **Informatives**

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCG) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highway-boundary-enquiries>
- 3 The following points should be considered wherever soakaways are proposed at a site:
  - Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.
  - Only clean uncontaminated water should drain to the proposed soakaway. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
  - No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.

- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaway and the water table.
  - A series of shallow soakaways are preferable to deep bored systems, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- 4 The applicant is advised to follow the following guidance. The Environment Agency's approach to groundwater protection when designing drainage systems/strategies which are to discharge to ground. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. Included are a series of position statements that should be followed when designing any drainage system which is to discharge to ground. This guidance document can be found at:  
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>
- 5 The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- 6 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Matthew Broome

TM/19/00376/OAEA

## Annex 1 (responses from Highways England)

### Initial response

**From:** [Bowie, David](#)  
**To:** [Richard Timms](#)  
**Cc:** [Planning SE](#); [Bradley, Alistair J](#); [Jenkins, Daniel](#); [Fisher, Rachael](#)  
**Subject:** 19/500769/EIOUT - Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent FAO Richard Timms

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**For the Attention of:** Richard Timms

**Planning Application Number:** 19/500769/EIOUT.

**Site:** Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent

**Proposal:** Outline application for a residential development of 106 units comprising a mix of 1, 2, 3, and 4-bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (Access, Layout and Scale being sought).

**Highways England Reference:** 84093

Dear Richard,

Thank you for your letter of 22 February 2019, regarding the above outline planning application, requiring a response by no later than 26 March 2019.

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 are 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.

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN. In this case our interest relates to the M20 junction 5, though this includes the impacts on the A20 Coldharbour Lane junction as this has been found to experience queuing which extends back to the M20 junction 5.

The proposal is for outline planning permission for a residential development of 106 units comprising a mix of 1, 2, 3, and 4-bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (access, layout and scale being sought), at land south west of London Road and west of Castor Park, Beaver Road, Allington, Maidstone, ME16 0XU. It is within both Maidstone Borough and Tonbridge and Malling Borough.

The proposal is not in the Maidstone Borough Local Plan (adopted 25 October 2017).

The Local Plan for Tonbridge and Malling for the period to 2031 has been submitted and is currently at the examination stage. We have reviewed the Local Plan Regulation 19 Pre-Submission Publication of September 2018 and the eight volumes of "Changes to the Adopted Proposals Map" and there is no mention of the proposal in either.

#### History of the Site

The site is currently vacant and undeveloped.

Planning Application reference 18/03044/EASP, lodged with Tonbridge and Malling Borough Council in December 2018, was for the same site. The development proposal was a "Request for scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed residential development". The proposed development, for which a scoping opinion was sought, was up to 130 dwellings with vehicular access onto Romney Road, then Beaver Road, as with the current application. Other details are given in the Scoping Request

Report <sup>[1]</sup>, including:

- The design will comprise a mix of housing ranging from one-bedroom flats and bungalows to four-bedroom houses; all units will be 2 storeys or under.
- Car parking will be proposed to accord with Kent County Council's guidance

(IGN3).

- 40% of the housing will be affordable provision.

We responded to that application by email on 4 January 2019. In summary, our response stated:

- Highways England will be concerned with any impact on the safe and efficient operation of the M20 Junction 5.
- Highways England have no comment on whether an EIA is required; but if it is (or produced voluntarily), it should be compatible and consistent with the Transport Assessment (TA) and also contain information on all transport related effects including safety, noise, vibration and air quality.
- We had not been provided with the transport assessment scoping note which was provided to Kent County Council; as such we could not comment on the proposed methodology of the transport assessment.
- The A20 Coldharbour Lane junction currently experiences congestion that can result in blocking back of traffic onto the M20 Junction 5, particularly in the AM peak period. Accordingly, the TA should identify any impacts of the development on the A20 Coldharbour roundabout and any associated queuing delays at the M20 Junction 5, demonstrating that the proposal will not materially affect the safety, reliability and/or operation of the existing SRN in accordance with the tests set out in Department for Transport Circular 02/2013 paragraph 10 and DCLG NPPF paragraph 32.

## Review of the Transport Assessment

The current outline application, 19/500769/EIOU, is accompanied by a transport assessment<sup>[2]</sup> (TA), produced in February 2019. Additionally, Odyssey, who produced the TA, produced two separate TA addendums, in November 2018 and January 2019 (hereafter referred to as the first and second TA addendums respectively). These followed Revision B of the TA, which was produced in August 2018. As the current TA (Revision C) was produced in February 2019, we assume that it contains up-to-date content from the two TA addendums.

We have reviewed these documents as follows:

### Access

The proposed vehicular access to the development is onto Romney Road which then joins Beaver Road, both roads being part of a network of minor local roads and cul de sacs that together has no through access. Beaver Road intersects with the A20 London Road which then joins the M20 junction 5 approximately one kilometre from the site. Junction 5 is a grade-separated roundabout junction.

### Base traffic, Traffic growth and Committed developments

For the M20 junction 5 and the A20 Coldharbour Lane junction, the TA says that the base traffic volumes, traffic growth and committed development traffic volumes are all taken from the "Forecast Junction Assessments A20 Corridor, Tonbridge & Malling Study" (source not stated) of March 2018 (the A20 study). The A20 Study applied growth to the future year 2031, including for all Local Plan allocated development.

Two scenarios are assessed in the A20 study, according to the TA:

- Do-minimum (DM) – 2031 committed and permitted development and committed highway improvements i.e. retail access to Hermitage Lane; and
- Do-something (DS) – 2031 proposed Local Plan development including proposed transport infrastructure improvements.

The TA says that the A20 study is enclosed in Appendix F of the TA; however, none of the appendices are available on the online planning application.

As such, we ask you to confirm that the A20 study has been thoroughly reviewed by highways development control staff at Kent County Council (KCC) and that they have confirmed in writing that this is acceptable for these purposes. KCC comments are not available to view on the online planning application. Therefore, please confirm that KCC have agreed in writing, for the A20 study:

- The source of base traffic volumes;
- The methodology and results of background traffic growth;
- The up-to-date list of committed developments and committed highway improvements; and
- The methodology and results of determination of committed development traffic, including the impacts of the committed highway improvements.

Our comments on this application are made on the assumption that the above have been agreed in writing. We are also assuming that the volumes from the A20 study have been correctly applied to the current TA, as stated.

Furthermore, we have a few specific comments and queries regarding committed development traffic volumes:

- The second TA addendum (issued prior to the current TA) said that the A20 study did not include the development to the east of Hermitage Lane; the second TA addendum then added the Hermitage Lane traffic onto the overall traffic. However, the current TA does not mention Hermitage Lane development traffic.
- As well as committed developments, it may be important to consider other developments that gain planning permission before a decision is made on this proposal. This is particularly important because the proposal is not in the Local Plans for either Maidstone or Tonbridge and Malling; and because there is existing congestion on the M20 junction 5, caused by the blocking back of traffic from the A20 Coldharbour Lane junction which can already occur, particularly in the AM peak period.

#### Development trip generation

The TA refers in some instances to the “Bunyards Farm” development; this seems to be the development which is the subject of this application (referred to as “land south west of London Road and west of Castor Park”), but it is not clear. Our comments assume that Bunyards Farm is the subject development. Please let us know if this is not the case.

The development traffic generation in the TA is determined by TRICS, “*generally for suburban areas and edge of town locations*”. As the TA appendices, including Appendix I with the TRICS outputs, are not available, we are unable to agree the methodology for generating the TRICS rates.

However, we have undertaken our own TRICS assessment, using the following input selection parameters:

- Residential / Houses privately owned.
- Date range: 1.1.10 to 20.11.18.
- Number of dwellings in each site: 6 to 432.
- Monday to Friday only.
- Location types:
  - Suburban area (PPS6 Out of Centre);

- Edge of Town.
- ‘No PTAL present’ at 72 of the 75 surveyed sites.
- Parking: no selection made as it is not possible to select parking per dwelling in TRICS. Also, suburban and edge-of-town sites will likely have on-street parking available regardless.
- Population, Car ownership: no selection made as no data for the proposed development site are in the TA for comparison.
- Travel Plan: no sites had a travel plan in place.
- C3 use class only.

The resulting vehicle trip rates per dwelling are as follows:

- AM peak (8 to 9am): 0.137 arrivals; 0.403 departures
- PM Peak (5 to 6pm): 0.376 arrivals; 0.197 departures.

These are broadly similar to those shown in the TA; as such, the trip rates in Table 5.1 of the TA are considered acceptable (although as stated, we cannot comment on the TA’s methodology).

#### Development trip distribution and assignment

The distribution and assignment of development traffic has been determined based on the turning proportions from the 2018 traffic surveys, for the Beaver Road / London Road junction; and from the 2031 ‘do-minimum’ scenario of the A20 study for the Poppyfields and A20 / Coldharbour Lane roundabouts. The TA says that the 2031 ‘do-minimum’ scenario is used because it “*applies greater traffic along the A20 London Road, which represents a worst-case impact on the local highway network*”.

We agree with the methodology for development traffic assignment at the Beaver Road / London Road junction, although we do not have access to the count data to check that these turning proportions have been applied correctly. We request that the count data is supplied for this purpose. Our comments assume that these turning proportions have been applied correctly).

However, the assignment at the other two junctions has been determined in a way that, according to the TA, applies greater traffic along the A20 London Road: this is not necessarily the worst-case scenario for determining the SRN impact and we would need to consider *both* scenarios for the traffic assignment.

A greater proportion of traffic on London Road would lead to more traffic remaining on the local road network, but this does not necessarily mean that the impact on the Coldharbour Lane roundabout would be greater. For example, a higher proportion of right-turners at the Coldharbour Lane roundabout may potentially consume more capacity at this junction due to the greater friction caused by right-turners. This would need to be confirmed by modelling.

Whichever scenario causes greater impact at the Coldharbour Lane roundabout, this would then have a knock-on impact on the M20 junction 5 due to queues extending back into that junction. Finally, a greater proportion of traffic on Coldharbour Lane would have more direct impact on junction 5.

In view of these various potential impacts, we consider that we would need to assess both 2031 assignment scenarios. Also, we would like to see the KCC-agreed version of the A20 study so as to confirm that this has been applied correctly to the TA.

#### Junction modelling

We have considered the 2031 junction modelling as summarised in Section 7 of the TA.

Neither the TA, nor the TA addendums, include any modelling of the M20 junction 5; Section 7 of the TA states that the “*maximum percentage increases on the A20 London Road and Coldharbour Lane are 1%*”, which “*will not result in a material impact on the*

A20 London Road or M20 motorway".

Tables 6.1 and 6.2 (in Section 7 of the TA) compare the 2031 volumes with committed development against 2031 volumes with development (including committed development). It is not clear what committed developments are included; the A20 study reviews two scenarios, each of which include some committed developments, but it is not clear if the do-something includes all of the developments and highway improvements of the do-minimum. It is also not clear which scenario is summarised in Tables 6.1 and 6.2 of the TA. It is also not clear if KCC officers have agreed which committed developments need to be included; please confirm that KCC have agreed with the included list of committed developments. Our comments assume this is the case.

Subject to the various assumptions and requests for further evidence or clarification that we have mentioned above including earlier in this letter, and also subject to the correct recording of resultant volumes in Tables 6.1 and 6.2 of the TA, these percentage impacts are correct.

However, given the existing congestion at M20 junction 5 and at the A20 Coldharbour Lane junction, we request to see junction modelling to determine if there is an impact on the M20 Junction 5 associated with the development proposal and if any mitigation would be required. This is particularly important as the proposed development is not in the Local Plan. Please provide copies of junction (M20 Junction 5 and A20 Coldharbour Lane junction) model input and output files so that we can assess the accuracy of the models and take a view on the impacts.

Regarding the modelling of the A20 Coldharbour Lane junction, could you please confirm that this was all verified and agreed with KCC including the quoted outputs in the TA? If the modelling of the A20 Coldharbour Lane junction has been verified and agreed with KCC, and includes all committed developments (in case some committed developments are outside the Local Plan) and committed transport infrastructure improvements, then the results could still be a concern to us. While the results do show that the differential impact of the Bunyards Farm is fairly small, small differences caused by successive development proposals can add up to a large cumulative impact. Therefore, we would not necessarily agree with the statement that "*Bunyards Farm development is not reliant upon the Local Plan highway improvement works coming forward for the traffic impact at this junction to be considered acceptable*" (TA, para 7.27). The proposed Local Plan modification to the roundabout, to create a large, non-signalised roundabout, may be a requirement; alternatively, more rigorous travel plan and demand management measures may be required. This is particularly a concern because the proposal is not in the Local Plan, and there is existing congestion at this junction which can extend back into the M20 Junction 5, particularly in the AM peak period. Severe congestion has also been observed, on 'Google Traffic Conditions' live information (<https://www.drivingdirectionsandmaps.com/traffic-conditions-on-google-map>), during a weekday (Thursday 14 March 2019) PM peak on all four slip roads of the M20 junction 5.

Among other concerns, there is a potential safety impact of adding traffic to the back of a mainline queue.

#### Mitigation

As mentioned above, we consider that subject to the SRN junction modelling evidence, some form of mitigation may be required to enable this development proposal, which is additional to the Local Plan development, to proceed.

The degree of mitigation required is given in the DfT Circular 02/13, as follows:

*"The overall forecast demand (existing flow plus committed development plus development traffic, less any reduction due to demand management measures) should be compared to the ability of the existing network to accommodate traffic over a period up to ten years after the date of registration of a planning application or the end of the relevant Local Plan whichever is the greater...."*

*"Only after travel plan and demand management measures have been fully explored and applied will capacity enhancement measures be considered. While capacity enhancements should normally be addressed at the plan-making stage, such measures may be considered at the time when individual planning applications are submitted,*

*subject to the over-riding principle that delivery of the adopted Local Plan proposals should not be compromised....*

*"Where insufficient capacity exists to provide for overall forecast demand at the time of opening, the impact of the development will be mitigated to ensure that at that time, the strategic road network is able to accommodate existing and development generated traffic."*

If modifications are made to the A20 Coldharbour Lane junction, which is not part of the SRN, we would not have an involvement except to ensure that the knock-on impacts on the SRN are mitigated sufficiently.

If any modifications to the M20 junction 5 are proposed, we request that you consult HE throughout the process of developing the design, in order to ensure that the design complies with DMRB and other requirements, that the design is safe and that the traffic impacts of the proposed development are mitigated sufficiently.

Before considering modifications to the M20 junction 5, we would firstly consider if our concerns could be sufficiently mitigated by travel plan measures. We may request that any planning permission includes a condition for regular review and on-going monitoring of the travel plan, with the ability of HE to require reasonable enhancements to the travel plan to reduce impact on the M20 junction 5 (including due to blocking back from the A20 Coldharbour Lane junction), as needed. This is due to existing congestion, as discussed above, which potentially may have safety implications also.

#### Construction Traffic

We note that the applicant has submitted a construction management plan, although this document is unavailable on the online planning application.

We would like to review this construction management plan, to suggest measures to limit the peak-period impact of construction vehicles on the M20 junction 5. This would probably involve a timing agreement, to avoid peak periods, which we would request be imposed as a condition.

#### Summary

We have outlined various requests for clarification on technical points of the TA as well as assumptions which we would like to be confirmed or otherwise. Our response to this application is based on various assumptions, as noted; if we have assumed incorrectly, please let us know as this could potentially alter our response.

Overall, we have reviewed the TA and note that the development has the potential to result a significant amount of AM and PM peak hour trips, however there is not yet a definite indication of how many of these trips would impact upon the SRN and we therefore cannot determine if the proposal will materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/13, particularly paragraphs 9 & 10, and DCLG NPPF, particularly para 109).

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 receiving and 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.

As stated above, please also note that any EIA produced should be compatible and consistent with the agreed TA and also contain information on all transport related effects including safety, noise, vibration and air quality.

If you have any further queries, please contact me.

Kind regards

David

**David Bowie**

**Area 4 Spatial Planning Manager (Acting)**

## 2<sup>nd</sup> response

To: James Chapman <James.Chapman@clarendonhomes.co.uk>; Matthew Broome <Matthew.Broome@tmhc.gov.uk>; Iain Warner <Iain.Warner@tetlow-king.co.uk>; Richard Timms@maidstone.gov.uk

Cc: Planning SE <planningse@highwaysengland.co.uk>; Bowie, David <David.Bowie@highwaysengland.co.uk>

Subject: Highways England (our refs 83988 & 84093) UPDATE re Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent Maidstone application ref 19/500769/EIOUT and T&M application ref TM/19/00376/0AEA

For the Attention of:

- . Richard Timms, Maidstone Council Case Officer;
- . Matthew Broome, Tonbridge & Malling Council Case Officer;
- . James Chapman (Clarendon Homes) & Iain Warner (Tetlow King)

Planning Application Numbers: 19/500769/EIOUT (Maidstone); and TM/19/00376/0AEA (T&M).

Site: Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent (aka Bunyards Farm)

Proposal: Outline application for a residential development of 106 units comprising a mix of 1,2,3, and 4-bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (Access, Layout and Scale being sought).

Highways England References: 83988 and 84093

We have now assessed the applicant's response. For ease we have combined,

- . Our original text in black
- . [The applicant's January 2020 submission in blue](#); and
- . [Our updated response in red](#).

## Background and Context

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 are 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.

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN. In this case our interest relates to the M20

junction 5, though this includes the impacts on the A20 Coldharbour Lane junction as this has been found to experience queuing which extends back to the M20 junction 5.

The proposal is for outline planning permission for a residential development of 106 units comprising a mix of 1, 2, 3, and 4-bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (access, layout and scale being sought), at land south west of London Road and west of Castor Park, Beaver Road, Allington, Maidstone, ME16 OXU. It is within both Maidstone Borough and Tonbridge and Malling Borough.

The proposal is not in the Maidstone Borough Local Plan (adopted 25 October 2017).

The Local Plan for Tonbridge and Malling for the period to 2031 has been submitted and is currently at the examination stage. We previously reviewed the Local Plan Regulation 19 Pre-Submission Publication of September 2018 and the eight volumes of "Changes to the Adopted Proposals Map" and there is no mention of the proposal in either.

#### History of the Site

The site is currently vacant and undeveloped. Planning Application reference 18/03044/EASP, lodged with Tonbridge and Malling Borough Council in December 2018, was for the same site. The development proposal was a "Request for scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed residential development. The proposed development, for which a scoping opinion was sought, was up to 130 dwellings with vehicular access onto Romney Road, then Beaver Road, as with the current application. Other details are given in the Scoping Request Report, including:

- The design will comprise a mix of housing ranging from one-bedroom flats and bungalows to four-bedroom houses; all units will be 2 storeys or under.
- Car parking will be proposed to accord with Kent County Council's guidance (IGN3).
- 40% of the housing will be affordable provision.

We responded to that application by email on 4 January 2019. In summary, our response stated:

- Highways England will be concerned with any impact on the safe and efficient operation of the M20 Junction 5.
- Highways England have no comment on whether an EIA is required; but if it is (or produced voluntarily), it should be compatible and consistent with the Transport Assessment (TA) and also contain information on all transport related effects including safety, noise, vibration and air quality.
- We had not been provided with the transport assessment scoping note which was provided to Kent County Council; as such we could not comment on the proposed methodology of the transport assessment.

- The A20 Cold harbour Lane junction currently experiences congestion that can result in blocking back of traffic onto the M20 Junction 5, particularly in the AM peak period. Accordingly, the TA should identify any impacts of the development on the A20 Cold harbour roundabout and any associated queuing delays at the M20 Junction 5, demonstrating that the proposal will not materially affect the safety, reliability and/or operation of the existing SRN in accordance with the tests set out in Department for Transport Circular 02/2013 paragraph 10 and DCLG NPPF paragraph 32.

Previously, we reviewed the following documents related to this application and responded on 26 March 2019:

- Odyssey, 13 February 2019, Land South West of London Road and West of Castor Park, Allington, Kent: Transport Assessment, Rev C ("the TA").
- Additionally, Odyssey, who produced the TA, produced two separate TA addendums, in November 2018 and January 2019 (hereafter referred to as the first and second TA addendums respectively).
- We previously said that "As the current TA (Revision C) was produced in February 2019, we assumed that it contained up-to-date content from the two TA addendums". However, the current January 2020 submission corrects this assumption, saying: "HE are not correct in stating that the TA (Rev C) contains up-to-date content from the two TA addendums, as we did not update the TA nor two TA Addendums for the new application, we solely undertook the ES Transport Chapter (that appended the TA and two TA Addendums)". Accordingly, in this current response, we will consider the two TA Addendums in addition, where noted in the January 2020 submission.

Highways England Response 1414120 In this response, we review the following document:

- 9/3/20 Email chain including 7/1/20 James Chapman email to Tonbridge & Mailing Council, "Subject: 19/00376 - Land South West Of London Road And West Of Castor Park - Highways" ("the January 2020 submission").

## **1. Access**

The proposed vehicular access to the development is onto Romney Road which then joins Beaver Road, both roads being part of a network of minor local roads and cul de sacs that together has no through access. Beaver Road intersects with the A20 London Road which then joins the M20 junction 5 approximately one kilometre from the site. Junction 5 is a grade-separated roundabout junction.

This is unchanged.

## **2. Base traffic, Traffic growth and Committed developments**

We previously commented as follows:

- Base traffic volumes, traffic growth and committed development traffic volumes are all taken from the "Forecast Junction Assessments A20 Corridor, Tonbridge & Mailing Study" (source not stated) of March 2018 (the A20 study). The A20 Study applied growth to the future year 2031, including for all Local Plan allocated development.
- Two scenarios are assessed in the A20 study, according to the TA:
  - Do-minimum (OM) - 2031 committed and permitted development and committed highway improvements i.e. retail access to Hermitage Lane; and
- Do-something (OS) - 2031 proposed Local Plan development including proposed transport infrastructure improvements.
- The TA says that the A20 study is enclosed in Appendix F of the TA; however, none of the appendices are available on the online planning application.
- As such, we asked the Case Officer to confirm that the A20 study has been thoroughly reviewed by highways development control staff at Kent County Council (KCC) and that they have confirmed in writing that this is acceptable for these purposes. KCC comments are not available to view on the online planning application. Therefore, please confirm that KCC have agreed in writing, for the A20 study:
  - The source of base traffic volumes;
  - The methodology and results of background traffic growth;
  - The up-to-date list of committed developments and committed highway improvements; and
  - The methodology and results of determination of committed development traffic, including the impacts of the committed highway improvements.
- Our comments were made on the assumption that the above had been agreed in writing. We were also assuming that the volumes from the A20 study had been correctly applied to the current TA, as stated.
- Furthermore, we have a few specific comments and queries regarding committed development traffic volumes:
  - The second TA addendum (issued prior to the current TA) said that the A20 study did not include the development to the east of Hermitage Lane; the second TA addendum then added the Hermitage Lane traffic onto the overall traffic. However, the current TA does not mention Hermitage Lane development traffic.
  - As well as committed developments, it may be important to consider other developments that gain planning permission before a decision is made on this proposal. This is particularly important because the proposal is not in the Local Plans for either Maidstone or Tonbridge and Mailing; and because there is existing congestion on the M20 junction 5, caused by the blocking back of

traffic from the A20 Coldharbour Lane junction which can already occur, particularly in the AM peak period.

The January 2020 submission responds to this as follows:

- "We would fully expect KCC Highways to be able to confirm the use and content of their A20 Study. KCC requested we use the A20 study through pre-app discussions; however, KCC have not specifically stated they agree with the data we have used (this is presumed by default in requesting we use the A20 study and that they have approved the A20 study for use in the first place). Furthermore, they have not raised any objection to this data in their statutory consultee response.
- "With respect to HE's specific comments, we note as follows:
  - "The current TA does not mention Hermitage Lane, due to what is set out in Bullet Point 1;
  - "We consider we have suitably catered for all committed development and KCC Highways have not raised an objection in this regard."

In response, we comment as follows:

- Action We need KCC to confirm that they have agreed to the base traffic, traffic growth and committed developments and committed transport infrastructure improvements, as in the A20 study. Just a simple email from KCC would be fine.
- Please also see comments under "Junction modelling" below.

### 3. Development trip generation

We previously commented as follows:

- The TA refers in some instances to the "Bunyards Farm" development; this seems to be the development which is the subject of this application (referred to as "land south west of London Road and west of Castor Park"), but it is not clear. Our comments assume that Bunyards Farm is the subject development. Please let us know if this is not the case.
- While we did not have the TA appendices, including Appendix I with the TRICS outputs, made available to us, we undertook our own TRICS assessment, in which the resulting vehicle trip rates per dwelling are as follows:
  - AM peak (8 to 9am): 0.137 arrivals; 0.403 departures
  - PM Peak (5 to 6pm): 0.376 arrivals; 0.197 departures.

- These are broadly similar to those shown in the TA; as such, the trip rates in Table 5.1 of the TA are considered acceptable (although as stated, we cannot comment on the TA's methodology).

The January 2020 submission responds to this as follows:

- The Bunyards Farm development is indeed this land south west of London Road and west of Castor Park development.
- HE accepts our trip rates, as they are broadly similar to their TRICS review.

In response, we comment as follows:

- Development trip generation has now been addressed satisfactorily, in terms of the trip rates in Table 5.1 of the TA, which are acceptable.

#### **4. Development trip distribution and assignment**

We previously commented as follows:

- The distribution and assignment of development traffic has been determined based on the turning proportions from the 2018 traffic surveys, for the Beaver Road I London Road junction; and from the 2031 'do-minimum' scenario of the A20 study for the Poppyfields and A20 I Coldharbour Lane roundabouts. The TA says that the 2031 'do-minimum' scenario is used because it "applies greater traffic along the A20 London Road, which represents a worst-case impact on the local highway network".
- We agree with the methodology for development traffic assignment at the Beaver Road I London Road junction, although we do not have access to the count data to check that these turning proportions have been applied correctly. We request that the count data is supplied for this purpose. Our comments assume that these turning proportions have been applied correctly).
- However, the assignment at the other two junctions has been determined in a way that, according to the TA, applies greater traffic along the A20 London Road: this is not necessarily the worst-case scenario for determining the SRN impact and we would need to consider both scenarios for the traffic assignment.
- A greater proportion of traffic on London Road would lead to more traffic remaining on the local road network, but this does not necessarily mean that the impact on the Cold harbour Lane roundabout would be greater. For example, a higher proportion of right-turners at the Coldharbour Lane roundabout may potentially consume more capacity at this junction due to the greater friction caused by right-turners. This would need to be confirmed by modelling.

- Whichever scenario causes greater impact at the Coldharbour Lane roundabout, this would then have a knock-on impact on the M20 junction 5 due to queues extending back into that junction. Finally, a greater proportion of traffic on Coldharbour Lane would have more direct impact on junction 5.
- In view of these various potential impacts, we consider that we would need to assess both 2031 assignment scenarios. Also, we would like to see the KCC-agreed version of the A20 study so as to confirm that this has been applied correctly to the TA.

The January 2020 submission responds to this as follows:

- "HE agrees with our trip distribution and assignment.
- "Although we agree with HE that keeping more traffic on the A20 London Road may not be the 'worst case' scenario, we consider that it is the most accurate way of assigning the development traffic. Should the HE want alternative assignment testing to be undertaken, it is considered that they should justify why they consider the current assignment not to be accurate. We do not consider it to be justifiable to request alternative assignment testing just to determine the 'worst case', if the 'worse case' is not likely to occur.
- "The KCC agreed version of the A20 Study is available on the TMBG website or from KCC."

In response, we comment as follows:

- Regarding the assignment at the Poppyfields and A20 / Coldharbour Lane roundabouts, there is nothing in the TA nor the January 2020 submission to demonstrate why the applied method is the "most accurate way of assigning the development traffic". Similarly, there is nothing to demonstrate why "the 'worse case' is not likely to occur".
- We are not intending to obstruct development - however, we just need to have the certainty (as far as is practicable) regarding the impact on the SRN, so that we can determine the appropriate level of mitigation and also determine if the residual impact on the safety, reliability and/or operation of the SRN would be a material impact. If a non-material impact can be demonstrated, we could lift our objection on this point. But the onus is on the applicant to demonstrate their case, as the applicant stands to benefit from this development.
- **Action: We therefore reiterate that we need the TA to assess both 2031 assignment scenarios at the Poppyfields and A20 / Coldharbour Lane roundabouts, for the reasons detailed above. We will then check these against the KGG-agreed version of the A20 study so as to confirm that they have been applied correctly to the TA.**
- **Please also see comments under "Junction modelling" below for all junctions.**

- **The distribution and assignment of development traffic at the Beaver Road / London Road junction - based on the turning proportions from the 2018 traffic surveys - will be checked in our review of the junction modelling also. We agree with this methodology; in our spot-checks of the volume data in the models, we will just ensure there are no errors in the data input.**

## 5. Junction modelling

We previously commented as follows:

- We considered the 2031 junction modelling as summarised in Section 7 of the TA.
- Neither the TA, nor the TA addendums, included any modelling of the M20 junction 5; Section 7 of the TA states that the "maximum percentage increases on the A20 London Road and Coldharbour Lane are 1%", which "will not result in a material impact on the A20 London Road or M20 motorway".
- Tables 6.1 and 6.2 (in Section 7 of the TA) compare the 2031 volumes with committed development against 2031 volumes with development (including committed development). It is not clear what committed developments are included; the A20 study reviews two scenarios, each of which include some committed developments, but it is not clear if the do-something includes all of the developments and highway improvements of the do-minimum. It is also not clear which scenario is summarised in Tables 6.1 and 6.2 of the TA. It is also not clear if KCC officers have agreed which committed developments need to be included; please confirm that KCC have agreed with the included list of committed developments. Our comments assume this is the case.
- Subject to the various assumptions and requests for further evidence or clarification that we have mentioned above including earlier in this letter, and also subject to the correct recording of resultant volumes in Tables 6.1 and 6.2 of the TA, these percentage impacts are correct.
- However, given the existing congestion at M20 junction 5 and at the A20 Cold harbour Lane junction, we requested to see junction modelling to determine if there is an impact on the M20 Junction 5 associated with the development proposal and if any mitigation would be required. This is particularly important as the proposed development is not in the Local Plan. Please provide copies of junction (M20 Junction 5 and A20 Coldharbour Lane junction) model input and output files so that we can assess the accuracy of the models and take a view on the impacts.
- Regarding the modelling of the A20 Cold harbour Lane junction, we asked the Case Officer to confirm that this was all verified and agreed with KCC

including the quoted outputs in the T A. If the modelling of the A20 Coldharbour Lane junction had been verified and agreed with KCC, and included all committed developments (in case some committed developments are outside the Local Plan) and committed transport infrastructure improvements, then the results could still be a concern to us. While the results do show that the differential impact of the Bunyards Farm is fairly small, small differences caused by successive development proposals can add up to a large cumulative impact. Therefore, we would not necessarily agree with the statement that "Bunyards Farm development is not reliant upon the Local Plan highway improvement works coming forward for the traffic impact at this junction to be considered acceptable" (TA, para 7.27). The proposed Local Plan modification to the roundabout, to create a large, non-signalised roundabout, may be a requirement; alternatively, more rigorous travel plan and demand management measures may be required. This is particularly a concern because the proposal is not in the Local Plan, and there is existing congestion at this junction which can extend back into the M20 Junction 5, particularly in the AM peak period. Severe congestion has also been observed, on 'Google Traffic Conditions' live information (<https://www.drivingdirectionsandmaps.com/traffic-conditions-on-google-map> during a weekday (Thursday 14 March 2019) PM peak on all four slip roads of the M20 junction 5.

- Among other concerns, there is a potential safety impact of adding traffic to the back of a mainline queue.

The January 2020 submission responds to this as follows:

- "It is considered that HE should further justify the requirement for a junction assessment to be undertaken at the M20 Junction 5, when the percentage increase in traffic flow is only 1% (max.) on any arm of the junction;
- "The A20 Coldharbour Lane junction assessments (model output files, which show the input data within them) were appended to the TA;
- "We consider that KCC have agreed the A20 Coldharbour Lane junction modelling (outputs), as they have not objected to these in their consultee response;
- "However, KCC also agree with HE in that they do not necessarily agree with the TA para 7.27, hence KCC's Grampian Condition style wording of their first point in their consultee response (i.e. wishing to prevent development until the Local Plan highway improvement works at the A20 Coldharbour junction are complete);
- "HE's comments with respect to the development not being a Local Plan development and Google showing severe congestion is, although true, somewhat odd given that we have used the KCC A20 Study as background data (which includes all Local Plan development traffic) and then added our development traffic on top of this. We know that the junction is currently

severely congested and has been for some years, but this is exactly why there is a Local Plan mitigation scheme proposed;

- "HE's comment with respect to the potential safety impact of adding traffic to the back of a mainline queue, should be further justified. "

In response, we comment as follows:

- To explain our requirement for a junction assessment at the M20 Junction 5, small differences caused by successive development proposals can add up to a large cumulative impact; and when a junction is already highly constrained, small differences (in the likes of queue length, delay, vehicle type) can be far more material, as additional traffic uses up a larger proportion of any remaining capacity. It should also be noted that even a small percentage of a large number is a large number in itself. Hence we need to understand actual numbers and details rather than simply look at a percentage.
- Therefore, unfortunately we cannot rely on percentage impacts in this situation, even if they are accurate (and their accuracy is subject to the various questions we have raised in this response and the previous response).
- This also explains why the issue of current congestion is so critical. Also, as the development is outside of the Local Plan, the mitigation proposed at the A20 Cold harbour Lane junction might not be sufficient on its own - this is a question that we need to ask.
- The January 2020 submission asks us to explain the "potential safety impact of adding traffic to the back of a mainline queue". We intended to say "slip road queue"; the congestion of a junction may cause queues to increase on the slip roads, potentially extending back into the mainline of the motorway. This is just one example of a potential impact.
- As I mentioned earlier in this response, we are not intending to obstruct development - however, we just need to have the certainty (as far as is practicable) regarding the impact on the SRN, so that we can determine the appropriate level of mitigation and also determine if the residual impact on the safety, reliability and/or operation of the SRN would be a material impact. If a non-material impact can be demonstrated, we could lift our objection on this point. But the onus is on the applicant to demonstrate their case, as the applicant stands to benefit from this development.
- **Therefore, in summary, the process HE will follow is as follows:**
- We now have access to the A20 study:  
[https://www.tmbc.gov.uk/data/assets/pdf\\_file/0018/502209/A20 Corridor Forecast .Junction Assessments March2018 pdf.](https://www.tmbc.gov.uk/data/assets/pdf_file/0018/502209/A20_Corridor_Forecast_Junction_Assessments_March2018.pdf)

- **Action. We require the submission of copies of junction model input files (M20 Junction 5 and A20 Coldharbour Lane junction). This means the actual Junctions 9 models, not printouts or PDFs of the output.** The reason for this is so that we can run the models ourselves and assess the effects of changes to the parameters. Given the critical current state of these junctions, small changes could make a material difference. On the other hand, we may find that small changes still result in acceptable, manageable impacts. It is therefore in the interests of a speedy resolution of our concerns that we see the model files themselves so that we can re-run versions of these models ourselves to form a quick judgement on how critical any variations in parameters may be. This will be far quicker than sending results and comments back and forth.
- Upon receipt of the junction modelling input files, as well as confirmation of KCC's agreement to the A20 study, we will undertake a check to ensure the volumes from the A20 study have been input correctly to the models, **along with the other input parameters** of these models, such as geometric parameters and development traffic (**with volumes and turning proportions determined as we have detailed in above sections of this response**).
- Of course, any such edited models will be available to the applicant's team to review in the event of a dispute over the accuracy of our alternative models (that is, if our alternative models alter the outcomes of the assessment).
- **Action: If models of the M20 Junction 5 have not been undertaken at all, we would ask in the first instance that the models of the A20 Coldharbour Lane junction are provided.** Following examination of these, as detailed above, we will then be better able to determine if our concerns regarding the M20 Junction 5 remain. We will make that judgement on a consideration of all of our concerns detailed in this response, such as checking the percentage impacts fully and also considering any knock-on impacts of the other junctions on Junction 5. We would only request additional modelling if our concerns cannot be resolved in this way.

## 6. Mitigation

We previously commented as follows:

- As mentioned above, we consider that subject to the SRN junction modelling evidence, some form of mitigation may be required to enable this development proposal, which is additional to the Local Plan development, to proceed.
- The degree of mitigation required is given in the OfT Circular 02/13, as follows:
  - *"The overall forecast demand (existing flow plus committed development plus development traffic, less any reduction due to demand management*

measures) should be compared to the ability of the existing network to accommodate traffic over a period up to ten years after the date of registration of a planning application or the end of the relevant Local Plan whichever is the greater....

- "Only after travel plan and demand management measures have been fully explored and applied will capacity enhancement measures be considered. While capacity enhancements should normally be addressed at the plan-making stage, such measures may be considered at the time when individual planning applications are submitted, subject to the over-riding principle that delivery of the adopted Local Plan proposals should not be compromised....

- "Where insufficient capacity exists to provide for overall forecast demand at the time of opening, the impact of the development will be mitigated to ensure that at that time, the strategic road network is able to accommodate existing and development generated traffic."

- If modifications are made to the A20 Coldharbour Lane junction, which is not part of the SRN, we would not have an involvement except to ensure that the knock-on impacts on the SRN are mitigated sufficiently.
- If any modifications to the M20 junction 5 are proposed, we requested that the Councils consult HE throughout the process of developing the design, in order to ensure that the design complies with DMRB and other requirements, that the design is safe and that the traffic impacts of the proposed development are mitigated sufficiently.
- Before considering modifications to the M20 junction 5, we would firstly consider if our concerns could be sufficiently mitigated by travel plan measures. We may request that any planning permission includes a condition for regular review and on-going monitoring of the travel plan, with the ability of HE to require reasonable enhancements to the travel plan to reduce impact on the M20 junction 5 (including due to blocking back from the A20 Coldharbour Lane junction), as needed. This is due to existing congestion, as discussed above, which potentially may have safety implications also.

The January 2020 submission responds to this as follows:

- "It is not clear, nor justified, why HE consider that some form of mitigation in addition to the Local Plan development may be required to enable this development to come forward. HE should further justify their position. If we were to assess the development traffic impact on the M20 Junction 5 10 years post-application, the percentage impact would be even lower and thus we would still consider no junction assessment nor mitigation would be justified (as this development would not be required to mitigate against the additional years background traffic growth);

- "We have suitably analysed the impact of the development on the A20 Coldharbour Lane junction, such that KCC consider the development acceptable once the Local Plan junction improvement works are complete;
- "The planning application did include a Travel Plan, which in turn included targets, measures, monitoring etc. within it. The headline Travel Plan target is a reduction in car trips of 10% within the first five years, which would further reduce the traffic impact (as robustly this was not accounted for in the traffic impact analysis). Furthermore, this Travel Plan would be conditioned for implementation with the planning permission."

In response, we comment as follows:

- Our comments under 'Junction modelling' above should explain why we potentially may need additional mitigation, though we may find that the mitigation proposed already is sufficient.
- As already mentioned, percentage impacts alone are not the only consideration.
- It is quite correct that this development should not be required to mitigate background traffic growth. Any contribution sought would be proportionate and would be discussed in S 106 negotiations.
- KCC's views, while relevant, do not constitute the whole picture, as we have specific concerns that differ from theirs.
- Finally, we welcome the inclusion of a Travel Plan and would seek to include on-going monitoring and review of the Travel Plan as part of any S 106 Agreement. A Travel Plan should always be a living, evolving document that can be amended in discussion with highway authorities to ensure targets are still being met.
- We will be better placed to review the Travel Plan when we have completed our review of the junction modelling and the inputs into it, as we will then have an understanding of the criticality of impacts.
- **Please note our other original comments on mitigation still apply.**

## 7. Construction Traffic

We previously commented as follows:

- We note that the applicant has submitted a construction management plan, although this document is unavailable on the online planning application.

- We would like to review this construction management plan, to suggest measures to limit the peak-period impact of construction vehicles on the M20 junction 5. This would probably involve a timing agreement, to avoid peak periods, which we would request be imposed as a condition.

The January 2020 submission responds to this as follows:

- "We could also provide HE with the Construction Management Plan."
- A Construction Management Plan is now available on the online planning application.

In response, we comment as follows:

- We note that a "framework" CMP has been submitted. We would be content for a pre-commencement condition to be attached to any permission setting out the requirement for the submission and approval (including consultation with Highways England) of the detailed CMP. The detailed CMP would include details of the likely use of, and impact on, the SRN of construction traffic, including workforce (eg typical quantity) timing with justification of any use during the AM and PM peaks). It should be noted that Highways England also operates an abnormal load system that should be acknowledged in the CMP and used in practice.

## Summary

We have outlined various requests for clarification on technical points.

Overall, we have reviewed the TA and note that the development has the potential to result in a significant amount of AM and PM peak hour trips; albeit there is not yet a definite indication of how many of these trips would impact upon the SRN. Consequently, we cannot determine if the proposal will materially affect the safety, reliability and 1 or operation of the SRN (the tests set out in DfT Circular 02/13, particularly paragraphs 9 & 10, and MHCLG NPPF, particularly para 109).

However, we are closer to resolving outstanding issues and I hope this response clarifies our requirements and our reasons for them.

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 receiving and 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.

We trust that this latest response provides the clarity and justification sought by the applicant. We therefore look forward to receiving the requested models and TA update in due course.

## Third Response

**From:** [Bown, Kevin](#)  
**To:** [RichardTimms@maidstone.gov.uk](mailto:RichardTimms@maidstone.gov.uk); [Matthew Broome](#); [planningcomments@midkent.gov.uk](mailto:planningcomments@midkent.gov.uk); [Planning Applications](#)  
**Cc:** [Planning SE; growthandplanning](#)  
**Subject:** FAO Case Officers Richard Timms (MBC) and Matthew Broome (TMBC): Highways England UPDATED REP RE: 19/500769/EI/OUT (Maidstone); and TM/19/00376/OAEA (T&M) - Land SW of London Rd & W of Castor Park, Beaver Rd, Allington, Maidstone, Kent (aka Bunyards Farm).  
**Date:** 27 August 2020 12:58:00  
**Attachments:** [20200827 HEPR x boundary MBC19-500769 & TMBC19-00376 SW London Rd & W Castor Pk Allington.pdf](#)

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Dear Messrs Timms & Broome

Apologies. Having responded on 30 July, I notice that we didn't attach our HEPR.

Please find it attached.

You will note that the No Objection assumes that the respective Council's will be applying their standard Travel Plan and Construction Management Plan conditions to any permission granted. Please let us know if you are not intending to apply these conditions and we can update our HEPR accordingly to recommend them formally.

Should you or the applicant have any queries regarding our HEPR, please contact us at [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk).

Regards

**Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager  
Spatial Planning Team, South East Region Operations Directorate**  
Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ  
**Tel:** 0300 470 1046 (all calls to this number will also patch through to my mobile)  
**Web:** <http://www.highways.co.uk>

**Please note that for the foreseeable future we are all working from home. All meetings will be via telephone, Skype or similar. We will continue to seek to work to our statutory and other deadlines. In case of IT or other issues, as a precaution, please copy all emails to [PlanningSE@highwaysengland.co.uk](mailto:PlanningSE@highwaysengland.co.uk). Thank you.**

**We are mindful that everyone is different and everyone's circumstances may be different. We are sharing the following NHS principles**

- **People are not 'working from home', they are 'at their home during a crisis trying to work'**
- **People's physical, mental and emotional health are far more important than anything else at present**
- **If people are currently less productive they should not try to compensate by working longer hours**
- **People should be gentle on themselves and others, not judging based on how they/ others are coping**
- **Individual and team success is not to be based on 'normal times' expectations**

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

**From:** Bowie, David  
**Sent:** 30 July 2020 22:40  
**To:** RichardTimms@maidstone.gov.uk; matthew.broome@tmbc.gov.uk  
**Cc:** Planning SE <planningse@highwaysengland.co.uk>; Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>; Bradley, Alistair <Alistair.Bradley@highwaysengland.co.uk>; Jenkins, Daniel <Daniel.Jenkins2@wsp.com>  
**Subject:** 19/500769/EIOUT (Maidstone); and TM/19/00376/OAEA (T&M) - Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent (aka Bunyards Farm).

For attention of:	Richard Timms & Matthew Broome
Site:	Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent (aka Bunyards Farm).
Proposal:	Outline application for a residential development of 106 units comprising a mix of 1, 2, 3, and 4-bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (Access, Layout and Scale being sought).
Your Reference:	19/500769/EIOUT (Maidstone); and TM/19/00376/OAEA (T&M).
Highways England's Reference:	85006#10747 and 84093#10839

Dear Sirs,

I am writing in response to letters dated 10 & 21 July 2020 from Tonbridge & Malling Borough Council, detailing that a Transport Assessment Third Addendum ("TA Third Addendum") and inviting our comments on it.

We have previously responded to earlier iterations of the applicant's submissions for this proposal, the most recent of which was our response of 5 June 2020 (though there were also some additional issues in our 14 April response too). As such, we combine below the following:

- Our 14 April and 5 June text in black, in summary form;
- [The applicant's TA Third Addendum in blue](#); and
- [Our current updated response in red](#).

#### Background and Context

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 are 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.

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN. In this case our interest relates to the M20 junction 5, though this includes the impacts on the A20 Coldharbour Lane junction as this has been found to experience queuing which extends back to the M20 junction 5.

The proposal is for outline planning permission for a residential development of 106 units comprising a mix of 1, 2, 3, and 4-bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (access, layout and scale being sought), at land south west of London Road and west of Castor Park, Beaver Road, Allington, Maidstone, ME16 0XU. It is within both Maidstone Borough and Tonbridge and Malling Borough.

#### History of the Site

The site is currently vacant and undeveloped.

Planning Application reference 18/03044/EASP, lodged with Tonbridge and Malling Borough Council in December 2018, was for the same site. The development proposal was a "*Request for scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed residential development*". The proposed development, for which a scoping opinion was sought, was up to 130 dwellings with vehicular access onto Romney Road, then Beaver Road, as with the current application. Other details are given in the Scoping Request Report<sup>[1]</sup>, including:

- The design will comprise a mix of housing ranging from one-bedroom flats and bungalows to four-bedroom houses; all units will be 2 storeys or under.
- Car parking will be proposed to accord with Kent County Council's guidance (IGN3).
- 40% of the housing will be affordable provision.

We responded to that application by email on 4 January 2019. In summary, our response stated:

- Highways England will be concerned with any impact on the safe and efficient operation of the M20 Junction 5.
- Highways England have no comment on whether an EIA is required; but if it is (or produced voluntarily), it should be compatible and consistent with the Transport Assessment (TA) and also contain information on all transport related effects including safety, noise, vibration and air quality.
- We had not been provided with the transport assessment scoping note which was provided to Kent County Council; as such we could not comment on the proposed methodology of the transport assessment.
- The A20 Coldharbour Lane junction currently experiences congestion that can result in blocking back of traffic onto the M20 Junction 5, particularly in the AM peak period. Accordingly, the TA should identify any impacts of the development on the A20 Coldharbour roundabout and any associated queuing delays at the M20 Junction 5, demonstrating that the proposal will not materially affect the safety, reliability and/or operation of the existing SRN in accordance with the tests set out in Department for Transport Circular 02/2013 paragraph 10 and DCLG NPPF paragraph 32.

Previously, we reviewed the following documents related to this application and responded on 26 March 2019:

- Odyssey, 13 February 2019, *Land South West of London Road and West of*

- Odyssey, June 2020, *Land South West of London Road and West of Castor Park, Allington, Kent: Transport Assessment Third Addendum* ("the TA Third Addendum").

#### Access

The proposed vehicular access to the development is onto Romney Road which then joins Beaver Road, both roads being part of a network of minor local roads and cul de sacs that together has no through access. Beaver Road intersects with the A20 London Road which then joins the M20 junction 5 approximately one kilometre from the site. Junction 5 is a grade-separated roundabout junction.

This is unchanged.

#### Local Plan

We had previously understood the proposal to be outside the Local Plan, which was why we had to be rigorous in our assessment of the proposal. Any development that is in addition to planned Local Plan development always needs to be scrutinised particularly carefully.

However, as we noted in our 5 June response, KCC have confirmed that the proposal is in fact in the Local Plan.

Specifically, it is in the South Aylesford Strategic site and Policy LP28 of the Tonbridge and Malling Local Plan Regulation 19 Pre-Submission Publication of September 2018.

As such, we can take a slightly more relaxed approach, though we do still need to consider the development's impacts as the Local Plan is a high-level plan while the Planning Application is a more detailed proposal. Circular 02 / 2013 Paragraph 21 states:

- *"Where development proposals are consistent with an adopted Local Plan, the Highways Agency does not anticipate the need for engagement in a full assessment process at the planning application stage. In such circumstances, considerations will normally **be limited to the agreement of the details of the transport solution, including any necessary mitigation measures, and to ensuring that the transport impacts are included in the overall environmental assessment provided to the local planning authority, rather than the principle of the development itself.**"*

The TA Third Addendum raises the point of the inclusion of the proposal within the Local Plan, particularly with reference to another development in the Local Plan allocation: Land South of London Road and East of Hermitage Lane, Aylesford, Kent (Whitepost Field) development, Application No. TM/17/01595/OAEA.

The TA Third Addendum states the following:

- That the applicant for the Whitepost Field development sets out the use of the A20 study (March 2019 version, which was updated to reflect the revised Local Plan development strategy).
- That KCC Highways and HE have provided '*no objection*' to this Whitepost Field planning application, as set out in their consultee responses dated 23 September 2019 and 7 August 2019 respectively.

*Castor Park, Allington, Kent: Transport Assessment, Rev C* ("the TA").

- Additionally, Odyssey, who produced the TA, produced two separate TA addendums, in November 2018 and January 2019 (hereafter referred to as the first and second TA addendums respectively).
- In the 14 April 2020 response, we reviewed the following document:
  - 9/3/20 Email chain including 7/1/20 James Chapman email to Tonbridge & Malling Council, "Subject: 19/00376 – Land South West Of London Road And West Of Castor Park – Highways" ("the January 2020 submission").
- We had previously said that "As the TA (Revision C) was produced in February 2019, we assumed that it contained up-to-date content from the two TA addendums". However, the January 2020 submission corrected this assumption, saying: "HE are not correct in stating that the TA (Rev C) contains up-to-date content from the two TA addendums, as we did not update the TA nor two TA Addendums for the new application, we solely undertook the ES Transport Chapter (that appended the TA and two TA Addendums)". Accordingly, in the 14 April 2020 response, we considered the two TA Addendums in addition, where noted in the January 2020 submission.
- Subsequently, we received the following additional technical information (referred to as the April 2020 submissions):
  - Email from Odyssey Consulting, representing the applicant, to Highways England (HE), dated 21 April 2020; subject header: "Highways England (our refs 83988 & 84093) UPDATE re Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent Maidstone application ref 19/500769/EIOUT and T&M application ref TM/19/00376/OAEA". **This was regarding our concerns over development trip distribution and assignment and includes two attached diagrams of distribution.**
  - Email from Kent County Council (KCC), dated 23 April 2020, to HE, Tonbridge and Malling Borough Council (TMBC) and copied to the applicant and Odyssey; subject header: "FW: Highways England (our refs 83988 & 84093) UPDATE re Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent Maidstone application ref 19/500769/EIOUT and T&M application ref TM/19/00376/OAEA". **This responded to HE's query regarding the A20 Study.**
- We responded to these two emails on 5 June 2020; in that response we also noted that it was in response to the above issues alone, so any other comments in our 14 April response still apply as well.

#### Highways England Response 30/7/20

In this current response, we review the following document:

- That: with respect to the Poppyfields Roundabout, KCC Highways confirm in their response *'The improvements to the roundabout will be provided by the developer and will allow the connection to the new link road. The roundabout is expected to operate within capacity in 2031 with the Local Plan development included'*.
- That KCC Highways also confirm, in their response with respect to the Coldharbour Roundabout, that *'KCC Major Projects have programmed the delivery of a roundabout improvement scheme. Funding is secured from SELEP and existing S106 pooled contributions. Third party land is required, and this has been agreed.... The improved roundabout scheme is expected to operate within capacity in 2031 with the Local Plan development included'*.
- That KCC Highways confirm also in their response with respect to the M20 Junction 5 *'The junction has been assessed and mitigating measures are not required to this junction. Furthermore, Highways England have indicated that the proposed development, if permitted, will be unlikely to materially affect the safety, reliability and / or operation of the strategic road network. They also confirm that they do not wish to raise objection to this application'*.

In response, we comment as follows:

- It was not clear that this proposal was part of the Local Plan from our review of the online documents and therefore apologise for any delay this may have caused;.
- As this is in the Local Plan and as we accepted the larger proposed residential development (TM/17/01595/OAEA), also part of the Local Plan, we withdraw our objection to this proposal on this particular ground.
- In making the above decision, we have considered that the TM/17/01595/OAEA development was acceptable to us *without* the need for it to be subject to Conditions/S106 requiring mitigation measures. We also considered that the TM/17/01595/OAEA development was of a larger scale and closer to the SRN.
- However, we re-iterate our comments below under *'Mitigation'* and the *'Construction Traffic'*, which simply relate to review and agreement of the detailed CMP, and to ongoing review of the Travel Plan.
- For completeness, we have undertaken a relatively simple check of the methodology and data in the TA Third Addendum, against our previous (5 June response) comments relating to base traffic, traffic growth and committed developments; and traffic distribution and assignment. However, this has not been a detailed check, due to the general acceptability of the proposal by comparison with the Whitepost Field development and our views on that proposal. Normally, for other proposals, we would review modelling etc in more detail; therefore, if the methodology and data employed in the TA Third Addendum were applied to other development proposals, we would review them more thoroughly.

Base traffic, Traffic growth and Committed developments

In our 5 June response, we responded as follows:

- All references to *"the A20 study"* should now refer to the updated March

## Mitigation

We previously commented as follows, and this remains our latest position:

- We welcome the inclusion of a Travel Plan and would seek to include on-going monitoring and review of the Travel Plan as part of any S106 Agreement. A Travel Plan should always be a living, evolving document that can be amended in discussion with highway authorities to ensure targets are still being met.

## Construction Traffic

We previously commented as follows, and this remains our latest position:

- We note that a "framework" Construction Management Plan (CMP) has been submitted. We would be content for a pre-commencement condition to be attached to any permission setting out the requirement for the submission and approval (including consultation with Highways England) of the detailed CMP. The detailed CMP would include details of the likely use of, and impact on, the SRN of construction traffic, including workforce (e.g. type/ quantity/ timing with justification of any use during the AM and PM peaks). It should be noted that Highways England also operates an abnormal load system that should be acknowledged in the CMP and used in practice.

## Summary

The development has the potential to result in a significant amount of AM and PM peak hour trips; albeit there is not yet a definite indication of how many of these trips would impact upon the SRN.

However, the proposal forms part of the South Aylesford Strategic site and Policy LP28 of the Tonbridge and Malling Local Plan Regulation 19 Pre-Submission Publication. Furthermore, Highways England did not object to the Whitepost Field residential development proposal which is closer to the SRN, of a larger size than the current application and in the same Strategic Site and Policy of the Local Plan.

On this basis, we withdraw our holding objection to the current application which was made before we were aware of the above matters. The application can now be determined by the council and I will forward out substantive formal HEPR response under separate cover to you both.

If, in the meantime, the Case officers or applicant have any queries, please contact us via our team email inbox [planningse@highwaysengland.co.uk](mailto: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>

**Please note that for the foreseeable future we are all working from home. All meetings will be via telephone, Skype or similar. We will continue to seek to work to our statutory and other deadlines. In case of IT or other issues, as a precaution, please copy all emails to**

2019 version:

- Charles and Associates, 7 March 2019, "A20 Corridor Junction Assessments – Do Something Reg 19 Scenario; A20 Visum Model; Rev D, Final".

The TA Third Addendum states the following:

- The A20 model referenced throughout the TA Third Addendum is the correct updated version.

In response, we have no further comments.

Development trip distribution and assignment

We commented on 5 June as follows:

- Given the existing congestion, such that small increases in traffic may still be material, we would like to see a scenario where all site traffic turning left at the London Road junction purely heads towards the M20.
- Our other previous comments above still apply also.
- However, as noted above, where distribution and assignment are based on the A20 study, this needs to be the updated 2019 version.
- If a **non**-material impact can be demonstrated, we could certainly lift our objections.

The TA Third Addendum states the following:

- As noted above, the A20 model referenced throughout the TA Third Addendum is the correct updated version.
- "Adjusted 2031 Do Something Scenarios" have been assessed in the TA Third Addendum, to account for the identified error in the traffic assignment in the A20 Model (March 2019), which assigned all the development traffic of the South Aylesford Strategic site (including the current proposal) onto the local highway network at the Whitepost Field link road. As such, no development traffic was actually assigned onto Beaver Road, which is where the current proposal will be accessed.
- Thus the "Adjusted 2031 Do Something Scenarios" included a '2031 DS minus Dev' scenario, which removes the development traffic from the 2031 DS scenario. Then the re-assigned development traffic has been added back onto the '2031 DS minus Dev' Scenario, resulting in a '2031 DS plus Dev' scenario.

In response, we comment as follows:

- The A20 study, updated 2019 version, has been used, as appropriate.
- We agree that the "Adjusted 2031 Do Something Scenarios" are an appropriate methodology which enable a more accurate comparison of conditions with and without the current proposal.
- The other points we made on 5 June no longer apply for the reasons stated above in our response under 'Local Plan'.

[PlanningSE@highwaysengland.co.uk](mailto:PlanningSE@highwaysengland.co.uk) - Thank you.

---

 SLR Consulting Ltd, December 2018, *Scoping Request Report: Land South West of London Road and West of Castor Park, Allington; Proposed Residential Development of up to 130 units with associated infrastructure and works.*

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

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

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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](mailto:PlanningSE@highwaysengland.co.uk)

**To:** Maidstone Borough Council (FAO Case Officer: Richard Timms)  
[planningcomments@midkent.gov.uk](mailto:planningcomments@midkent.gov.uk)  
Tonbridge & Malling Borough Council (FAO Case Officer: Matthew Broome)  
[planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk)

**CC:** [growthandplanning@highwaysengland.co.uk](mailto:growthandplanning@highwaysengland.co.uk)

**Council's Reference:** 19/500769/EIOUT (Maidstone); and  
TM/19/00376/OAEA (T&M).

**Location:** Land South West of London Road and West of Castor Park, Beaver Road,  
Allington, Maidstone, Kent (aka Bunyards Farm).

**Proposal:** Outline application for a residential development of 106 units comprising  
a mix of 1, 2, 3, and 4-bedroom dwellings (including bungalows, houses  
and apartments), associated access and infrastructure (Access, Layout  
and Scale being sought).

**Highways England Reference:** 85006#10747 (Maidstone); and  
84093#10839 (T&M)

Referring to the cross-boundary planning application referenced above (original consultations received December 2018 and January 2019) in the vicinity of M20J5 (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\*

*\*this is on the basis that we are content that the Transport Assessment Third Addendum (July 2020) provides sufficient information to assess the application. The assessment demonstrates that the development, if permitted, would not materially impact on the safety, reliability and/or effective operation of the Strategic Road network (the tests set out in DfT C2/13 and MHCLG NPPF 2019).*

*The No Objection assumes that the respective Council's will be applying their standard Travel Plan and Construction Management Plan conditions to any permission granted.*

- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~e) 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.<sup>1</sup>

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](mailto:transportplanning@dft.gsi.gov.uk).

<b>Signature:</b> 	<b>Date:</b> 27 August 2020
<b>Name:</b> Kevin Bown	<b>Position:</b> Spatial Planning Manager
<a href="mailto:PlanningSE@highwaysengland.co.uk">PlanningSE@highwaysengland.co.uk</a>	
Highways England: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ	

<sup>1</sup> Where relevant, further information will be provided within Annex A.

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

**From:** Bowie, David  
**Sent:** 30 July 2020 22:40  
**To:** RichardTimms@maidstone.gov.uk; matthew.broome@tmbc.gov.uk  
**Cc:** Planning SE <planningse@highwaysengland.co.uk>; Bown, Kevin <Kevin.Bown@highwaysengland.co.uk>; Bradley, Alistair <Alistair.Bradley@highwaysengland.co.uk>; Jenkins, Daniel <Daniel.Jenkins2@wsp.com>  
**Subject:** 19/500769/EIOUT (Maidstone); and TM/19/00376/OAEA (T&M) - Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent (aka Bunyards Farm).

For attention of:	Richard Timms & Matthew Broome
Site:	Land South West of London Road and West of Castor Park, Beaver Road, Allington, Maidstone, Kent (aka Bunyards Farm).
Proposal:	Outline application for a residential development of 106 units comprising a mix of 1, 2, 3, and 4-bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure (Access, Layout and Scale being sought).
Your Reference:	19/500769/EIOUT (Maidstone); and TM/19/00376/OAEA (T&M).
Highways England's Reference:	85006#10747 and 84093#10839

Dear Sirs,

I am writing in response to letters dated 10 & 21 July 2020 from Tonbridge & Malling Borough Council, detailing that a Transport Assessment Third Addendum ("TA Third Addendum") and inviting our comments on it.

We have previously responded to earlier iterations of the applicant's submissions for this proposal, the most recent of which was our response of 5 June 2020 (though there were also some additional issues in our 14 April response too). As such, we combine below the following:

- Our 14 April and 5 June text in black, in summary form;
- [The applicant's TA Third Addendum in blue](#); and
- [Our current updated response in red](#).

#### Background and Context

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 are 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

TM/19/00376/OAEA

Annex 2 (Response from KCC H&T)

Initial response



Highways and Transportation  
Ashford Highway Depot  
4 Javelin Way  
Ashford  
TN24 8AD  
Tel: 03000 418181  
Date: 11 March 2019

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

**App. Ref.** TM/19/00376/OAEA  
**Location** Land South West Of London Road And West Of Castor Park, Allington, Maidstone, Kent  
**Proposal** **Outline Application: permission for layout, access and scale for a residential scheme of 106 units comprising mix of 1, 2, 3 and 4 bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure.**

Matthew

Thank you for inviting me to comment on this application. Following previous submissions and studies regarding this site I would like to confirm two points.

1. It is evident, as indicated by the applicant's consultant's own work, that the demands on the A20 Coldharbour Roundabout are over its capacity. As the applicant is aware, this authority is intending to construct a larger (un-signalised) roundabout utilising land to the north west. It is my understanding that the design and land acquisition is progressing. However, it is not considered that any approvals for development of this site could be given until there is a final confirmation/commitment that the roundabout is to be constructed.
2. Following technical checks regarding the modelling of the traffic signals at Beaver Road, it has been made clear to me by our traffic signals team, that operation of these signals will not be adjusted in a way that reduces any priority given to the strategic A20. Future scenario modelling of this junction should therefore be undertaken in accordance with this criterion.

I hope that these points are clear and that any future analysis or submissions as part of a future application, incorporating a full EIA, will be undertaken accordingly. In the meantime, if I can be of any further assistance, please do not hesitate to contact me.

Yours faithfully

**Terry Drury**  
Senior Development Planner

## Seconds response



**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:** 12 August 2020

**Application - TM/19/00376/OAEA**  
**Location - Land South West Of London Road And West Of Castor Park, Allington, Maidstone, Kent**  
**Proposal - Outline Application: permission for layout, access and scale for a residential scheme of 106 units comprising mix of 1, 2, 3 and 4 bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure.**

Dear Matthew

Thank you for consulting me on the submitted Transport Assessment Third Addendum (TATA) dated June 2020. I have the following comments to make:

The Third Addendum provides an analysis of impact of the development, including for the emerging Local Plan development strategy. This is done by making use of the latest Visum derived traffic flows for the end of the Local Plan period 2031, as included in the March 2019 A20 Corridor Junction Assessments report  
[www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans/local-plan-examination-contents/examination-documents](http://www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans/local-plan-examination-contents/examination-documents).

The Transport Assessment Third Addendum provides additional highway capacity analysis and should be read in association with the previous transport related documents namely the Transport Assessment dated February 2019, the Transport Assessment Addendum dated November 2018 and the Transport Assessment Second Addendum dated January 2019.

I have reviewed the Third Addendum and my comments are as follows:

I would point out that Para 1.6 is not accurate as both the 2018 and 2019 Visum models and Forecast Junction Assessment Reports included the Aylesford South allocation of 1000 homes in the Do Something scenario. The Aylesford South allocation comprises of three sites: TM/17/01595 Whitepost Field, which has been granted permission for 840 homes; Barming Depot, for which no application has been received; and the current application site. Collectively the three sites are allocated 1000 homes on the Aylesford South Strategic site under Policy LP28 of the emerging TMBC Local Plan.

The difference between the 2018 and 2019 Visum models is that the Local Plan development strategy was amended following the Reg 18 consultation and the March 2019 model and Junction Assessment Report reflects the changes which were taken forward to Reg 19 and which has subsequently been submitted to the Inspectorate.

In order to assess the impact on the surrounding highway network the development traffic generated from the application site is removed from the 2031 Do Something scenario. This provides an assessment for 2031 with the Local Plan development scenario without the traffic generated from the application site. This scenario is referred to as 2031 DM in the Third Addendum. The traffic generated from the application site is reassigned onto the highway network to and from Beaver Road to provide a 2031 scenario with the Local Plan development strategy in place and with the development traffic generated from this application. This scenario is referred to as 2031 DS plus Dev in the Third Addendum.

### **Impact**

Junction capacity assessments have been completed for the following junctions:

A20 London Road/Castle Road/Conway Road signalised junction  
A20 London Road/ Bunyard Way/Beaver Road signalised junction  
Poppyfields Roundabout  
Coldharbour Roundabout

The scenarios modelled in the Third Addendum are as follows:

2031 Do Minimum (including TMBC Local Plan development strategy) without Clarendon development AM and PM peak  
2031 Do Something as above with Clarendon development AM and PM peak

#### **A20 London Road/Castle Road/Conway Road signalised junction**

Para 4.5 indicates that Table 4.1 demonstrates there is less traffic travelling through the junction in the 2031 DS scenario than the 2031 DM plus dev scenario in the AM peak. The table doesn't include a DM plus dev scenario and it doesn't actually show the amount of traffic travelling through the junction but the results of the capacity assessment. The results indicate no worsening to capacity in the AM peak and some worsening in the PM peak with the greatest impact on London Road (N) where the Degree of Saturation increases from 85.4% to 90.3% and the mean maximum queues are expected to increase from 36 pcu's to 44 pcu's.

#### **A20 London Road/ Bunyard Way/Beaver Road**

The results indicate no worsening to capacity in the AM peak and some worsening in the PM peak with the greatest impact on Beaver Road left turn where the Degree of Saturation increases from 60.6% to 156.1% and the mean max queue increases from 6 pcus to 23 pcus. Mitigation is proposed by way of provision of Keep Clear markings.

#### **Poppyfields Roundabout**

The results of the assessment indicate that all arms are expected to operate within capacity and there is no material impact arising from the Clarendon Homes development traffic.

#### **Coldharbour Lane Roundabout**

The results of the assessment indicate that all arms are expected to operate within capacity and there is no material impact arising from the Clarendon Homes development traffic.

**Sensitivity test**

A sensitivity test is included which assigns all traffic generated by the Clarendon Homes development site and travelling west on the A20, through Jn 5 M20. The results of the assessment to the Coldharbour Roundabout indicates no material impact.

**M20 Junction 5**

A capacity assessment is not included for M20 junction 5 however this has been assessed previously in the Visum study which was prepared for the Tonbridge & Malling Borough Council Local Plan and the Clarendon Homes site was included in that 2031 Do Something assessment. The information provided at Figures 7 and 8 indicates that the development is likely to generate 25 additional traffic movements through the junction in the AM peak and 32 in the PM peak.

**Conclusion**

The Transport Addendum Third Addendum provides further capacity assessments using the traffic flows for 2031 derived from the most recent Visum model which include growth, committed development and the emerging Local Plan development strategy as reported in the March 2019 A20 Corridor Junction Assessments report. Assessments have been completed on key junctions and the findings indicate that the development will have a negligible impact on the junctions of Poppyfields Roundabout and Coldharbour Roundabout. The junctions have both been modelled in this Addendum assuming the improvement works have been completed.

The assessment indicates that there will be some impact at the junction of A20 London Road/Castle Road/Conway Road signalised junction, however the junction would remain within capacity. The junction of A20 London Road/ Bunyard Way/Beaver Road signalised junction becomes over capacity in the 2031 with development scenario with excessive queuing which is likely to block back across the access to the development site. Mitigation is proposed by provision of Keep Clear markings. This is not considered sufficient to address the queues and delays expected to occur as a result of this development.

Further consideration will be given once a scheme is put forward to mitigate the impact of this development at the A20/Beaver Road/Bunyard Way junction.

An application for a Household Waste Recycling facility KCC/TM/0284/2019 has recently been granted permission and traffic generated from this site should be included in the impact assessments.

The recently permitted planning application TM/17/01595 for the development of 840 homes at the Whitepost Field site, includes a requirement in the S106 Agreement that the developer of the Clarendon Land and the St Mowden Lane contribute towards the highway improvements provided by the Whitepost Field developer in respect of the Poppyfields roundabout and the Hermitage Lane roundabout. In view of this please provide details of the additional traffic generated through these junctions in order that a reasonable and fair contribution can be calculated. An extract from the S106 is provided below:

*If the County Council considers (in its reasonable opinion) that the Clarendon Land and/or St Modwen Land would have a material impact either singularly or cumulatively on the operation of Poppyfields Roundabout and any such contribution would meet the requirements of the CIL Regulations the Council shall use all reasonable endeavours to secure a financial contribution payable to the County Council towards the cost of the Poppyfields Roundabout from the Clarendon Land and/or the St Modwen Land.*

*If the County Council considers (in its reasonable opinion) that the Clarendon Land and/or St Modwen Land would have a material impact either singularly or cumulatively on the operation of Hermitage Lane Roundabout and any such contribution would meet the requirements of the CIL Regulations the Council shall use all reasonable endeavours to secure a financial contribution payable to the County Council towards the cost of the Hermitage Lane Roundabout from the Clarendon Land and/or St Modwen Land.*

I hope this information is helpful and if you require further clarification or wish to discuss please get in touch.

Yours sincerely

Louise Rowlands  
Principal Transport & Development Planner

## Third Response



**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:** 17 September 2020

**Application -** TM/19/00376/OAEA

**Location -** Land South West Of London Road And West Of Castor Park, Allington, Maidstone, Kent

**Proposal -** Outline Application: permission for layout, access and scale for a residential scheme of 106 units comprising mix of 1, 2, 3 and 4 bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure.

Dear Matthew

Thank you for consulting me on the submitted Transport Assessment Fourth Addendum (TAFA) dated September 2020.

The Fourth Addendum seeks to address the concerns raised by KCC Highways in their consultation response dated 12 August 2020 which are outlined below for ease of reference:

*Further consideration will be given once a scheme is put forward to mitigate the impact of this development at the A20/Beaver Road/Bunyard Way junction.*

*An application for a Household Waste Recycling facility (HWRC) KCC/TM/0284/2019 has recently been granted permission and traffic generated from this site should be included in the impact assessments.*

*The recently permitted planning application TM/17/01595 for the development of 840 homes at the Whitepost Field site, includes a requirement in the S106 Agreement that the developer of the Clarendon Land and the St Mowden Lane contribute towards the highway improvements provided by the Whitepost Field developer in respect of the Poppyfields roundabout and the Hermitage Lane roundabout. In view of this please provide details of the additional traffic generated through these junctions in order that a reasonable and fair contribution can be calculated.*

**A20/Bunyard Way/Beaver Road**

The junction of A20/Beaver Road/Bunyard Way has been remodelled to include the traffic flows from the HWRC. The modelling includes the flows presented in the HWRC Transport Assessment dated December 2019. The flows generated by the HWRC were updated to

reflect adjusted distribution and these are included in Technical Note 1 dated March 2020. The modelling for this junction presented by Odyssey in TATF is therefore particularly robust as it includes for a higher level of traffic through the junction from the HWRC than presented in Technical Note 1.

The junction was modelled previously in the Third Addendum and it was found to operate over capacity in the PM peak in 2031 with the Local Plan development strategy in place and with the development. The greatest impact being on Beaver Road left turn where the Degree of Saturation increased from 60.6% to 156.1% (see note 1) and the mean max queue increased from 6 to 23 vehicles. Mitigation was proposed by way of provision of Keep Clear markings and KCC Highways requested additional measures be provided.

The additional modelling presented in the Fourth Addendum includes the following scenarios for both AM and PM peaks:

2024 base

2024 with committed developments (including HWRC)

2024 with committed developments + proposed development

2031 Do minimum without Local Plan development strategy

2031 Do minimum with committed development (including HWRC)

2031 Do minimum with committed development + proposed development

2031 Do Something with Local Plan development strategy

2031 Do something with committed development (including HWRC)

2031 Do Something with committed development + proposed development

The results of the assessments indicate that the proposed development will have a significant impact on the Beaver Road arm of the junction leading to excessive queuing and delays.

The applicant is proposing to mitigate the impact of the development on the Beaver Road arm of the junction by the introduction of a left turn filter. The proposal would comprise of an additional signal head being provided but doesn't include alterations to the junction layout. A safety audit has not been completed.

A further assessment has been prepared using the 2031 Do Something scenario plus committed development and including the proposed development and including mitigation in the form of a left turn filter.

The results indicate that the left turn filter would successfully mitigate the impact of the development.

Additionally, a sensitivity test has been modelled for the 2031 Do Something scenario plus committed development plus the proposed development and mitigation. This scenario adjusts the signal timings at the junction and the results show improvements on the Beaver Road arm whilst all other arms remain within capacity.

Note 1 Degree of Saturation desirable capacity is below 90% and theoretical capacity is 100%

The filter lane proposal and the capacity analysis have been reviewed by KCC Traffic Signals team who have confirmed that they would not accept the left turn filter arrow from Beaver Road. This is because such a filter was provided when the layout of the traffic signals was amended to include the new junction of Bunyard Way in 2016. Whilst commissioning the signals it was noted that on three separate occasions (during a two-hour period) a vehicle turned right on the left filter out of Beaver Road. For this reason, the left turn filter was removed. Traffic signals team have confirmed that the configuration at this junction has been changed on three occasions (the left turn arrow was config number one, the side roads running together was config number two, this was revised after a car exited Bunyard Way and hit a bus exiting Beaver Road and the current config where the side roads run separately every other cycle).

Traffic Signals team have confirmed that whilst the proposed left turn arrow would improve capacity this would have a detrimental impact on highway safety and therefore the mitigation proposals are not supported.

### **Poppyfields Roundabout**

The impact of the development at Poppyfields Roundabout has been assessed in the Third Addendum and this included for the improvements to the roundabout which are a requirement of the Whitepost Field permission. The assessment concluded that in the 2031 scenario, with the Local Plan development strategy in place, and with the development traffic generated from this application, that all arms are expected to operate within capacity and there is no material impact arising from the development traffic.

The roundabout has been modelled again in the Fourth Addendum both with and without the improvement scheme in place. The following scenarios have been modelled for both the AM and PM peak period:

- 2024 base with committed development (including HWRC)
- 2024 with committed development + proposed development
- 2031 Do minimum with committed development and proposed development
- 2031 Do something plus committed development
- 2031 Do something plus committed development and proposed development

It should be noted that the committed development includes the HWRC traffic flows.

The results of the 2024 scenarios, without the improvement scheme, indicate that the St Laurence Avenue arm is predicted to operate over desired capacity (see note 2) in the PM peak with an RFC (see note 3) of 0.88 and 6 vehicle queue. The addition of the development traffic increases the RFC on this arm to 0.90 and adds 1 vehicle to the queue. All other arms are predicted to operate within desired capacity both with and without the development traffic.

In the 2031 Do Something scenario (with Local Plan development strategy) with development and with the roundabout improvements in place, the roundabout is predicted to operate within desired capacity on all arms in the peak periods.

It can be seen from the results that the traffic generated from the development site will have a marginal impact on the capacity of the roundabout both as existing and once improved. As there is no material impact there is no requirement for a contribution towards the roundabout improvement scheme to be delivered by the Whitepost Field developer.

Note 2 the desired capacity of a roundabout junction is below 0.85 RFC and the theoretical capacity is 1.0 RFC  
Note 3 RFC is ratio of flow to capacity

### **A20/London Road/Castle Road/Conway Road signalised junction**

The junction has not been remodelled to include the HWRC traffic as the level of traffic generated to this junction by that site is minimal.

### **A20 Coldharbour Roundabout**

The results of the modelling in the Third Addendum indicate that all arms are expected to operate within capacity and there is no material impact arising from the Clarendon Homes development traffic. This assumes that the KCC planned improvements are complete.

### **A20/Hermitage Lane**

The junction of A20 Hermitage Lane has not been included in the capacity assessments. The development is expected to generate 8 new traffic movements through the junction in the AM peak and 5 in the PM peak. This increase in traffic will not lead to any significant impact.

There are several discrepancies found in the Fourth Addendum however these do not have a material impact on the conclusions:

### **Conclusions**

A significant amount of work has been completed to assess the impact of this development proposal on the highway network.

Assessments have been completed on key junctions and the findings indicate that the development will have a negligible impact on the junctions of Poppyfields Roundabout and Coldharbour Roundabout.

The Poppyfields Roundabout has been modelled both with and without the improvement scheme in place, which is a requirement of the Whitepost Field permission, and the development has a minimal impact. This being the case, there is no requirement for a contribution towards the roundabout improvement scheme to be delivered by the Whitepost Field developer.

The Coldharbour Lane junction has been modelled with the KCC planned improvement in place. Any permission granted would require the completion of this scheme prior to commencement of development.

The junction of A20 London Road/Castle Road/Conway Road signalised junction was modelled in the Third Addendum and is expected to remain within capacity in the 'with development' scenario.

The junction of A20 London Road/ Bunyard Way/Beaver Road signalised junction becomes over capacity with the introduction of the development traffic with excessive queuing which is likely to block back across the access to the development site. Mitigation is proposed by the introduction of a left turn filter from Beaver Road. The proposal would mitigate the impact of the development in terms of capacity however advice from KCC Traffic Signals engineer is that this would lead to a highway safety problem and this view is based on previous history of such a scheme at this junction.

I am concerned that the proposed mitigation will lead a highway safety problem and a safety audit has not been provided. Without mitigation the traffic associated with this development would lead to a severe impact in terms of capacity at the junction of A20/Beaver Road/Bunyard Way and therefore I recommend that the application be refused in accordance with Para 109 of the NPPF:

NPPF Para. 109. 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.

Further consideration will be given if a safety audit of the A20/Beaver Road//Bunyard Way mitigation measures is provided.

Yours sincerely

Louise Rowlands  
Principal Transport & Development Planner

Final response



**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:** 15 December 2020

**Application - TM/19/00376/OAEA**

**Location - Land South West Of London Road And West Of Castor Park, Allington, Maidstone, Kent**

**Proposal - Outline Application: permission for layout, access and scale for a residential scheme of 106 units comprising mix of 1, 2, 3 and 4 bedroom dwellings (including bungalows, houses and apartments), associated access and infrastructure.**

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Thank you for providing Junction Mitigation Technical Note prepared by Odyssey, dated November 2020, for Clarendon Homes, to address previous design concerns over the signalised junction of A20/Beaver Road/Bunyard Way.

Revised junction layout (drawing no. 17-243/009) and Swept path analysis (drawing no. 17-243/010), both dated Sept 2020, have been submitted to address previous comments raised by Kent CC ITS Team. The latest drawings now allay previous safety worries. The accompanied Stage 1 Road Safety Audit within Appendix E also does not raise any additional unforeseen design concerns.

In light of the above, KCC Highways do not raise any further objections to this application, in the event that the Local Planning Authority is minded to approve the planning application, KCC Highways require that the following should be secured via planning condition:

1. 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
  - (f) Provision of measures to prevent the discharge of surface water onto the highway.
  
2. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the

Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

3. 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, emergency access, 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.
4. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
5. Each dwelling to have a electric charging point and apartments to have 10% of active supply to car parking spaces, with a further 10% passive. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list; <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
6. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

The following measures should be conditioned for provision via a Section 278 Agreement:

Incorporate signal mitigation for A20/Beaver Road/Bunyard Way junction

- Take signal drawing, cable schematic and TR2500A configuration through to approval with the highway authority ITS team.
- Implement site works to provide the approved layout and signal control as agreed within the first bulletpoint. Any associated site works such as Statutory Undertakers' diversions, street furniture moves ensuring standards are met such as highway street lighting lux, signal ducting, etc.
- Factory Acceptance Testing and Site Acceptance Testing with highway authority sign-off.
- Following works, test site on remote monitoring system
- Finish any snagging items prior to asset sign-off.

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

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

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

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

Yours faithfully

**Steven Timson**

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**TM/19/00376/OAEA**

**Annex 3 (responses from KCC Economic Development)**

Initial response



**Economic Development**

Invicta House  
County Hall  
Maidstone  
ME14 1XX

Phone: 03000 417075  
Ask for: Allan Gilbert  
Email: [allan.gilbert@kent.gov.uk](mailto:allan.gilbert@kent.gov.uk)

29 April 2019

Your Ref: TM/19/00376/OAEA  
Our Ref: K/E/TM/19/00376 AG

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

FAO: Matthew Broome

Dear Matthew,

**Provision and Delivery of County Council Community Services**

I refer to the above planning application which concerns proposed residential development at **Land South West of London Road & West of Castor Park, Allington** and comprising: **106 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).

[kent.gov.uk](http://kent.gov.uk)

**Request Summary**

	Per 'applicable' House (x68)	Per 'applicable' Flat (x14)	Total	Project
Primary Education	£4535.00	£1134.00	£324,256.00	Towards Phase 1 of a new Aylesford Primary School
Primary Land	£3208.18	£802.05	£229,384.94	Towards land acquisition for a new Aylesford Primary School
Secondary Education	£4115.00	£1029.00	£294,226.00	Aylesford School enhancement of teaching space

'Applicable' excludes 1 bed units of less than 56 sqm GIA - please confirm the 9 x 1 bed houses and 15 x 1 bed flats are below this threshold?

	Per Dwelling (x106)	Total	Project
Community Learning	£32.57	£3,452.36	Aylesford School Adult Education Centre additional equipment for the new learners
Youth	£13.47	£1,427.84	Towards Aylesford Youth Club
Library bookstock	£79.35	£8,411.47	Towards Larkfield Library enhancement and additional bookstock for the new borrowers
Social Care	£55.90	£5,925.40	Towards the Aylesford Priory Changing place facility
	<b>1 Wheelchair Adaptable Home</b> as part of the on site affordable homes delivery		
High Speed Fibre Optic Broadband connection:	<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 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 <a href="mailto:broadband@kent.gov.uk">broadband@kent.gov.uk</a></p>		
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 20 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 submission stage as of January 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/19/00376.

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** aquisition 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 Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

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#### **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 14 additional secondary school pupils from the date of occupation of this development. This need can only be met through the **enhancement of teaching space at Aylesford School**.

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 enhanced teaching space at Aylesford School and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

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 **£8,411.47**.

.....

#### **Youth Service**

To accommodate the increased demand on KCC services the County Council requests **£13.47 per dwelling** towards 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 **£55.90 per household** (as set out in Appendix 3) towards Changing Places facility at Aylesford Priory local to the development.
- Please also ensure the delivery of **1 Wheelchair Adaptable Home** (as part of the affordable housing element on this site), with nomination rights given in consultation with KCC Social Care; need as evidenced below:

Local Authority	High priority applicants needing wheelchair accessible housing	Comments on waiting time	Any other observations (Kent Agency Assessment: KAA)
Tonbridge & Malling BC	24	Average 106 weeks waiting time since March 2012	All Band A cases

.....

#### **Superfast Fibre Optic Broadband**

Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport, requires delivery of superfast broadband to all.

It is requested Tonbridge & Malling Borough Council include within any Planning Consent the requirement to provide 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings, as set out in the above Request Summary.

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#### **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.

Kent County Council confirms, in accordance with CIL Regulation 123, there are no more than 4 other obligations towards these projects.

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

Yours faithfully,



**Allan Gilbert**  
Development Investment  
Kent County Council

cc Mr Robin Gill, Clarendon Homes and Trustees of the Andrew Cheale Estate,  
Clarendon House, Ashford Rd, Harrietsham, Maidstone, Kent ME17 1BW  
Maidstone Borough Council, Planning Department, King St, Maidstone  
– FAO Richard Timms MA/19/500769  
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**

<b>District:</b> Tonbridge and Malling	<b>1-bed:</b> 24
<b>Site:</b> Land South West Of London Road And West Of Caxor Park Allington Maidstone Kent	<b>Houses:</b> 68
<b>Plan ref:</b> TM/19/00376	<b>Flats:</b> 14
<b>Date:</b> 26/04/2019	<b>Total units:</b> 106

**Current and forecast pupils on roll for schools within**

		East Malling planning area					
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	Dilton CE Junior School	248	240	247	247	250	252
5212	Dilton 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	Lunsford 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 area					
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	244	244	248	252	252
5208	Dilton CE Junior School	256	256	256	256	256	256
5212	Dilton 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	Lunsford 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	168	168	168	168	168
2030	Valley Invicta Primary School at Aylesford	330	345	360	360	360	360
Current and forecast capacity (1)		1,984	2,001	2,018	2,022	2,026	2,026

(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 area		
Planning reference	Development	Houses	Flats	Primary product
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	17	0	5
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/18/02966	Development Site South Of Brampton Field Between Bradbourne Lane And Kln Barn Road Dilton Aylesford	270	6	76
TM/18/03008	Site East Of Clare Park Estate New Road East Malling West Malling Kent	110	0	31
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 Somerfield Distribution Centre, Station Road, Aylesford (S106)	56	20	0
TM/17/01595	London Road & Hermitage Lane, Aylesford	840	0	235
TM/17/00964	Phoenix House Forstal Road Aylesford Kent ME20 7AU (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		1,468	61	393
This development		68	14	20

**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)	-23	-25	-30	-48	-88	-118
Expected pupil product from previously assessed developments	393	393	393	393	393	393
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments	-126	-119	-123	-141	-181	-211
Expected pupil product from this development	20	20	20	20	20	20
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments and this development	-106	-99	-103	-121	-161	-191
Expected pupil product from this development that on current plans for school provision cannot be accommodated	20	20	20	20	20	20

**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

<b>District:</b>	Tonbridge and Malling	<b>1-Net:</b>	24
<b>Site:</b>	Land South West Of London Road And West Of Colver Park Allington Maidstone Kent	<b>House:</b>	50
<b>Plan ref:</b>	TM18/00376	<b>Flats:</b>	14
<b>Date:</b>	26/04/2019	<b>Total units:</b>	108

Current and forecast pupils on roll for schools within		Malling non-selective and Maidstone & Malling selective planning areas										
SPE no.	School	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)
5415	Aylesford School - Sports College	682	667	721	724	763	768	811	879	832	834	839
4065	Hornedale School	538	530	530	540	517	573	579	597	681	695	615
5420	Malling School	721	656	676	698	699	1,018	1,036	1,063	1,065	1,088	1,036
4056	Invicta Grammar School	1,098	1,107	1,164	1,164	1,172	1,189	1,214	1,237	1,252	1,267	1,289
4022	Maidstone Grammar School	931	977	978	998	1,003	988	1,023	1,045	1,057	1,070	1,072
4023	Maidstone Grammar School For Girls	880	899	896	887	880	888	902	923	931	941	943
5422	Oswood Park Grammar School	763	783	783	784	775	778	792	809	811	824	823
Current and forecast pupils on roll (including site capacity pupil product from all new developments)		5,617	5,944	5,947	6,043	6,023	6,237	6,327	6,503	6,552	6,609	6,631
Required capacity to maintain 9% surplus capacity		5,913	6,152	6,259	6,365	6,466	6,565	6,661	6,846	6,896	6,957	6,980

Current and forecast capacity for schools within		Malling non-selective and Maidstone & Malling selective planning areas										
SPE no.	School	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)
5415	Aylesford School - Sports College	900	900	900	900	900	900	900	900	900	900	900
4065	Hornedale School	900	900	900	900	900	900	900	900	900	900	900
5420	Malling School	806	930	930	930	930	930	930	900	950	900	900
4056	Invicta Grammar School	1,122	1,170	1,200	1,152	1,109	1,056	1,008	960	960	960	960
4022	Maidstone Grammar School	900	900	900	900	900	900	900	900	900	900	900
4023	Maidstone Grammar School For Girls	900	900	900	900	900	900	900	900	900	900	900
5422	Oswood Park Grammar School	770	790	790	800	800	800	800	801	810	810	810
Current and forecast capacity (1)		6,387	6,317	6,585	6,577	6,599	6,511	6,433	6,388	6,388	6,388	6,385

(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 areas		
Planning reference	Details	House	Flats	Secondary equivalent
TM18/00246	Pinewood Depot, Westerford Lane East Malling West Malling	11	0	3
TM18/00268	Capden Centre Rise Of 400 Hermitage Lane Maidstone Kent ME14 9YT	11	0	3
TM18/00301	Development Site North Of 21 Aylemer Lane Kings Hill West Malling Kent	73	2	15
TM18/00303	Development Site between 23 Kings Hill Avenue & 8 Abbey Wood Rd, Kings Hill	0	36	0
TM18/00305	Development Site between 1 Tower View and 35 Kings Hill Avenue, Kings Hill West Malling	0	46	1
TM18/00304	Development Site North And End Of Jubilee Way Kings Hill West Malling Kent	111	37	6
TM18/00302	Heath Farm Veterinary Road East Malling West Malling Kent	492	0	3
TM18/00266	Development Site South Of Watlington Farm between Broadbourne Lane And Kings Hill Road Otford Aylesford	220	6	14
TM18/00268	Site East Of Care Park Estate New Road East Malling West Malling Kent	110	0	22
TM18/00267	Plot at Corner Of Lower Road & Town Street West Malling	60	0	4
TM18/00213	Land East Of Kings Hill West Malling Kent	125	0	6
TM18/00265	94 Hill Hill Aylesford Kent ME20 7ZN	0	13	1
TM17/00113	Land West Of Hermitage Lane and East Limits A4, A6 & A6c Hill Road Quarrywood Industrial Est Aylesford	33	14	7
TM17/00102	Former Distribution Centre, Station Road, Aylesford	56	20	12
TM17/00071	The Cabare, 78A Rochester Road, Aylesford, Kent, ME20 7DN	146	0	26
TM17/00164	Site of former Lippell Bell Pk, 1 Chatham Road, Aylesford	4	8	1
TM17/00105	London Road & Hermitage Lane, Aylesford	968	0	188
TM17/00064	Phoenix House, Parkside Road, Aylesford (S106)	17	0	3
TM14/00357	Land North of Junction New Hythe Lane & Shalton Way Landfill The Old Print Works	4	8	1
MA18/00289	51 Cranborne Road Maidstone Kent ME14 2BQ	6	10	0
MA18/00487	Land West Of Lower Green and Windmill Close Allen Lane Lymington	4	6	2
MA18/00551	Beechley Scaap Kent, Claygate Road, Maidstone ME18 4BB	32	0	2
MA18/00524	27-37 Lower Stone Street, Maidstone ME15 6JH	0	18	0
MA18/00407	11 Waterloo Street Maidstone ME15 7UG	0	10	0
MA18/00438	Beechley Park Secondary Lane Osney Maidstone Kent	1,200	310	67
MA18/00291	1-3 Foster Street Maidstone ME15 6PH	3	9	0
MA18/00263	Lynwood Farm Green Lane Boughton Monchelsea	79	0	4
MA18/00144	Kent House Romney Place Maidstone Kent ME15 6EA	5	16	0
MA17/00075	1a Eichele, Church Lane, Hemsesham, ME17 8QG	10	0	1
MA17/00076	Spencers Field Goudhurst Road Marden Kent (S106)	30	6	0
MA17/00074	Marden Cricket and Hockey Club, Stoney Road, Marden (S106)	103	6	0
MA17/00066	KCC Springfield, Sandridge Road, Maidstone	9	108	2
MA17/00432	Brunswick Street, Maidstone (S106)	14	33	0
MA17/00438	Car Park, Union Street/Queen Anne Road, Maidstone (S106)	17	18	0
MA17/00320	Land at Castle Dome, Maidstone	14	0	1
MA17/00118	Land West Of Wood Lane, Byrkens Street, Hollingbourne	10	1	1
MA17/00135	Land at Forest Hill, Trow	20	5	1
MA17/00242	Springfield Hill, Sandring Road, Maidstone (S106)	70	151	0
MA17/00296	Land East Of Cedar Gardens, Old Millpond Road, Lymington	10	0	1
MA17/00072	Site (H100), Fortal Lane, Cotham (S106)	218	0	1
MA17/00176	Land West Of Eulope Park, Sittingsbourne Road (S106)	33	6	0
MA17/00196	Beechley Apartments, 10-12 London Road, Maidstone	12	0	1
MA17/00149	Land North Of Becken Road Sutton Road Maidstone (S106)	212	6	8
MA17/00103	Springfield Park, Engineers Road, Maidstone	0	140	2
MA17/00088	The Maidstone Studios Victoria Business Park New Cut Road Maidstone	54	23	3
MA17/00057	Land North Of Old Ashford Road, Lymington	111	0	6
MA18/00648	East of Ashford Street, Hollingbourne	10	0	1
MA18/00660	Land South Of Vivarage Road, Maidstone (S106)	62	5	0
MA18/00740	3MC Caberney Hill, Maidstone	0	72	0
MA18/00741	Land Adj Royal Engineers Road Maidstone Kent (S106)	0	18	0
MA18/00710	150a Hill Farm, Gigg Lane, Maidstone (S106)	55	0	0
MA18/00646	Land South of Heath Road, Cotham	68	0	2
MA18/00636	Sharp House, Trow Green, Trow	12	0	1
MA18/00637	17-20 Church Street, Trow Maidstone Kent ME15 6BP	9	0	0
MA18/00602	Headcorn Hill Boleborden Road Headcorn Kent TN27 9QQ	14	0	1
MA18/00540	Vivarage Farm, Warens Farm, Lymington, Lymington	13	0	1
MA18/00547	Bell Farm, North Street, Barming (S106)	14	1	0
MA17/00193	Kent Cottage And Cheese Milling, Gigg Lane, Headcorn Kent	25	0	1
MA18/00545	Wren's Cross, Upper Stone Street, Maidstone	0	90	1
MA18/00575	Land At Eckers Farm Sutton Road Langley Kent ME17 3NG (S106)	220	73	8
MA18/00428	Land At Church Road Hemsesham	46	0	5
MA18/00961	Land At Church Street and Heath Road Boughton Monchelsea	31	0	2
MA18/00814	Land West Of 71 Heale Hill Road Boughton Monchelsea	11	0	1
MA18/00970	Springwood Campus Farming, Hermitage Lane, Maidstone (S106)	19	12	0
Previously assessed developments in the area		5,046	1,284	451
The development		58	14	11

Disturbance	2017-18 (A)	2018-19 (A)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)
Disturbance / ( deficit) capacity (including the expected pupil product from all new developments)	484	382	226	212	113	-14	238	462	513	424	375
Expected pupil product from previously assessed developments	451	451	451	451	451	451	451	451	451	451	451
Surplus / ( deficit) capacity including the expected pupil product from previously assessed developments	-67	69	225	-139	-338	-602	-213	102	66	-227	-776
Expected pupil product from this development	14	14	14	14	14	14	14	14	14	14	14
Surplus / ( deficit) capacity including the expected pupil product from previously assessed developments and this development	-53	55	211	-153	-352	-616	-227	88	80	-213	-762
Expected pupil product from this development that on current plans for school provision cannot be accommodated	0	14	14	14	14	14	14	14	14	14	14

Background notes:

High forecasts 2018 (Base + migration) employed from September 2018 incorporating all data from Schools Census Autumn 2017. Data from the Health Authority includes (on-site) 14888 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 this development has been shown as zero. This indicates that the pupil product will be met from the development has been mitigated by the developer.

APPENDIX 2

**KCC Communities**

Development Contributions Assessment

Site Name	Land SW of London Rd & W of Castor Pk, Allington
Reference No.	TM/19/00376
District	Tonbridge and Malling
Location (Ward)	Aylesford
Assessment Date	15/03/2019
Development Size	106

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
<b>New adult participation from this development</b>	<b>4.95 clients</b>	<b>2.66 clients</b>
Will service capacity be exceeded?	YES	YES
<b>Contributions requested from this development</b>		£32.57 per dwelling
<i>106 dwellings from this proposal</i>		<b>£3,452.36</b>
<i>Contributions requested towards Aylesford School Adult Education Centre additional equipment and classes</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
<b>New youth participation from this development</b>	<b>3.1 clients</b>
Will service capacity be exceeded?	YES
<b>Contributions requested from this development</b>	£13.47 per dwelling
<i>106 dwellings from this proposal</i>	<b>£1,427.84</b>
<i>Contributions requested towards Aylesford Youth Club</i>	

LIBRARIES			
	Larkfield Library	Mobile Service Library	Library Stock
Libraries assessed for this development			
Current overall library borrower numbers in assessed area	3,842	6,975	
LESS Area Service Capacity	2,517	3,160	
Initial capacity shortfall/surplus (Year ending 2011)	-1,325	-3,815	
<b>New borrowers from this development</b>	<b>28.74 borrowers</b>	<b>28.74 borrowers</b>	<b>57.48 borrowers</b>
Will service capacity be exceeded?	YES	YES	YES
<b>Contributions requested from this development</b>			£79.35 per dwelling
<i>106 dwellings from this proposal</i>			<b>£8,411.47</b>
<i>Contributions requested towards Larkfield Library enhancement and bookstock</i>			

<b>Net contributions requested for KCC Communities' Services</b>	<b>£13,291.67</b>
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<b>APPENDIX 3</b>	<b>Social Care</b> Land SW of London Rd & W of Castor Park, Allington TM/19/00376	<b>106 Households</b>		
	<u>Project</u>	<u>Project name</u>	<u>Cost per Household</u>	<u>Cost for this Site</u>
	Changing Place Facility	Aylesford Priory	£ 55.90	
			£ 55.90	£ <b>5,925.40</b>
and	<b>1 Wheelchair Adaptable Home</b>	delivered as part of the on site affordable homes		

## Second response



### Economic Development

Invicta House  
County Hall  
Maidstone  
ME14 1XX

Phone: 03000 417075  
Ask for: Allan Gilbert  
Email: [allan.gilbert@kent.gov.uk](mailto:allan.gilbert@kent.gov.uk)

10 January 2020

Your Ref: TM/19/00376/OAEA  
Our Ref: K/E/TM/19/00376 AG (2)

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

FAO: Matthew Broome

Dear Matthew,

### **Provision and Delivery of County Council Community Services**

I refer to the above planning application which concerns proposed residential development at **Land South West of London Road & West of Castor Park, Allington** and comprising: **106 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).

[kent.gov.uk](http://kent.gov.uk)

### Request Summary

	Per 'applicable' House (x106)	Per 'applicable' Flat	Total	Project
Primary Education	£4535.00	£1134.00	£480,710.00	Towards Phase 1 of a new Aylesford Primary School
Primary Land	£3208.18	£802.05	£340,067.08	Towards land acquisition for a new Aylesford Primary School
Secondary Education	£4115.00	£1029.00	£436,190.00	Towards additional places within the Malling non selective and Maidstone and Malling selective Secondary schools planning area

'Applicable' excludes 1 bed units of less than 56 sqm GIA - please confirm if any 1 bed houses or flats below this threshold are proposed?

	Per Dwelling (x106)	Total	Project
Community Learning	£32.57	£3,452.36	Aylesford School Adult Education Centre additional equipment for the new learners
Youth	£13.47	£1,427.84	Towards Youth resources in the local area
Library bookstock	£79.35	£8,411.47	Towards Larkfield Library enhancement and additional bookstock for the new borrowers
Social Care	£55.90	£5,925.40	Towards the Aylesford Priory Changing place facility
	<b>1 Wheelchair Adaptable Home</b> as part of the on site affordable homes delivery		
Broadband:	<p><b>Condition:</b> Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p><b>Reason:</b> To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p>		

Highways	Kent Highway Services will advise separately
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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 30 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 submission stage as of January 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/19/00376.

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 Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

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#### **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 21 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of additional places within the **Malling non selective and Maidstone and Malling selective Secondary schools planning area.**

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 enhanced teaching space at Aylesford School and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

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 **£8,411.47**.

.....

#### **Youth Service**

To accommodate the increased demand on KCC services the County Council requests **£13.47 per dwelling** towards Youth resources locally.

.....

#### **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 **£55.90 per household** (as set out in Appendix 3) towards Changing Places facility at Aylesford Priory local to the development.
- Please also ensure the delivery of **1 Wheelchair Adaptable Home** (as part of the affordable housing element on this site), with nomination rights given in consultation with KCC Social Care; need as evidenced below:

Local Authority	High priority applicants needing wheelchair accessible housing	Comments on waiting time	Any other observations (Kent Agency Assessment: KAA)
Tonbridge & Malling BC	24	Average 106 weeks waiting time since March 2012	All Band A cases

.....

**Broadband: Fibre to the premise/gigabit capable**

The NPPF (para 112) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

Please include a Planning Condition to provide ‘fibre to the premise’ (FTTP) broadband connections to all premises of gigabit capacity.

Developers are advised to make early contact with broadband providers, as there can be a lead in time for cable installation and associated infrastructure.

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**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**  
Development Investment  
Kent County Council

cc Mr Robin Gill, Clarendon Homes and Trustees of the Andrew Cheale Estate,  
Clarendon House, Ashford Rd, Harrietsham, Maidstone, Kent ME17 1BW  
Maidstone Borough Council, Planning Department, King St, Maidstone  
– FAO Richard Timms MA/19/500769  
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

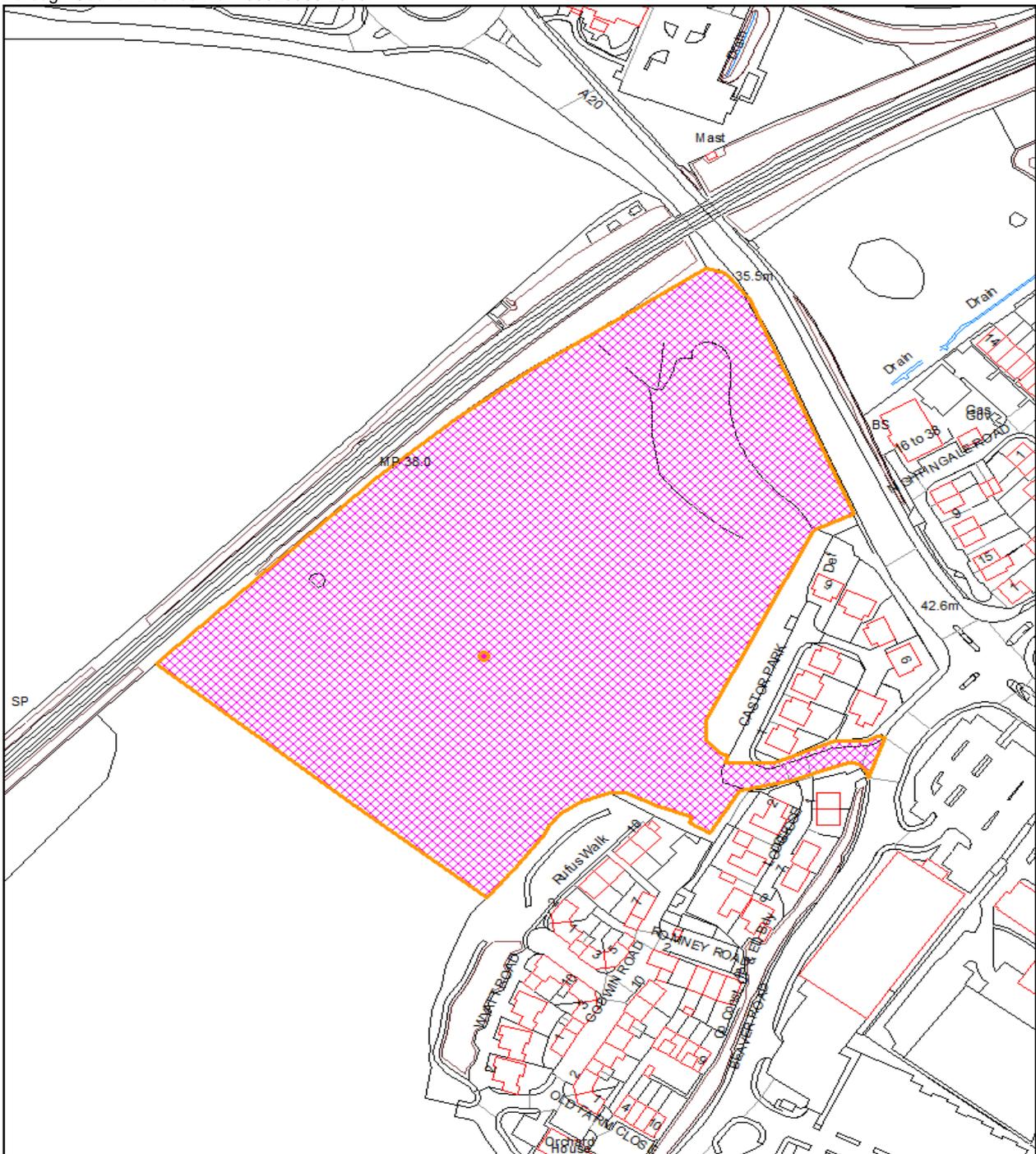
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**TM/19/00376/OAEA**

Land South West Of London Road And West Of Castor Park Allington Maidstone Kent

Outline Application: permission for a residential scheme of up to 106 units, associated access and infrastructure

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# Agenda Item 7

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

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

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