

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

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

10 March 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, 18th March, 2021 **commencing at 6.00 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](#).

Please note the earlier start time.

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 28 January 2021

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/20/01820/OAEA - Aylesford Newsprint, Bellingham Way, 15 - 110 Larkfield

Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks at Aylesford Newsprint.

6. TM/21/01218/OA - Land adjacent Ditton Common, north of 111 - 190 Rede Wood Road and Oakapple Lane Barming

Outline Application: all matters reserved except for access for the erection of up to 118 dwellings, together with associated works for access, open space, infrastructure, earthworks, surface water drainage systems and landscaping

7. TM/20/02454/FL - Land between 166 and 194 The Rocks 191 - 208 Road, East Malling

Development of 2no. detached houses with associated access, parking, and gardens

8. Urgent Items

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

Matters for consideration in Private

PART 2 - PRIVATE

9. Exclusion of Press and Public 209 - 210

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

10. Urgent Items

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

MEMBERSHIP

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

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

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 28th January, 2021

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 N J Heslop, P J Montague and N G Stapleton were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP3 21/1 DECLARATIONS OF INTEREST

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

AP3 21/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 19 November 2020 be approved as a correct record and signed by the Chairman.

AP3 21/3 GLOSSARY AND SUPPLEMENTARY MATTERS

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.

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

**AP3 21/4 TM/19/00376/OAEA - LAND SOUTH WEST OF LONDON ROAD
AND WEST OF CASTOR PARK, ALLINGTON**

Outline Application: permission for a residential scheme of up to 106 units, associated access and infrastructure at Land South West of London Road and West of Castor Park, Allington.

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 amendment of the Recommendation at Paragraph 7.1 to omit plan numbers LE03, LE04, PL010, PL012, PL014, PL015 and PL016;
- (2) the amendment of the Recommendation at Paragraph 7.1, second bullet point to read as follows:

The applicant entering into a planning obligation with Kent County Council to make financial contributions to the provision of education facilities and community services, secure a Travel Plan and make a financial contribution towards its implementation; and

- (3) the addition of Informatives:

7. The applicant should explore all opportunities to maximise the provision of the natural green space buffer along the boundary of the site with the railway line as indicated on plan number PL011 Rev. 1.

8. The application should explore all opportunities to include a proportion of bungalows within the scheme, subject to detailed discussions with the Council regarding local housing needs.

9. The applicant's specific attention is drawn to the submitted Badger Report and the recommendations contained within the report when considering the reserved matters and the specific requirements of Condition 17.

10. The applicant is strongly encouraged to negotiate with surrounding landowners with a view to establishing whether connectivity can be established from the site to Barming Station in the interests of encouraging sustainable modes of transport. Should such negotiations identify a potential solution, the

applicant should contact the Local Planning Authority to discuss avenues for implementation.

[Speaker: Mr J Chapman made a verbal statement on behalf of the Applicant]

PART 2 - PRIVATE

AP3 21/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.10 pm

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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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Ditton
Ditton

20 August 2020

TM/20/01820/OAEA

Proposal: Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks

Location: Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW

Go to: [Recommendation](#)

1. Description:

- 1.1 This is a hybrid planning application for the redevelopment of the former Aylesford Newsprint site for the construction of up to 177,280 square metres (sqm) (GIA) of build floorspace for flexible industrial, storage and distribution uses (Use Classes B1(c)/B2/B8). The hybrid format of the application allows for an element of the proposals to be considered in detail at this stage, with the remainder set out in outline. This approach will enable the developer to ensure early completion of the access road and two units whilst being able to tailor the buildings on the rest of the site to the needs of specific occupiers.
- 1.2 The floorspace overall is shown to be limited/assigned as follows:
- Maximum of 15,760 sqm (GIA) of B1c floorspace
 - Maximum of 31,250 sqm (GIA) of B2 floorspace
 - Maximum of 177,280 sqm (GIA) of B8 storage and distribution floorspace and
 - Maximum of 35,000 sqm (GIA) of B8 parcel delivery floorspace.

Outline elements of the scheme:

- 1.3 The outline element is proposed with all matters reserved that allows for up to 159,235 sqm (GIA) of built employment floorspace to be provided, with associated access, servicing, parking, landscaping, other earthworks and site remediation works. This element is proposed in outline form to enable detailed reserved matters to be submitted to ensure maximum flexibility and thereby enable the units to be specified to meet future occupants needs.

- 1.4 This element is supported by a parameters plan that sets out maximum ridge heights (28m in zone A to the east of the site and 18m to the west of the site), landscaped buffer zone between the development and the public right of way to the east of the site, how the access arrangements would work from the site access roads detailed in the full element and potential acoustic screening to the north and south site boundaries.

Full detailed elements of the scheme:

- 1.5 These elements can be summarised as follows:
- Two warehouse units (units 6 and 7) comprising 6,689 sqm (GIA) and 11,355.5 sqm (GIA) respectively of employment floorspace;
 - Full details of the Bellingham Way link road and the north/south perimeter road including associated landscaping;
 - Works to the embankment of Ditton Stream, other earthworks and site remediation works; and
 - Demolition of the existing gatehouse.
- 1.6 The maximum ridge height of the buildings would be 15.5m with a clear internal height of 12.5m. Both units comprise a steel framed, single storey warehouse building with ancillary office accommodation. Externally, the units provide a secure service yard with HGV parking and cycle storage areas, with unit 6 having provision for 60no. car parking and motorcycle spaces and 10no. cycle parking spaces. 8no. trailer spaces are proposed with 2no. level access HGV spaces; and unit 7 102no. car parking and motorcycle spaces and 20no. cycle parking spaces. 56no. trailer spaces are proposed with 4no. level access HGV spaces.
- 1.7 The buildings themselves are proposed to be finished in a mix of white and navy-blue contrast cladding to add visual interest and break up the mass of the buildings. External detailing is also proposed to be used to identify specific areas such as main entrance points and office areas.

Access arrangements and connectivity:

- 1.8 Full details are provided of the proposed Bellingham Way link road, the north/south perimeter road and associated landscaping, demolition of the existing gatehouse building, as well as works to the embankment of Ditton Stream, other earthworks and site remediation works.
- 1.9 The proposed development includes the realignment of Bellingham Way link road which will be opened up for public use. This will enable vehicular access to Station Road and provide an alternative route for vehicles to access the M20

and the A228 north of the M20. Whilst smaller and medium sized vehicles will be able to use the Station Road route, HGV's will be restricted from using this route to access or egress the site. The Station Road junction will be a signalised junction that will include pedestrian crossings.

- 1.10 The realignment and opening up of the link road is included in the full element of the submission so that it can be provided at an early stage and be fully in place prior to the completion of the whole development.
- 1.11 Similarly, alterations and upgrades to the footpath network across the site are included in the full element. These include improvements to public rights of way (PRoW) MR 492 and MR493 to the south of the site, MR9 along the eastern edge of the site between the south eastern corner of the site and New Hythe train station with upgraded surfacing, fencing and landscaping.
- 1.12 The detailed element of the application also includes the provision of a 3m wide shared footpath running along the southern/western side of the realigned Bellingham Way Link Road, which connects Station Road with Bellingham Way. A 2m wide footpath will run along the northern side of the realigned link road.
- 1.13 The application also proposes a scheme of off-site PRoW enhancements to MR474 to facilitate pedestrian and cycle links from the site along the river Medway to Mill Hall and Aylesford village and also the addition of a footway link on the north side of Leybourne Way from the junction with New Hythe Lane.
- 1.14 In terms of parking provision, Unit 6 includes provision for 60no. car parking and motorcycle spaces and 10no. cycle parking spaces. 8no. trailer spaces are proposed with 2no. level access HGV spaces.
- 1.15 Unit 7 includes provision for 102no. car parking and motorcycle spaces and 20no. cycle parking spaces. 56no. trailer spaces are proposed with 4no. level access HGV spaces. All cycle parking provision will be secure and well-lit.
- 1.16 For the Outline element of the Development, parking provision is made reflecting the requirements for B8 occupiers, with the overall provision of 1,213 spaces being within the maximum parking standard of 1,447 spaces required by guidance. Full details of car parking provision for each unit will be provided at the reserved matters stage.

Landscape strategy:

- 1.17 The application is supported by a landscape masterplan which sets out the detail of the structural planting approach to the Bellingham Way link road, as well as gateway planting to the main entrance of the site and spine road planting. Full details of the planting both within and on the boundaries of the full element of the planning application around Units 6 and 7 are also provided.

- 1.18 The landscape strategy for the development seeks to provide a tree lined central boulevard along the Bellingham Way link road with native hedgerows planted alongside unit boundaries. Existing vegetation is proposed to be retained and enhanced, where possible. Any significant losses including trees will be mitigated by providing new planting with good wildlife value and any new trees will be native species to provide habitats for native fauna
- 1.19 As well as new tree planting, new native hedging is proposed to enable a 'green grid' to be created across the site. Wildflower areas are proposed in more open areas and formal mown grass areas along the edges of the internal roads to ensure appropriate visibility.
- 1.20 The PRoW along the eastern edge of the site which connects the south eastern corner of the site to the New Hythe train station (MR91) will be cleared of scrub vegetation and improved with a new fence and landscaping making it a more pleasant pedestrian and cycle friendly environment. New greenery will run along the eastern boundary of the site, providing a new wildlife corridor and is further intended to reinforce the green grid.
- 1.21 As part of the detailed element of the development, works will be undertaken to the embankment of the Ditton Stream which is located within the south of the site. A development free 8m easement surrounding the Ditton Stream is proposed, to open up the stream channel and facilitate improved maintenance of the flow route through the site. The works will provide additional flood resilience and ecological enhancement to the stream.

Environmental impact assessment:

- 1.22 The proposed development falls within Schedule 2 10 (a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (later amended by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017) and as such has been subject to Environmental Impact Assessment (EIA).
- 1.23 As such, an Environmental Statement (ES) has been submitted as part of the planning application. This is prepared to assess the environmental effects of the development in line with the statutory requirements contained within the Regulations. The purpose of the ES is to inform decision making by explaining the likely significant effects that the development may have on the environment during construction and once it is complete and how they can be avoided or reduced. The EIA has been informed by a series of technical studies which form part of the ES. These studies include surveys, calculations and other forms of modelling as necessary.
- 1.24 An ES is intended to consider the likely effects of the development on its neighbours, local environment, local and regional economy, as well as the wider area. The environmental effects of the development are to be predicted in

relation to sensitive receptors, including human beings, built resources and natural resources. The sensitive receptors considered in the ES should include local residents and businesses, heritage assets and designations, road users, construction workers and future occupiers of the site.

- 1.25 Each topic assessment is designed to attach a level of significance to the identified effects (both positive and negative), i.e. either major, moderate, minor or negligible. Short and long-term (temporary and permanent), direct and indirect effects have been assessed. The EIA Regulations require that 'cumulative' effects are also considered in the ES. 'Residual effects' are defined as those that remain after mitigation measures have been implemented.
- 1.26 The contents and conclusions contained within the ES are considered throughout the detailed assessment of the scheme which follows.
- 1.27 In addition, a number of other supporting plans and documents have been submitted as part of the application.
- Illustrative masterplan
 - Parameters Plan
 - Site plans, floorplans and elevations units 6 and 7
 - Landscaping proposals plans
 - Bellingham Way Link Road improvements
 - Estate Road layout
 - Junction details and swept path analysis
 - Lighting details for Bellingham Way Link Road, Spine Road and units 6 and 7
 - Design and Access Statement
 - Planning Statement
 - Environmental Statement
 - Environmental Statement – Non-Technical Summary
 - Arboricultural Impact Assessment
 - Preliminary Ecological Appraisal
 - Great Crested Newt Survey

- Preliminary Bat Roost Assessment
- Dusk and Dawn Bat Survey
- Reptile Survey
- Water Vole Survey
- Habitats Regulation Assessment Screening Report
- Framework Ecological Mitigation Strategy
- Landscape and Visual Impact Assessment
- Landscape and Biodiversity Management Strategy
- Flood Risk Assessment
- Outline Drainage Strategy
- Unit 6, Unit 7 And Access Road Sustainable Drainage Strategy
- Transport Assessment
- Travel Plan and Mobility Strategy
- Sustainable Distribution Plan
- Air Quality Assessment
- Land Condition Report
- Built Heritage Statement
- Archaeological Desk Based Assessment
- Energy and Sustainability Statement
- BREEAM 2018 Pre-Assessment Report Shell and Core
- BREEAM UK NC 2018 Assessment Scoring and Reporting Tool_v3.2
- Shell and Core BREEAM 2018 DS Tracker
- External Lighting Report
- Utilities Infrastructure Report
- Economic Benefits Statement

- Statement of Community Involvement

2. Reason for reporting to Committee:

2.1 Given the strategic scale and nature of the site and development proposed.

3. The Site:

- 3.1 The site is largely vacant and was previously occupied by Aylesford Newsprint Ltd (B2 industrial use) which manufactured paper until the closure of the plant in 2015. The majority of the buildings at the site have been demolished to slab level. Three buildings still remain, comprising a four-storey high office building and an adjacent two storey ancillary office building, as well as a single open sided shed.
- 3.2 Areas of remnant ornamental planting remain between areas of historic car parking. These remaining buildings have prior approval to be demolished to slab level under planning permission ref. TM/17/00493/FLEA. with the exception of the security office/gatehouse. The demolition of the gatehouse is included within the current development proposals.
- 3.3 The site comprises 36.59 hectares (ha) and forms part of the New Hythe Industrial Estate to the west of the River Medway and to the east of the M20. The site is bound to the east by the Medway Valley railway line, the River Medway and the Medway Valley Walk long distance route (LDR). The southern part of the site boundary is located adjacent to the M20 motorway. The New Hythe Industrial Estate is located adjacent to the west of the site. The site is bordered to the north by New Hythe Railway station and Larkfield Trading Estate.
- 3.4 The Ditton Stream flows across the south east of the site which features areas of planting adjacent to the north and south banks. Footpath MR91 extends along the eastern edge of the site and footpath MR492 and 493 extend along the southern boundary. These connect into an extensive network of Public Rights of Way (PRoW) including the Medway Valley Walk Long Distance Walk and the North Downs Way National Trail.
- 3.5 New Hythe Railway Station is located approximately 250m to the north of the site and Aylesford Railway Station is located approximately 400m to the south east of the site, with both stations serving the Medway Valley line. The nearest bus stop to the site is located along New Hythe Lane.
- 3.6 The site lies within an area safeguarded for employment purposes designated in Policy E1 (d) of the MDE DPD 2010. For clarity the site does not lie within a CA or contain any listed buildings. There are no ecological or landscape designations. Although not abutting the site, an SSSI lies to the north and the site is not covered by any landscape designations. The Kent Downs Area of

Outstanding Natural Beauty (AONB) is located approximately 2.8km to the north east of the site. Aylesford Conservation Area is located approximately 600m to the east of the site.

- 3.7 The site lies within Flood Zones 2 and 3 and is vulnerable to fluvial and tidal flooding. The site is also located within a Groundwater Source Protection Zone (SPZ).

4. Planning History (relevant):

- 4.1 Historically, the site has been subject to various planning permissions relating to the previous use. Since that use ceased, the following applications have been submitted/determined which relate to site clearance and previous proposals for redevelopment.

TM/16/00746/EASP EIA opinion scoping application 6 April 2016

Request for a Scoping Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2011 regarding the redevelopment of the former Aylesford Newsprint site

TM/16/03495/EASC screening opinion EIA required 13 December 2016

Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for the demolition of all buildings to ground level

TM/16/03597/EASP EIA opinion scoping application 5 January 2017

Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for the demolition of all buildings to ground level

TM/17/00493/FLEA Approved 24 April 2017

Site clearance and demolition of all buildings and structures on site down to slab level (no earth works) with the exception of ancillary infrastructure including borewell pumphouses, substations and the security office. Infilling of voids left from infrastructure removal

TM/16/03025/OAEA Application Withdrawn 4 June 2018

Outline Application for mixed use development comprising up to 120,500 sqm of B1, B2 and B8 employment space (GEA) and 79,000 sqm of residential land capable of accommodating up to 450 residential dwellings, including affordable housing, land for a two form entry school and a dedicated community facility, with appearance and landscaping reserved for future consideration

TM/20/01227/EASP EIA opinion scoping application 6 August 2020
Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: concerning proposed development

5. Consultees:

DPHEH: Representations made by Highways England, KCC (H+T) and the Kent Downs AONB Unit are reproduced at Annexes 1, 2 and 3 respectively. All other representations received are summarised below.

5.1 Aylesford PC: The Council welcomes the opportunity to comment on application and would make the following comments that are set out below:-

1. The Council welcomes that the applicant supports the principle of this site remaining an Economic Hub and being used for employment purposes only.

2. The Council's main concern in respect of this application is the impact of traffic such a large development would have on an already over capacity road network particularly taking into account other proposed developments along the A20 corridor. The Council does have some reservations about the opening of Bellingham Way as the release of any traffic to this part of the highway network would make the position worse on an already over capacity road network particularly at the junctions with the A20. If Bellingham Way is opened the Council would have the following specific comments:-

(a) that traffic using this road must be restricted to car and light commercial vehicles only (the definition of light to be established) and there must be a total ban on HGV vehicles exiting/entering the site from Station Road.

(b) traffic controls should be put in place at the junction with Station Road and further back along Bellingham Way. Physical measures should be put in place to prevent HGVs from using this road. Height, width and weight restrictions should apply.

(c) the Bellingham Way Link Road Improvements Overview Plan shows an HGV Turning Area near the Station Road junction which, it is assumed, is there to redirect HGVs. Clarification about this feature is sought. The Council believes that HGVs should be physically prevented from getting this far into Bellingham Way and would want consideration to be given to moving this turning area further west.

(d) Ditton Corner has an urgent need for traffic reduction. The proposed improvement works at Ditton Corner will not reduce the volume. Traffic volume will also increase along Station Road in both directions.

(e) The junction of Station Road and Hall Road will require improvement as there is regular queuing far back along Hall Road to The Avenue and beyond. Traffic congestion at this junction is further complicated by the problems caused by the railway level crossing. In particular the Council would ask that serious consideration is given to a scheme previously proposed by KCC Highways using traffic lights and slip road accesses for alleviating this problem.

3. The Council supports the comments by Ditton Parish Council and East Malling and Larkfield Parish Council made in respect of Footpaths and the Ditton Stream and the Old Mill Pond.

4. The Council wishes to ensure that adequate signing for the site is installed in the surrounding road network, especially along Station Road, at Ditton Corner and New Hythe Lane.

5. The applicant should have discussions with Network Rail regarding upgrading Aylesford Station arising from the increased passenger numbers using the station from this new development.

Aylesford Parish Council has met with our neighbours at Ditton and East Malling & Larkfield Parish Councils and have agreed on the above comments. The other parishes may raise additional or different points regarding this application and the Council supports their comments in this regard.

- Further to the above comments APC have commented on the updated highways information and made the following comments:

The Council is pleased to note that the provision of traffic controls at the Station Road/Bellingham Way link road junction has been incorporated in the revised proposal. The Parish still believe though that junction improvement works are needed at Station Road/Hall Road due to queuing traffic and would ask the applicant to seriously consider undertaking these works as part of this development.

5.2 Ditton PC: No objection to the land being used for employment purposes. The main concern, which is shared by neighbouring Aylesford and East Malling & Larkfield Parish Councils, is the impact of traffic such a large development would have in light of other proposed developments along the A20 corridor. Specifically:

(i) We approve that Bellingham Way be upgraded to a public highway but traffic using this road must be restricted to car and light commercial vehicles only (the definition of light to be established) and a there must be a total ban on HGV vehicles exiting/entering the site from Station Road.

(ii) Traffic controls should be put in place at the junction with Station Road and further back along Bellingham way. Physical measures should be put in place to prevent HGVs from using this road. Height, width and weight restrictions should apply.

(iii) The Bellingham Way Link Road Improvements Overview Plan shows an HGV Turning Area near the Station Road junction which, it is assumed, is there to redirect HGVs.

We feel HGVs should be physically prevented from getting this far into Bellingham Way and would like consideration to be given to moving it further west.

(iv) Ditton Corner has the most urgent case for traffic reduction. The proposed improvement works at Ditton Corner will not reduce the volume. Traffic volume will also increase along Station Road in both directions.

(v) The junction of Station Road and Hall Road will require improvement as there is regular queuing far back along Hall Road to The Avenue.

Footpaths

(i) MR91 runs next to the railway from New Hythe to Station Road and is also used by cyclists as well as pedestrians. It is a fenced path and the route at present runs over land that may belong to the railway. It would greatly benefit the community if this path could be widened for walkers and cyclists.

(ii) MR493 runs from Ditton Sewerage Works then by the M20 boundary across a footbridge over the Old Mill Pond stream and connects with MR492. This is an important route as it connects with MR95 leading up to New Hythe Lane and at the eastern end of MR492 and MR491, giving a link over the footbridge to Ditton Corner, Station Road and Aylesford Station.

The route over the footbridge gives an interesting view of the Old Mill Pond and is a focal point along the path. An information board could be provided here, detailing the history of Millhall Mill that stood here dating back to at least the 1600's.

(iii) With MR95 this route would be a green corridor though from Larkfield to Station Road, linking with the relatively new footbridge to Millhall and the towpath into Aylesford village avoiding the road. It is overgrown in parts and very unsatisfactory at the junction with MR492 and needs to be properly reinstated.

The route out to Station Road needs to be kept clear and well defined. The steps down the bank at the junction of MR491/492, outside the application site, need a good clear up.

These paths are likely to be used by employees walking to the new development and should be put in good order.

(iv) There is good scope for cycle use. The bridge over the M20 (obtained when the motorway was built to provide a crossing point) provides a useful link to Ditton Corner. We also seek a cycle route through the site between New Hythe/Larkfield and Aylesford avoiding the A20.

(v) Paths should be properly signed and waymarked. Any permission should include an informative that they should not be altered in any way without the necessary consents being obtained under highway legislation.

(vi) Ditton Parish Council would like to see a new footway created on Station Road opposite the K Sports Ground under Section 106 to improve employee access from Ditton Corner.

(vii) Where possible, footpaths should be up-graded to include cycle paths or be 'dual use'.

(viii) Priority must also be given to encouraging the use of public transport. There is currently no bus service along Station Road and we feel this would be beneficial in enabling employees to use public transport and thereby reduce traffic along Station Road.

Ditton Stream and the Old Mill Pond

Ditton Stream rises in East Malling and flows down to the Medway via the site.

Ditton Stream and the Old Mill Pond north of the M20 are two of the few features of this site. They are of local historical significance and would provide attractive features within the site. There are willows adjacent to it north of Bellingham Way, and local wildlife interest.

The Old Mill Pond has been enjoyed for fishing and as one crosses the footbridge over the M20 on public footpath MR493 there is a view of the Mill Pond with its trees. We would wish to see all these features, including trees and wildlife, protected and enhanced.

This is a very old site within Ditton Parish. A local historian has charted the connection with the old paper mill to the continued industry in this area until the closure of Aylesford Newsprint.

The earth at the Bellingham Way end of the old mill pond, if disturbed, may uncover items of historic interest. We therefore consider any work in this area should be the subject of an archaeological watching brief. AN
ARCHEOLOGICAL INVESTIGATION MUST BE UNDERTAKEN PRIOR TO
ANY WORK BEING UNDERTAKEN.

Other issues

- (i) We wish to ensure that adequate signing for the site is installed in the surrounding road network, especially at Ditton Corner and along Station Road and New Hythe Lane.
- (ii) The colour scheme of the buildings and roofs should complement the park theme and the surrounding area when viewed from the North Downs.
- (iii) Better crossing facilities at the roundabout of Bellingham Way/New Hythe Lane/Leybourne Way for residents of Leybourne Park and others (which did not exist when the current junction was devised).
- (iv) Heavy HGV traffic is already seen along New Hythe Lane between the Bellingham Way and Papyrus Way roundabouts.
- (v) Potential increase in HGV traffic heading south along New Hythe Lane to the A20 junction (Morrisons). Better signage will be required to direct HGVs along Leybourne Way.
- (vi) Construction Traffic – times should be restricted (no overnight working).

Ditton Parish Council has met with our neighbours at Aylesford and East Malling & Larkfield Parish Councils and we agree on the above points. The other parishes may raise additional points regarding this application and we would like it noted that we support our neighbours' comments in this regard.

5.3 EM&L PC:

- We particularly wish to stress that this site is served by both Aylesford and New Hythe stations and it is likely people may come to the site from these stations. We think it is important that everything be done to try to reduce traffic to the site and to encourage the use of public transport where possible. Wish to see bus services serve New Hythe Station and have services routed through the site. Wish to also see improvements to railway stations and public rights of way in the area.
- The Parish Council has discussed this application with both Ditton and Aylesford Parish Councils and has also noted the provisional comments of Kent County Council in their letter of 29th October 2020. Most of the site is of course in Ditton Parish and there are concerns about the impact of traffic as a result of the development as proposed. Although this parish council had no objection in principle to the previous mixed housing/commercial development in common with the other two parish councils has no objection to the land being used for employment purposes.

- In support of this position we would record that much but not all of the site has been in employment use for many years and it is allocated as a safeguarded site for employment in the current 2008 Local Plan. Furthermore, it is also shown in the draft Local Plan currently before the Planning Inspectorate under Policy No LP35 which also requires that the unadopted road, called originally the Perimeter Road, open out to its junction with Station Road. The Parish Councils we understand accept this proposal but strictly subject to HGVs being banned from using the section out to Station Road as the proposed developers record.
- As background to this position we would also record that Bellingham Way is now adopted nearly as far as the current security entrance building to what was Aylesford Newsprint so that section is already available for public use. Furthermore when permission was given when KCC was the Planning Authority to the Perimeter Road being built there was no restriction on its use and indeed before the construction of the M20 general traffic including lorries exited from that road out to Station Road using both Teapot Lane and Hall Road. The other access was via New Hythe Lane before Leybourne Way was built as part of the M20. The restrictions that applied to using the Station Road entrance were imposed by the site owners as it was a private road. It is essential that a HGV ban should be imposed by a Weight Limit Order before the road is open to the general public.
- In respect of this we are concerned that the turning area shown on the existing plans is too close to Station Road and would tempt drivers to break a ban and this should be reconsidered. There should also be adequate signing paid for by the applicants and in the general area.
- It is also important that construction traffic is routed to the site by clear signage so that it avoids using New Hythe Lane from the A20 which is subject to an existing Weight limit and HGVs from Station Road.
- In respect of highway matters we endorse all the points made under the heading Accessibility raised by KCC in their letter of 29th October 2020. We support what is said about bus services but the routes of such services should be subject to local consultation including with the parish councils. It is important to secure a route which has long term viability which did not occur when the former route 76 was adopted.
- It is agreed the whole of Bellingham Way should be subject to a 30mph limit.
- We would also emphasise that it is crucial in looking at the junction of Bellingham Way/Leybourne Way/New Hythe Lane that pedestrian crossing facilities be included especially to serve the Leybourne Park development which came after this junction was provided. We also agree the missing link pavement on the north side of Leybourne Way between the Old Coal Yard site entrance

now proposed and entrance to The Lakes be provided at the applicant's expense. There is also a case for a crossing facility in New Hythe Lane north of the Bricklayers Arms PH to the country park.

- We have already made comments about the public footpaths within this site and those leading into it. Some of these are in a poor condition and need to be put into good order. This means there needs to be a joint effort of KCC and the applicant, it should involve local consultation.
- We are not entirely clear of the relationship of this application and the ownership of SE Water of the old pond area and the Ditton Stream between it and the railway, but this area should be kept and improved as a local feature and historic part of Ditton. We refer to the previous comments submitted.
- We also repeat our previous comment about the two stations at New Hythe and Aylesford which serve this development and that there needs to be real engagement about how these stations can be improved such as the access to New Hythe and facilities such as more cycle storage provision.
- It is noted that under Accessibility KCC record the desirability of upgrading the existing footpath, actually MR 474, by the river to Aylesford Village to allow cyclists and hence to provide a missing link for cyclists into Maidstone. It would also provide an off road route with also a recreational value.
- We would support this concept but would point out that it does pass over the open space opposite the Friars owned by the Borough Council so TMBC would need to co-operate as landowner. This should take place. It should also be recorded the first section of the path where it leaves Millhall is down a slope and quite a height above the river and the path is confined by the river wall. There is a basic railing for the slope part of the path but it is felt for safety reasons this should be extended to the end of Friars View.
- The Parish Council would wish the whole of Bellingham Way right out to Station Road to be made subject to a 30mph limit and the approach along Leybourne Way to the Bellingham Way roundabout so the whole of that roundabout is covered by at least a 30mph limit. This would help reduce the speeds of vehicles who approach the roundabout from the west and in our opinion drive too fast across it into Bellingham Way. This makes crossing Bellingham Way for those going to Leybourne Park residential area difficult as well as those walking north/south along New Hythe Lane.

5.4 EA: No objection subject to conditions.

5.5 KCC (SUDS): No objection subject to conditions.

5.6 South East Water: Based on the evidence presented to date within the application, it is clear that the flood risk associated with the River Medway and

associated tide locked conditions are presented in a relatively detailed manner and are understood. It would appear that there is less information relating to the Ditton Stream, such as the existing condition of assets on it, detailed modelling and recent asset data information. Whilst discussions between South East Water and the applicant are ongoing, one aspect that needs further consideration is that the flood risk solution should not be restricted to only addressing flood levels for the applicant's site. It should comply with local policy and development plans to seek a wider catchment solution. The Ditton Stream drains an area of approximately 14km², incorporating the eastern parts of Kings Hill, East Malling and parts of Ditton before entering into the site underneath the M20. Collaboration with a number of landowners and stakeholders would find the optimum sustainable solution.

5.6.1 South East Water consider that a more inclusive future collaborative flood risk scheme that involved landowners to the south of the M20, Highways England (in relation to any existing surface water flood risk concerns relating to overland flooding across the M20, as well as the condition of the culverts beneath the M20), South East Water and the applicant would be preferable. This inclusive approach would also involve working closely with the relevant stakeholders including the EA, NE, LLFA and LPA, and would provide a more holistic long-term sustainable solution. The solution would satisfy several positive key objectives and outcomes, namely

- achieve flood risk policy requirements
- ensure the most efficient and best use of existing watercourses in the area
- safeguard and provide certainty for the South East Water WRMP proposals for this site
- safeguard future demand for water and satisfy TMBC's future growth plans
- provide significant ecological and environmental enhancement to the watercourse and surrounding environment in line with all relevant local and national policy and guidance.

5.6.2 South East Water hope that through the continued discussions with the applicant and other key stakeholders it will be possible to achieve an optimal outcome.

5.7 Southern Water: No objection subject to condition.

5.8 Network Rail: Requests that the applicant continues to engage with our Asset Protection (ASPRO) Team and follows the attached Asset Protection informatives found in the Appendix of this letter.

5.8.1 Within the application's Transport Statement, it is predicted that the proposed development will generate a total of 11 and 13 rail trips in the AM and PM peaks respectively (2% of the total modal split). However, following discussions between Network Rail and the Train Operating company Southeastern, who manage New Hythe and Aylesford stations, we would expect a proposed development which has 2,460 employees situated within 200m of a railway station to generate a significant amount of rail trips. As a result, Network Rail would expect a development of this size to contribute to improvements at the stations. It should be noted that improvements to the stations would not only encourage employees to use one of the most sustainable modes of transport, but also provide benefits for the local community.

5.8.2 Network Rail's Business Development team have identified some improvements at each station

Aylesford station:

- Improvements\refurbishment or additional waiting areas
- Additional cycle parking, which could be sheltered
- Off the railway, but provision of bus shelters at the bus stop

New Hythe station

- Improvements\refurbishment or additional waiting areas
- Additional cycle parking in addition to the existing sheltered cycle storage
- Not sure if this station is suited to a bus stop especially with people either having to use either a footpath parallel to New Hythe Lane for station access or the bus goes to end of New Hythe lane which doesn't appear to suit a bus turning or a stop on the bridge which wouldn't be great
- Improvements to lighting and footpath that run to the station running parallel to New Hythe Lane
- Another option to promote sustainable commuting may be to implement a shuttle bus for employees between the proposed development and a railway station. Network Rail would suggest that a shuttle bus would be better directed at Aylesford station with the better access on Station Road.

5.9 Kent Community Rail Partnership: Support the development subject to it delivering improvements to Aylesford and New Hythe stations and improvements to the local bus services.

5.10 Medway Council: No objections

- 5.11 Maidstone Borough Council: Objections raised on the following grounds:
- Highways England require further information including relating to the impact upon the M20 Junction 5, which it is considered must be addressed with any appropriate mitigation to ensure there is not a severe transport impact from the development.
 - KCC Highways require further information which it is considered must be addressed with any appropriate mitigation to ensure there is not a severe transport impact from the development and full assessments should be carried out at the following junctions within Maidstone Borough with any necessary mitigation secured
 - A20/Coldharbour Roundabout; A20/Hermitage Lane; Poppyfields Roundabout; A229/Forstal Road/Sandling Lane (Running Horse Roundabout); and M20 Junction 5.
 - It is unclear whether the traffic modelling in the Transport Assessment includes all allocated Maidstone Local Plan housing sites within the North West Strategic Development Location, which it should.
- 5.12 British Horse Society: raise the following concerns.
- Disappointed that the applicant has not engaged with the BHS to include equestrians within the outline permission
 - There is no indication on the plans that either of the proposals made at the time has been considered
 - Equestrians should be provided for the footway/cycleway alongside Bellingham Way a multiuse route turned into a bridleway
- 5.13 KCC (Heritage): This application is supported by some new heritage assessments. They provide basic broad assessment of the site. I recommend that further specialist assessment is needed to ensure informed decisions are made but archaeological concerns could be addressed through conditions.
- 5.14 KCC (PROW): No objection subject to conditions.
- 5.15 Natural England: No objection subject to appropriate mitigation measures being secured.
- 5.16 HSE: No objections subject to standing advice.
- 5.17 KFRS: I can confirm that on this occasion it is of my opinion that the off-site access requirements of the Fire & Rescue Service have been met.

5.18 Environmental Protection:

Noise:

- 5.18.1 The Applicant has submitted Chapter 11 of their Environmental Statement with respect to Noise and Vibration. This Chapter is supported by Appendix 11.1, Noise Technical Report, carried out by their consultant Wyg (their ref A117087, dated August 2020).
- 5.18.2 The Report has assessed the likely noise sources to be created from both the construction of the proposal and its ultimate operation, with predicted impacts to 2031.
- 5.18.3 In the main I would agree with the outcomes from the Report and note that a 4.0 – 4.5m high acoustic barrier is proposed for the North of the site to attenuate the effects to the nearby residents.
- 5.18.4 On this basis no objection subject to conditions.

Air Quality:

- 5.18.5 Would recommend that access to and from the site from Station Road be limited to cars only with the designated HGV route to be via Bellingham way, Leybourne Way and Castle Way. Recommend adding width restrictions or traffic calming measures such as one lane give way areas and signs or to discourage people using the business estate as a cut through to avoid parts of the A20. Further increase in traffic along Station Road to the junction at the A20 should be avoided as should further increase in traffic north along Station Road into Aylesford village and along Forstal Road.

Contaminated Land:

- 5.18.6 The submitted land quality report presents the findings of a desk study and thorough review of all previous site investigations. The site is contaminated by various sources, however large areas of the site have not yet been investigated due to the buildings that have since been demolished. It is therefore recommended that further investigation is required to fully understand the issues on the site, and how they can be mitigated. I agree to these recommendations and request that appropriate conditions be attached.

- 5.19 Private Reps: 10 + site and press notice/0X/8R/2S

Objections summarised as follows:

- The outline planning permission excludes much of the detail that is within the traffic assessment and is not representative of the true situation

- The traffic assessment contains errors and is not truly representative of the impact on Leybourne Way as the addition traffic was not assessed along Leybourne Way
- Travel Plan is self-serving and uses cherry picked data using bad statistical methods to avoid undertaking the required improvements to roads
- A proper assessment of Leybourne Way is needed
- No consideration has been given to the residents of Leybourne Lakes as the junction for this development has been removed from the transport assessment
- The development will impact pedestrian crossing due to increased traffic numbers
- Concerns over traffic number increasing on Station Road, Bellingham Way and Leybourne Park as it is already hazardous to cross the road in these locations
- Concerns of traffic incidence with increased HGVs movement on 40 MPH roads
- Speed restrictions put along Leybourne Way not just signs
- Would like an alternative route for HGVs
- Improvements to pedestrian safety at Leybourne Way, New Hythe Lane and New Hythe roundabout and Leybourne Lakes are required
- Request Abery Drive is not made a rat run and is made into a no through road
- The existing PRoWs are kept and not diverted; this should include Bell Lane past Station Road
- Re-open previous New Hythe railway station that is derelict and used by the previous owners to move freight
- One of the proposed S106 routes is way too steep for a cycleway and will not stand the alterations due to ground geometry
- Trip generator is over inflated for the site 15% higher than the recorded trips in peak operation
- Traffic forecast is not representative of the of the land use mix – the traffic will be worse
- No need for industry or employment in the area but there is an acute need for housing in this borough: the need is for home doctor's surgeries, green spaces and community facilities.

- There are existing noise and light pollution issues from Papyrus Way at night from HGV drivers
- Issues of excess silt on homeowners' windows from HGVs
- The pollution is affecting the quality of life, health and peace of mind
- Existing rail link to the Maidstone West/Strood railway line should be retained and re-used. This would enable lorry movements to be reduced on local roads and would reduce pollution
- The development makes no effort to reduce carbon emissions

Comments made in support summarised as follows:

- Happy for new warehouse development and would hope that the landscaping will be natural and well thought out new to high levels of wildlife in the area
- Favour plans for new employment opportunity
- Welcome the opening up of the Bellingham Way link to Station Road.

6. Determining Issues:

Principle of development

- 6.1 Local planning authorities are statutorily required to determine planning applications in accordance with the adopted development plan unless material considerations indicate otherwise. For the purposes of determining this application, the development plan consists of Tonbridge and Malling Borough Core Strategy (TMBCS), Managing Development and the Environment Development Plan Document (MDE DPD) and the Development Land Allocations DPD (DLA DPD).
- 6.2 The site lies within an area safeguarded for employment purposes as set out within policy E1 (d) of the DLA DPD. The site is allocated for business (B1), general industrial (B2) and warehouse and distribution (B8) use. Policy CP21 of the TMBCS requires new employment provision to be met on vacant sites within the main employment areas that are well located to the transport network, are physically and viably capable of redevelopment, and can meet a range of employment uses.
- 6.3 This position is carried forward in the emerging draft local plan policy LP34(d). A site-specific policy is also proposed with draft policy LP35 setting out the industrial uses suitable for the site and also the requirement for any development to open up a vehicular access between Bellingham Way and Station Road and the development is of an acceptable design to the locality and does not result in unacceptable impacts on the highway network, air quality and

the amenity of the area and where it complies with the other policies in the Local Plan. Given the current position with the local plan, Members will be aware that presently this policy continues to carry only limited weight for decision making purposes.

- 6.4 The NPPF and associated PPG are key material considerations. The NPPF highlights the importance of building a strong and successful economy. Paragraph 80 states that local planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 81 goes on to state that local planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. Paragraph 82 confirms that distribution operations are supported at a variety of scales and in suitably accessible locations. The adopted policy requirements in these respects conform with the requirements of the NPPF. More generally it should also be recognised that paragraph 117 requires planning decisions to promote an effective use of land in meeting the need for homes and other uses (in this case much needed employment uses). Paragraph 118 leads from this by requiring planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs [such as employment] and support opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 6.5 The proposed development is to be provided on a vacant site located within an existing and well-located commercial area. The development would result in the intensification of the industrial use on the site, with the proposed quantum of floorspace (up to 177,280 sqm) being significantly more than the floorspace associated with the previous Newsprint use (circa 85,000sqm). The nature of the uses proposed across the site are fully in accordance with adopted policy and adhere to the requirements of the NPPF.
- 6.6 Chapter 6 of the ES and the associated Economic Benefits Statement address in detail the wide ranging, positive socio-economic impacts arising from the development proposed. The site represents the single largest single employment site in the Borough and the development would be of key strategic importance given the creation of significant job opportunities and associated benefits the proposal would bring.
- 6.7 During the construction phase of the development, around 900 direct and indirect construction jobs would be generated. Once fully operational, over 3000 direct and indirect jobs would be created, with between 1700 and 2400 of these being directly on-site. It is anticipated that this level of employment would lead to an additional £80 - £160 million per annum of Gross Added Value (GVA) to the Kent economy, of which between £20- £43 million per annum would be

within the Borough. Whilst not a material planning consideration determinative in its own right, in terms of the wider context this would mean that the site, once developed in the manner proposed, has the potential to generate up to approximately £5.5 million in business rates per annum.

- 6.8 The development would undoubtedly create many job opportunities for local residents. The importance of the delivery of skills and training provision, alongside investment in new employment development, is underlined by the South East Local Enterprise Partnership Skills Strategy 2018 – 2023. In this respect, the developer has indicated that they have a clear aspiration to ensure that the development fully supports local employment, skills development, apprenticeships and other training opportunities in both the construction and operational phases of the development. It will be important to ensure these stated aspirations are carried forward to fruition and this will be secured by legal agreement, the drafting of which is currently being progressed by the various parties.
- 6.9 The site is well located for access to the primary road network, with access available to the M20 at junction 4 via Bellingham Way and Leybourne Way. This therefore represents a highly sustainable location which is fully in accordance with the overarching aims of Policy CP1 of the TMBCS and those contained within the NPPF.
- 6.10 Overall, the proposed development wholly accords with the requirements of adopted policy and the NPPF in seeking to make the best use of a vacant site for much needed employment uses on an important and strategic site within the Borough.

Character, appearance and visual impact:

- 6.11 Policy CP24 of the TMBCS sets out that new development must be well designed and of a high quality in terms of detailing and use of appropriate materials and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings. The policy goes on to set out that all development should wherever possible make a positive contribution towards the enhancement of the appearance and safety of the area.
- 6.12 Policy SQ1 of the MDE DPD relates specifically to landscape and townscape protection and enhancement and sets out that proposals for development will be required to reflect the local distinctiveness, condition, and sensitivity to change of the local character areas. It goes on to state that all new development should conserve, and where possible enhance, the distinct setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views and the biodiversity value of the area. The Medway Gap Character Area Appraisal is the SPD that supports policy SQ1.

- 6.13 Policy E1 of the DLA DPD, which safeguards this site for employment use, states that any new development or redevelopment within these areas for employment purposes must not result in unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or other emissions or by visual intrusion or the nature and scale of traffic generation.
- 6.14 The core principles set out within the NPPF seek to secure high quality design and a good standard of amenity for existing and future residents. In particular, paragraph 127 states that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.15 Additionally, paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). The

adopted policy requirements conform with the requirements of the NPPF in these respects.

- 6.16 The submitted ES (Chapter 7; Visual Impact) sets out the likely significant effects of the proposed development in terms of landscape and visual impact. It undertakes an assessment of both landscape and townscape character and the likely effects at both construction and operation stages of the development and what, if any, mitigation is required to offset those effects.
- 6.17 The proposed development consists of 36.59 ha of office/warehouse (B1, B2, B8 uses), split into smaller parcels with interconnecting roads. Access to the commercial development is maintained from Bellingham Way with the new access road linking to Station Road for light vehicles only. It is acknowledged that this is a large site and the buildings proposed will be substantial with heights ranging between 15.5m (where detailed in full) to 28m (within the outline phase as shown on the parameter plans).
- 6.18 Chapter 7 of the ES sets out that the proposed redevelopment seeks to provide a modern coherent form of industrial development across the site with the heights of the buildings rising from west to east with space to provide high quality landscaping which is anticipated to have developed over 15 years to provide appropriate boundary screening. I concur with that conclusion and consider the scale and height of development proposed across this site to be commensurate with the nature of uses proposed and the prevailing built environment.
- 6.19 Table 7.9 of the ES sets out a summary of the likely landscape and visual effects of the development both during the construction phase and the operation phase. During the construction phase, the ES sets this out to be a slight to moderate adverse effect given the scale of the site and the significant use of construction plant, traffic, hoarding, signage and highway paraphernalia. The scale and massing of the proposed buildings and earthworks during this period of time is accepted by the ES as having a negligible to moderate adverse impact on the landscape: however these impacts are considered to be only temporary during the construction period only.
- 6.20 Visual effects are broken down further dependant on different receptors and different vantage points and their relative sensitivities. The most sensitive of these receptors are anticipated to be some temporary, moderate adverse effects in respect to the changes to the character of the PRoW along the southern boundary of the site, the removal of some category A and B trees on the site and changes to the character of the southern part of the site.
- 6.21 In terms of the operational phase, it is acknowledged that the landscaping proposed to enhance the appearance of the development will take a number of years to mature. For this reason, the assessment contained within the ES is based on 15 years following completion so that the landscaping would have had

an opportunity to mature. The assessment indicates that by year 15, the derelict open ground on the site will have been replaced by new development and circulation areas. The planting will have become established within the site, softening views into and through the site.

- 6.22 On this basis, the ES concludes that significant moderate beneficial effects are predicted on the tree and hedgerow cover on the site and due to these there would be no significant residual effects in terms of views. As a standalone consideration, the proposed scale of the development once operational would be acceptable when considering the requirements of policies CP1, CP24 and SQ1 and I concur with the conclusions of the ES in respect of the relative effects arising to the landscape and visual amenity in these respects.
- 6.23 Considerable emphasis is given to the proposed enhancements to the landscape quality and public realm throughout the site once operational and I accept that a high-quality development could be undertaken here provided that good quality landscaping was provided. To this end the applicants have provided a detailed landscaping scheme for the site areas covered by the full element of the submission.
- 6.24 The landscape strategy for the development seeks to soften the built environment. As part of the detailed element of the proposals, the main north-south access through the site is proposed to be a tree lined central boulevard. Native hedgerow planted alongside unit boundaries will screen service yards and car parking facilities. Existing vegetation will be retained and enhanced, where possible. Any significant losses including trees will be mitigated by providing new planting with good wildlife value. New trees will be provided across the development and these will be native trees, selected to ensure that they provide habitats for native fauna.
- 6.25 As well as new tree planting, the development will provide new native hedging which will help soften boundary fencing to the units and lead to a 'green grid' across the site. In open areas of ground, adjacent to the new highway, wildflower seed mix is proposed with plug planting of wildflowers. More formal mown edges will run along the internal roads of the development to allow for appropriate visibility, especially around junctions.
- 6.26 This detailed approach to the landscaping strategy across the site will ensure the creation of a high-quality environment within the site itself and also offer enhancements more widely. The landscaped environment will, it is envisaged, encourage the use of the enhanced pedestrian and cycle connectivity to and through the site. These overall enhancements to the site that would result from the development offer significant environmental benefits that would be in full compliance with local and national planning policy and lead to improvements to the character and quality of the area and the overall way it functions.

- 6.27 Similarly, a detailed lighting strategy has been provided which sets out that the proposed luminaires are intended to provide functional, amenity and security lighting to lorry yards, loading bays, car parks, roads and all other associated areas in the site, including at Unit 6 and at various positions attached to the fencing along the PRoW (southern end) to ensure the route is attractive for use.
- 6.28 The lighting design is compliant with the principles set out within the ILP (Institute of Lighting Professionals) Guidance Notes for the Reduction of Obtrusive Light, Guidance Note 01/20, BS EN 12464-2 and other institutional guides for exterior lighting. The lighting is all to be designed and sited to ensure that light is only emitted in a downwards direction to minimise light spill upwards. This approach to lighting is welcomed as it will ensure that the development will not contribute to light pollution in the area even when taking into account the substantial size of the site and the nature of the development proposed.
- 6.29 Turning to the appearance of the buildings themselves, Units 6 and 7 are proposed to feature a mix of white and dark grey cladding with elements of glazing to break up elevations. Glazing will also be utilised to mark office and pedestrian entrances to create focal points on the buildings themselves. The design of the units also indicates the use of a gently curving roof form that brings interest to the east and west elevations. This design strategy is shown as continuing through the outline element of the proposal on the indicative details and this can be controlled by planning condition.
- 6.30 It is acknowledged that there is a general concern that in the area in general there are a lack of welfare facilities for HGV drivers that lead to environmental issues in laybys and industrial estate roads where vehicles park up. Whilst this matter is a wider issue outside the planning system itself the applicants have confirmed that full welfare facilities for HGV and delivery drivers using the site will be provided in the individual units, with provision made in the details of Units 6 and 7 for toilet and shower facilities.
- 6.31 Overall, it is considered from a design perspective that the development represents a high-quality regeneration of the site that would enhance the character and overall appearance of the area. As a result, this form of coherent redevelopment is considered to fully accord with the requirements of policies CP1 and CP24 of the TMBCS, SQ1 of the MDE DPD and the various requirements of the NPPF in seeking high quality development comes forward.

Setting of the AONB:

- 6.32 It is recognised that the site, whilst situated within an existing commercial area and being subject to no specific landscape designations, does have some relationship with the Kent Downs AONB, situated to the north at a distance ranging from 1.7km north-west to 2.7km north-east.

- 6.33 The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on the Council (in this case in its role as Local Planning Authority) that in exercising or performing any of its functions in relation to, or so as to affect, land in an AONB, it shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
- 6.34 Policy CP7 of the TMBCS states that development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:
- a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; and
- (b) any other development that is essential to meet local social or economic needs.
- 6.35 The policy goes on to make clear that any such development must have regard to local distinctiveness and landscape character and use sympathetic materials and appropriate design.
- 6.36 This is broadly in conformity with the requirements of the NPPF which sets out at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in AONB, which have the highest status of protection in relation to landscape and scenic beauty. The NPPF goes on to state that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.37 Clearly the nature and scale of development proposed here amounts to a major development for the purposes of applying the policy and NPPF requirements. In respect of the paragraph 172 requirements, the site does not lie within the AONB itself and therefore the need to apply the test of whether exceptional circumstances does not fall to be applied here.

- 6.38 The test set out in policy CP7 is slightly different insofar as it firstly requires a judgement to be made as to whether there would be a detrimental impact to the natural beauty and quiet enjoyment of the AONB, including their landscape, wildlife and geological interest. If such an impact is identified, specified exceptional circumstances are required before a grant of planning permission can be given.
- 6.39 Any impact to the natural impact and quiet enjoyment of the AONB in this case would to its setting given the relationship between it and the application site. In this respect, Chapter 7 of the ES concludes that the impact arising from the development proposed on the longer distance views to the west and from the AONB would be neutral. This conclusion has been reached given the large-scale buildings and chimneys that used to occupy the site and the development of modern industrial buildings, coupled with the fact that the new development would be sympathetic to other industrial development nearby, effectively assimilating into that view.
- 6.40 Members will note that the Kent Downs AONB Unit has objected to the proposal citing reasons connected to bulk and massing and the colour of cladding having an unacceptable impact on the setting of and views out of the AONB, albeit recognising that historic built development that existed across the site.
- 6.41 Whilst I accept that the buildings would be different from the historic industrial development on the site, it must be noted that these buildings were light grey and up to 30m in height and were not dissimilar in nature or appearance. Furthermore, it must be remembered that the larger buildings are only proposed in outline form presently and the detailed design and treatment of those buildings would come forward at the reserved matters stage if outline planning permission were to be granted.
- 6.42 Similarly, as previously stated, the lighting proposed for the site has been designed to minimise light spill and to also be of a 'dark skies' compliant standard. This will ensure that light spill from the site would not have an adverse impact that would be detrimental on the setting of the AONB. These details can be controlled by planning condition and the specifications be used for lighting on the outline elements at the reserved matters stage.
- 6.43 I therefore consider that there would not be a detrimental impact to the natural beauty and quiet enjoyment of the AONB in respect of its setting arising from this development. As such, there is no requirement to identify any exceptional circumstances as set out by policy CP7 of the TMBCS. The development therefore accords with the adopted policy and NPPF requirements in these respects.

Highway safety and traffic generation – the policy context:

6.44 The following sections of the report relating to highway impacts should be read in conjunction with the various annexes appended to this report which contain the full representations of both HE and KCC (H+T). At the time of writing this report, final representations from both bodies are still awaited but we have been advised that no objections will be raised/sustained subject to recommended conditions being imposed on any permission granted. The recommendation at Section 7 of the report is framed to reflect this current position and the required planning conditions will be set out as a supplementary matter.

6.45 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. 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. It further states as follows:

Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

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.

6.46 Similarly Policy CP2 of the TMBCS requires that new development that is likely to generate a significant number of trips should be well located to sustainable modes of travel; minimise the need to travel through the implementation of Travel Plans; be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area.

6.47 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 goes on to state that, within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

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

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

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

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

6.48 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.

Sustainable transport measures and modal shift:

6.49 The proposed measures intended to support sustainable travel embedded within the submission are numerous and can be summarised as follows:

- A walking and cycling route to/from Aylesford rail station;
- A walking and cycling route to New Hythe rail station;
- A high-quality shared footway/cycleway along the entire length of the BWLR;
- A walking and cycling route along the River Medway to improve connectivity to Aylesford village;
- Environmental enhancements within the site to improve the character and attractiveness of the existing pedestrian connection between Aylesford rail station and New Hythe rail station;
- Improvements to public rights of way (PRoW) MR 492 and MR493 to the south of the site;
- A new footway from New Hythe Lane to Leybourne Way;
- The provision of 230 on-site cycle parking spaces;

- A bike hire scheme, available to all members of the public;
- Enhancements to the bus service to Maidstone;
- Improvements to the Bricklayers Arms bus stops; and
- Improvements to the facilities at Aylesford rail station and New Hythe rail station.

6.50 A Framework Travel Plan and Mobility Strategy has been produced to provide an ongoing basis for encouraging sustainable travel patterns and reducing vehicle trips. The potential measures and initiatives put forward in the Travel Plan include the provision of employee travel information packs, active travel corridors, contribution to bus improvements, car club, carpooling, electric charging points, car parking management, bike hire scheme, cycle parking, showers and lockers, bicycle purchase discounts, promotion of car sharing, notice boards and the distribution of newsletters.

Proposed access arrangements:

6.51 Vehicle access to the site will be via the proposed Bellingham Way Link Road from Station Road in the south and from College Road to the north, linking through to Leybourne Way. The link road will operate with an environmental weight limit restriction which will be designed so that all HGVs will be routed to and from the site from the west from College Road to connect to Leybourne Way. The weight limit will not allow HGV's to use the link road as a through route or to route to and from the site via Station Road. A turning head is to be provided at the eastern end of the link road, adjacent to Station Road, to enable HGV's to turn around in the event that they have contravened the weight limit. To avoid this occurrence though all HGV drivers will be made aware of the route which will be backed up by a detailed signage strategy.

Highway improvements and mitigation :

6.52 The principal highway improvement that will arise from the development is the delivery of the Bellingham Way link road. As already set out, the development proposes numerous measures to support sustainable travel to and surrounding the site as detailed in paragraph. The Bellingham Way Link Road is to be constructed to the standard of a local distributor road in accordance with the KCC Design Guide and is to be offered up for adoption. The design of this road has been subject to detailed discussions with KCC (H+T). The link road is shown with a traffic light-controlled junction from Station Road. This type of junction is considered acceptable in principle; however, the detailed design will need to be subject to a full stage 1 safety audit. This detail can be appropriately sought by planning condition.

6.53 The delivery of the link road will aid with managing traffic within Aylesford by providing alternative route options between Aylesford and the site itself as well as the A228 north. The opening up of the link road is a key piece of infrastructure for the wider development framework contained within the emerging local plan and it is considered that the early provision of it will support the delivery of the development proposed in the plan.

6.54 Works are also proposed to the Bellingham Way/New Hythe Lane/Leybourne Way roundabout to alter the white lining to improve traffic flow and capacity.

Capacity of strategic and local highway network:

6.55 The submitted TA sets out that the proposed development could generate 544 two-way vehicle trips during the AM peak hour and 590 two-way vehicle trips during the PM peak hour prior to the implementation of any of the sustainable travel measures set out. These figures however do not factor in the movements that the site under its previous use could generate which have been modelled as 198 two-way vehicle trips during the AM peak hour and 264 two-way vehicle trips during the PM peak hour. Similarly, they do not account for the modal shift in vehicle usage which is planned under the sustainable travel measures set out above.

6.56 To ensure that the development does not have an adverse impact on the highway network as a whole both KCC (H+T) and Highways England have required the applicants to carry out a wider reaching transport study stretching from the M2 in the north to the A229 in the east, A228 and junction 4 of the M20 in the west, and the A20 in the south. Whilst initial concerns were raised regarding the potential traffic impact on the wider network, additional detailed modelling has now been undertaken and provided in support of the submission.

6.57 As Members will note from the annexes to the report, HE originally raised objection to the development due to the potential impact arising from the development on junction 5 of the M2. Since that time, the developer has liaised with HE in order to evidence clearly that there would not be a severe impact on any part of the local or strategic road network, given the opening up of the link road is shown as reducing traffic congestion and flow rates within parts of the local road network. Overall, it is considered that the development would not have a severe impact on the road network subject to the road and footpath improvements being undertaken and the occupation of the site linked to monitoring the phasing of the traffic lights at junction 5 of the M2. I am certain that this can be adequately controlled through planning conditions/legal agreement and this will be reflected as a supplementary matter once the final representations of HE have been received.

6.58 In terms of the local road network, the submitted modelling shows little or no impact on the majority of junctions in the surrounding area. Junctions that have the potential to see a rise in traffic have already had the impact of the site

mitigated out by consented junction improvements. The A20 Coldharbour junction improvement works are scheduled to commence spring 2021, with improvements to the A20/Mills Road/Hall Road junction due to start summer 2021. Similarly, the A20 corridor improvements due to the Parkside and Whitepost Field developments will ensure that there are no capacity issues at the A20/New Road and A20/Hermitage Lane junctions.

- 6.59 The submitted TA has found that whilst the scheme delivers substantial highway infrastructure through the proposed Bellingham Way Link Road, the measures proposed as part of the Mobility Strategy will assist with reducing the number of vehicle trips to and from the site and the area in general providing wider benefits in terms of economic, social and health.
- 6.60 The TA concludes that the proposed development would help deliver a step-change in travel in the area in general and deliver growth identified in the draft Local Plan in a sustainable manner. On this basis, the submitted TA states that the cumulative impact of the development on the road network would not be severe and the ES concludes on this basis that, following the implementation of mitigation measures, the residual transport and access effects of the operational development are likely to be negligible.

Level of parking provision:

- 6.61 Parking provision is indicated as being within the range required within the Kent Vehicle Parking Standards. SPG 4 'Kent Vehicle Parking Standards' set out that B1 uses should have a minimum of 1 cycle space per 200sqm and a maximum of 1 car parking space per 35sqm of floor area; B2 a minimum of one cycle space per 200sqm and a maximum of 1 car parking space per 50sqm; and B8 uses a minimum of 1 cycle space per 200sqm and a maximum of 1 car parking space per 110sqm.
- 6.62 In terms of the detailed element of the scheme for determination, Unit 6 has provision for 60no. car parking and motorcycle spaces and 10no. cycle parking spaces. 8no. trailer spaces are proposed with 2no. level access HGV spaces. Unit 7 has provision for 102no. car parking and motorcycle spaces and 20no. cycle parking spaces. 56no. trailer spaces are proposed with 4no. level access HGV spaces. Although indicative details are shown for the outline element, the specific provision would be set at reserved matters stage when the end user is known. The parking provision indicated is considered acceptable with the overprovision of cycle parking welcomed to encourage the desired move to sustainable travel.

Highways concluding comments:

- 6.63 It is considered that the development would not have a severe impact on the local and strategic road network from a traffic generation point of view subject to the imposition of appropriate planning conditions. The opening of the

Bellingham Way link road would benefit the wider road network and deliver an important linkage for the borough. The scheme as a whole would also provide significant benefits to encourage sustainable travel across the wider area.

- 6.64 On this basis, the development would fully accord with Policy CP2 of the TMBCS and Policy SQ8 of the MDE DPD along with various requirements of the NPPF subject to the necessary mitigation coming forward which would be secured by a combination of planning conditions and obligations.

Flood risk and surface water drainage:

- 6.65 Paragraph 6.2.29 of the TMBCS recognises that some redevelopment sites within the built-up areas, including along the riverside at Aylesford, are likely to be identified for redevelopment, or will come forward as windfalls, within areas which are at medium to high risk of flooding, such as this. In these cases, the TMBCS sets out that the economic, social, environmental and regeneration benefits of redevelopment have to be weighed, as part of the PPS25 sequential test (since replaced by the NPPF and the associated technical guidance), against the actual risk of flooding. In these locations it states that the aim should be, in consultation with the EA, to minimise and manage any flood risk in the detailed design of such developments. In association with this, policy CP10 of the TMBCS states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development. It goes on to state that development which is acceptable (in terms of PPS25) or otherwise exceptionally justified within areas at risk of flooding must:

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

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

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

- 6.66 The NPPF and associated technical guidance has replaced PPS25 as cited in the policy above. The requirements contained within the PPS were carried forward in these documents which are important material considerations. Paragraph 163 of the NPPF states that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

6.67 Most of the site is located within Flood Zone 2 with parts of the eastern edges of the site located within Flood Zone 3. The River Medway benefits from existing flood defences along both the eastern and western banks, which protects the site. The site is currently protected from a 1 in 1,000-year tidal flood event from the River Medway.

6.68 The application is supported by a detailed Flood Risk Assessment contained within Chapter 8 of the submitted ES. This concludes that the proposed development is deemed as being 'Less Vulnerable' and therefore is compatible with Flood Zone 3, with no requirement to undertake an Exception Test on this basis.

6.69 The FRA highlights that there is a fluvial flood risk associated with the Ditton Stream where the culverted discharge into the River Medway may be restricted during very high tides. However, it goes on to explain that the risk of fluvial flooding from the Ditton Stream is reduced due to the floodplain attenuation capacity to the south of the M20 and channel features either side of the M20 with pipes controlling their flows into the lower section of the Ditton Stream through the Site. Moreover, it is intended to provide ground level raising either side of the Ditton Stream channel to provide a defined overland channel, either side of the mainstream channel. The FRA concludes that any improvements to the Ditton Stream corridor will help reduce flood risk to the proposed development.

6.70 The FRA recommends flood mitigation strategies that for the outline element of the application will be incorporated into the proposal at the detailed design reserved matters stage. This includes setting proposed levels of buildings no lower than the existing ground level and incorporating flood resilient measures into the detailed design of the buildings. This can all be appropriately addressed by the imposition of planning conditions.

6.71 In terms of the detailed element of the proposal (the two warehouse buildings described as units 6 and 7), the FRA concludes that these are both situated within the areas on the site at least risk of flooding, located predominantly within

Flood Zone 1, allowing for dry access and egress during these extreme events which is acceptable.

- 6.72 Due to the ground conditions and the presence of hydrocarbon contamination, the FRA highlights that any SuDS scheme across the site should focus on controlling the rate and quality of surface water runoff from the site to provide benefit to receptors at risk of flooding downstream and to the downstream ecological receptors identified. To this extent, the FRA highlights that the SuDS design should, insofar as possible, be based around the following:
- Using surface water runoff as a resource;
 - Managing rainwater close to where it falls;
 - Slowing and storing runoff to mimic natural runoff characteristics;
 - Reducing contamination of runoff through pollution prevention and controlling the runoff at source;
 - Treating runoff to reduce the risk of urban contaminants causing environmental pollution.
- 6.73 Details of the final SuDS strategy for the outline element will be developed and submitted for approval at the reserved matters stage which is entirely appropriate. The strategy for the detailed element is contained within the Sustainable Drainage Statement.
- 6.74 This strategy aligns with the FRA, and includes permeable paving, which is included in all car parking areas. The two warehouse units will also have rainwater harvesting tanks as a complimentary source to mains water for the buildings. A filter drain is included surrounding the proposed warehouse units, with the filter drain/permeable paving system, by its nature, conveying flows whilst improving water quality by reducing the likelihood of silt reaching the perforated pipe system and consequently the surface water outfall. Additionally, the use of Full Retention Separators is proposed within service yard areas, in order to remove hydrocarbons, prior to flows entering the attenuation. Multiple cellular/oversized pipe storage units are also proposed.
- 6.75 This approach to flood risk and surface water drainage is fully supported by the EA and KCC as LLFA. The development proposal is therefore in accordance with adopted policies and the relevant NPPF requirements.

Air quality:

- 6.76 Policy SQ4 of the MDE DPD only allows for development where the proposed land use does not result in a significant deterioration in air quality, does not result in the creation of a new Air Quality Management Area (AQMA), is not

sited close to an existing harmful source of air pollution or impact on designated sites of nature conservation. In addition, paragraph 181 of the NPPF states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

- 6.77 The southern boundary of the site lies within the Tonbridge and Malling M20 Air Quality Management Area (AQMA), which is designated due to unacceptable levels of the pollutants Nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀). In addition, the Larkfield AQMA is located approximately 500m to the south west of the Site and the Ditton AQMA is located approximately 425m to the south of the site.
- 6.78 Chapter 10 of the ES deals specifically with air quality. This indicates that whilst there potentially would be an issue with dust during the construction phase this would be controlled through appropriate measures in a construction management plan.
- 6.79 Once the development became operational, the ES indicates that there would be no additional mitigation measures required as there would only be a negligible difference in resultant levels of Nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀) as there would be no significant change in traffic movements over the existing situation. This position has been accepted by the Council's Environmental Protection team on the basis that the Bellingham Way link road access from Station Road is restricted to light vehicles only. This restriction is embedded in the application itself and so it is considered that the proposal is acceptable in terms of air quality and the requirements of the relevant planning policies.

Land contamination and ground conditions:

- 6.80 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

- 6.81 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.
- 6.82 A Land Conditions Report is appended to Chapter 2 of the ES and this identifies that contamination sources across the site are limited to asbestos within the shallow made ground deposits, limited elevated contaminants within the groundwater across the site and impact to both soils and groundwater in the vicinity of an historical oil spill (Larkfield Mill Oil Spill), which comprised the accidental release of oil. Extensive remediation of the oil spill has already taken place but it is understood that residual contamination may still exist which will require further assessment.
- 6.83 The applicant has confirmed that prior to the demolition and construction of the development, a ground investigation will be undertaken across the site (including around the Larkfield Mill oil spill area) to identify any further remedial works which may be required. Any further remedial work would comprise standard mitigation measures, which would be agreed with the relevant stakeholders. Following the demolition works, the site would be fully remediated as part of the development. Therefore, no likely significant adverse effects are anticipated.
- 6.84 Most of the site would be occupied by hardstanding and buildings once developed and it is considered unlikely that significant pollutant linkages would exist that could give rise to likely significant effects once standard best practice site investigation and remediation has been undertaken.
- 6.85 Overall, it is considered that the submitted land condition reports meet the requirements of the relevant policies and that the additional site investigation works including securing the provision of a remediation and verification plan could be secured by appropriately drafted planning condition.
- 6.86 Despite areas of heavy contamination clearly having been evidenced, I am satisfied that a combination of remediation works in line with the mitigation set out within the submitted reports including specific and detailed design measures would ensure the development took place in an acceptable manner in this regard.
- 6.87 Land contamination is therefore not considered to be a constraint to the proposed development, and the proposal is therefore in accordance with adopted policy and the relevant NPPF requirements.

Energy, Sustainability and Climate Change:

- 6.88 The principles of sustainability underpin the Council's adopted Local Development Framework. Policy CP1 of the TMBCS is an overarching policy that should be applied, as appropriate, to all new development. In relation to

this proposal Policy CP1 states in clause 4 that in selecting locations for development and determining planning applications the Borough Council will seek to minimise waste generation, reduce the need to travel and minimise water and energy consumption having regard to the need for 10% of energy requirements to be generated on-site from alternative energy sources and the potential for recycling water.

6.89 In order to deliver environmentally responsible building stock, an exemplar approach is being proposed based on low energy design principles. The development has incorporated low energy design principles involving energy demand minimisation through effective building form and orientation to promote high levels of daylight, good envelope design and proficient use of building services. To further reduce environmental impacts, the development will incorporate water conservation measures, SuDS and materials with low embodied energy/high recycled content that are locally sourced, wherever possible. Careful consideration will be given to the groundworks to assimilate the development within the site landscape and topology, with a view to achieving an earthworks cut to fill balance and thus minimise waste and HGV transportation.

6.90 A BREEAM Pre-Assessment has been undertaken and commits to a BREEAM rating of 'Very Good' for Units 6 and 7 of the development. The following low and zero carbon technology solutions are proposed for inclusion within Units 6 and 7 of the development, at this stage, in order to reduce CO2 emissions by 10% and achieve 10% overall energy contribution:

Unit 6:

- Air Source Heat Pump installation to office areas;
- 200 sqm Solar Photovoltaic Panel installation;
- approximately 15% regulated electrical energy contribution; and
- approximately 15% overall building CO2 reduction in combination with energy efficiency measures.

Unit 7:

- Air Source Heat Pump installation to office areas;
- 270 sqm Solar Photovoltaic Panel installation;
- approximately 13% regulated electrical energy contribution;
- approximately 13% overall building CO2 reduction in combination with energy efficiency measures.

6.91 Although a detailed strategy demonstrating compliance with Building Regulations Approved Document Part L2A (2013) and the carbon dioxide reduction target has only been prepared for Units 6 and 7, which comprise part of the detailed element of the development, I can further advise that the outline elements of the development will:

- Achieve a BREEAM 'Very Good' rating under the New Construction 2018 criteria; and
- Incorporate energy efficiency measures to reduce the inherent energy demand and associated CO2 emissions of the development by 10%.

6.92 In addition, 10% of all car parking spaces across the site will be fitted with electric vehicle charging points with the ability for a further 10% with the capability to be retrofitted with charging points in the future.

6.93 The development maximises local pedestrian links ensuring that the employment areas can be accessed by means of sustainable transport. The site can easily and safely be reached by foot from local train stations enabling sustainable commuting. Cycle shelters will be provided for staff and visitors arriving by cycle.

6.94 These provisions when taken collectively will ensure that the development comes forward in a manner that accords with the overall requirements of the NPPF in these respects.

Ecology, biodiversity and nature conservation:

6.95 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.

6.96 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.

6.97 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.

- 6.98 These policies broadly accord with the policies of the NPPF. 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.
- 6.99 A comprehensive suite of ecology surveys has been submitted in support of the application, including a Preliminary Bat Roost Assessment of Trees and Buildings; Bat Emergence Survey; a Great Crested Newt Survey; a Reptile Survey; and a Water Vole Survey. The proposals have been informed by the results of these surveys and by the recommendations of the applicant's appointed ecologist. The way in which the scheme has responded to ecology is explained within the Framework Ecological Mitigation Strategy (FEMS). This document details the avoidance, mitigation, compensation and enhancement proposals that will be implemented to ensure that the favourable conservation status of key ecological features will be maintained at the site prior to, during and after development
- 6.100 As explained within the FEMS, much of the mitigation has been designed to ensure the long-term retention of existing key habitats and to create linking wildlife corridors through and around the site, allowing species movement into the wider landscape. In addition, existing habitats will be enhanced, and new habitats will be created.
- 6.101 The FEMS has identified mitigation proposals to ensure the long-term protection of protected and notable species or species groups which have either been recorded at or near to the site, or for which suitable habitats are present within the site. These species and species groups are bats, terrestrial mammals, otter, birds, herpetofauna and notable plants. In addition, measures to prevent the spread of non-native invasive plant species have also been provided.
- 6.102 As highlighted in the FEMS, to compensate for the loss of habitats at the site, a series of habitat creation and enhancement proposals have been incorporated into the landscaping scheme for the proposed development. The number of biodiversity units delivered by the scheme, based on 'The Biodiversity Metric 2.0', has also been identified in the FEMS, which confirms that although replacement habitats will take time to establish and mature, in the medium to long-term, the site will support a high quality, diverse mosaic of habitats, which are well connected to habitats in the wider landscape. Moreover, due to the biodiversity net loss expected as a result of the proposed development, discussions are ongoing with Kent Wildlife Trust regarding off-site offsetting options, to ensure that a net gain can be delivered overall.
- 6.103 I therefore consider that the proposals will deliver a high quality, diverse mosaic of habitats, which are well connected to habitats in the wider landscape.

Moreover, discussions are ongoing with the Kent Wildlife Trust and TMBC to secure a financial contribution to enhance a local wildlife site, to ensure that the proposals deliver a net gain to biodiversity. I am therefore satisfied that the development will fully accord with the requirements of policies NE2, NE3 and NE4 of the MDE DPD and paragraph 170 of the NPPF.

Impact on historic environment:

- 6.104 Section 16 of the NPPF: Conserving and Enhancing the Historic Environment relates to the conservation of heritage assets in the production of local plans and decision taking. This section emphasises that heritage assets are ‘an irreplaceable resource, and should be conserved in a manner appropriate to their significance’.
- 6.105 Paragraph 189 of the NPPF states that ‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.
- 6.106 This is supported by paragraph 190 which states ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.
- 6.107 Under ‘Considering potential impacts’ the NPPF emphasises that ‘great weight’ should be given to the conservation of designated heritage assets, irrespective of whether any potential impact equates to total loss, substantial harm or less than substantial harm to the significance of the heritage assets.
- 6.108 The application is supported by a detailed Built Heritage Statement which has been prepared in accordance with the guidance set out in Historic England Good Practice Advice 3: The Setting of Heritage Assets (Second Edition; December 2017).
- 6.109 The closest built heritage assets to the site comprise three related railway station buildings, Aylesford Station, Aylesford signal box and no.5 Mill Hall (the former crossing keepers’ cottage). These are individually Grade II listed

buildings, located approximately 180m east of the south eastern corner of the site. It is considered that the proposed development has the potential to affect the significance of these heritage assets through the alteration of their wider setting. The impact of the development on these heritage assets has therefore formed the focus of the submitted study.

- 6.110 I consider that the proposed development is in keeping with the scale and massing of existing built development to the immediate north of the Aylesford Rail Station and to the north and west of the site. As such, it is unlikely that the proposed development will have an appreciable visual relationship with the group of Grade II listed Aylesford Rail Station buildings.
- 6.111 The proposed development is therefore not identified as having the potential to alter the significance of the Aylesford Railway Station group of Grade II listed built heritage assets.
- 6.112 The site has not been identified as having an appreciable visual relationship with any built heritage asset and does not contribute to the significance of any built heritage asset within a 1.5km radius of its boundaries as a result of intervening planted barriers, built development and distance, nor does it have any known or legible historical or functional relationship with them.
- 6.113 The development proposal respects the established scale and massing of commercial development that characterises the immediate vicinity of the site.
- 6.114 The site is considered to be a minor, unappreciable element of the wider built setting of the Aylesford Rail Station group of three Grade II listed buildings which does not contribute to the significance of the identified built heritage assets. The proposed development has been identified as representing a neutral alteration of the wider setting of this group of built heritage assets.
- 6.115 No potential effects on the significance of any built heritage asset have therefore been identified by the submitted assessment. Given the robustness of this assessment and the nature of the surroundings there is no reason not to concur with the findings.

Planning obligations:

- 6.116 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

6.117 Paragraph 56 of the NPPF reflects this statutory requirement.

6.118 In order to secure the necessary benefits arising from this development and to ensure appropriate mitigation addressing identified impacts is provided, a series of planning obligations and conditions are required. The various necessary planning obligations will be enshrined within a section 106 legal agreement the full details of which are currently being worked up. These can be summarised as follows:

- Financial contribution towards biodiversity off-setting to be used towards establishing biodiversity net gain through offsite biodiversity improvement projects within the vicinity of the site and towards the maintenance of the off-site biodiversity improvement projects.
- Mechanism for ensuring that the site provides apprenticeships and local job opportunities.
- Planning obligations and financial contributions to secure the highways and sustainable transport initiatives highlighted within Transport Assessment including:
 - Provision of a Travel Plan
 - £664,460 to be used towards the extension of a local bus service connecting the site to Maidstone Town Centre on a half hourly service for a period of 5 years
 - £371,825 for the provision of a bicycle hire scheme consisting of 36 bikes spread over 6 bike stations in a location to be agreed inclusive of a commuted sum for maintenance and other associated costs for a 5 year period
 - £250,000 contribution towards improvements along the River Medway to connect to Aylesford village (PRoW MR474).
 - £52,500 towards enhancing PRoW MR492 and MR493. This would cover the provision of a 2m-3m width path, new surfacing, edging, and heavy vegetation clearance.
 - £25,200 towards footpath/cycleway link from Bellingham Way link road to Aylesford Station
 - £72,000 towards a high-quality walking route between the site and New Hythe rail station location.
 - £25,000 towards the provision of a new footway link from New Hythe Lane along Leybourne Way.

- £25,000 towards the provision of a zebra crossing on New Hythe Lane to improve overall pedestrian connectivity and the pedestrian environment in the area.
- £30,000 to allow for the provision of bus boarder kerbs and shelters at the Bricklayers Arms bus stops.
- £91,500 to be used towards the improvements to New Hythe Rail Station and Aylesford Rail Station

Consideration of alternatives:

- 6.119 Regulation 18 and Schedule 4 of the EIA Regulations require an applicant to provide an outline of the reasonable alternatives studied and an indication of the main reasons for the choice made, taking into account the environmental effects.
- 6.120 The site has been unused since Aylesford Newsprint Ltd closed in 2015 and so consequently is vacant brownfield land. Most of the buildings at the site have been demolished to slab level and the remaining buildings have prior approval to be demolished to slab level under planning permission ref. TM/17/00493/FLEA, except for a gatehouse. If the site was not developed it would therefore remain as vacant land and none of the economic and environmental benefits would occur.
- 6.121 As set out within the preceding assessment, the site provides for significant regeneration potential of brownfield land and will support new employment uses in an existing key employment area. The site is safeguarded for employment uses within the adopted DLA DPD.
- 6.122 On this basis, I consider that the developer has considered reasonable alternatives and as such this development proposed is the most appropriate form of development for an allocated site that enables a strategic scale redevelopment bringing significant environmental and economic benefits to the area. It is appreciated that some representations made suggest that the site should be redeveloped for housing purposes to contribute to the Boroughs housing land supply and to safeguard greenfield sites elsewhere. Members will be fully aware that a previous application proposing an element of residential development on the site was subject to a recommendation to refuse for several reasons but was subsequently withdrawn before a determination could be made. The assessment made in that case indicated clearly that this site does not represent a suitable location on which to provide housing whereas it is entirely suited to provide a significant amount of much needed employment related development.

Conclusions:

- 6.123 The redevelopment of this existing vacant industrial site would bring considerable economic benefit to the Borough. As set out in this report the proposal is in full compliance with both adopted and emerging local plan policies and also those of the NPPF.
- 6.124 The development would bring a flagship commercial development to the area with the environmental benefits of a well landscaped site within the existing industrial area. The development would not have an adverse impact on the character of the site and surrounding area as a whole, nor on views from the AONB, due to the design of the buildings and the planned landscape enhancements.
- 6.125 The redevelopment of the site enables the provision of the Bellingham Way link road, the delivery of which is a factor in the wider highway requirements for the overall development strategy in the emerging draft local plan. Similarly the site enables benefits to public transport through improvements to local bus services and railway stations as well improvements to the local cycle and footpath network both within the site and also stretching from Leybourne Way in the west to Aylesford Village in the east which, combined with cycle hire and a car club scheme on the site, would enable a shift towards more sustainable travel methods in the area.
- 6.126 The development would not have an adverse impact on flood risk or air quality and would result in environmental enhancements through contamination remediation. The buildings themselves are designed to be energy efficient through design and to also feature sustainable features such as rainwater harvesting and photo voltaic panels. The development would also bring a comprehensive set of on-site and off-site ecological enhancements in the form of wildlife corridors and native habitats creating a biodiversity net gain of 10%. The scheme will also bring a wide range of social and economic benefits to the area through apprenticeships and local job creation schemes.
- 6.127 The proposals therefore represent a significant opportunity, not only for the redevelopment of a large brownfield site, but to bring significant economic and environmental benefits to the area. The proposal is fully policy compliant and, on that basis, I make the following recommendation.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Arboricultural Assessment dated 01.09.2020, Existing Plans 18-103-SGP-01-00-DR-A-022401 dated 20.08.2020, Plan 18-103-SGP-06-ZZ-DR-A-121101 dated 20.08.2020, Floor Plan 18-103-SGP-06-ZZ-DR-A-121102 dated 20.08.2020, Proposed Elevations 18-103-SGP-06-ZZ-DR-A-121131 REV A dated 20.08.2020, Plan 18-103-SGP-07-00-DR-A-110006 REV B dated 20.08.2020, Proposed Elevations 18-103-SGP-07-00-DR-A-121131 REV P2 dated 20.08.2020, Plan 18-103-SGP-07-ZZ-DR-A-121102 REV P1 dated

20.08.2020, Site Layout 18-103-SGP-ZZ-DR-A-022001 REV A dated 20.08.2020, Drawing 205236-A-01-01 dated 20.08.2020, Drawing 205236D-A-02-04-AT01 REV A dated 20.08.2020, Drawing 205236D-A-02-07 REV B dated 20.08.2020, Drainage Layout AYL-BWB-GEN-FA-DR-C-0500-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-FA-DR-C-0501-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-FA-DR-C-0502-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-XX-DR-C-0560-S8 REV P01 dated 20.08.2020, Drainage Layout AYL-BWB-GEN-XX-DR-C-0561-S8 REV P01 dated 20.08.2020, Flood Risk Assessment AYL-BWB-GEN-XX-DR-C-0625 REV 01 dated 20.08.2020, Flood Risk Assessment AYL-BWB-GEN-XX-DR-C-0626 REV P01 dated 20.08.2020, Lighting CPW-200136-E-EXT-UNIT6-00-01 REV P3 dated 20.08.2020, Lighting CPW-200136-E-EXT-UNIT7-00-01 REV P3 dated 20.08.2020, Location Plan 18-103-SGP-ZZ-00-DR-A-110001 REV E dated 20.08.2020, Letter dated 20.08.2020, Arboricultural Assessment dated 20.08.2020, Report APPENDIX 1.1 dated 20.08.2020, Report APPENDIX 10.2 dated 20.08.2020, Report APPENDIX 1.2 dated 20.08.2020, Report APPENDIX 10.1 dated 20.08.2020, Report APPENDIX 10.3 dated 20.08.2020, Report APPENDIX 11.1 PART 1 dated 20.08.2020, Report APPENDIX 11.1 PART 2 dated 20.08.2020, Report APPENDIX 2.1 dated 20.08.2020, Report APPENDIX 2.10 dated 20.08.2020, Report APPENDIX 2.11 PART 10 dated 20.08.2020, Report APPENDIX 2.11 PART 11 dated 20.08.2020, Report APPENDIX 2.11 PART 12 dated 20.08.2020, Report APPENDIX 2.11 PART 13 dated 20.08.2020, Report APPENDIX 2.11 PART 14 dated 20.08.2020, Report APPENDIX 2.11 PART 15 dated 20.08.2020, Report APPENDIX 2.11 PART 16 dated 20.08.2020, Report APPENDIX 2.11 PART 17 dated 20.08.2020, Report APPENDIX 2.11 PART 18 dated 20.08.2020, Report APPENDIX 2.11 PART 19 dated 20.08.2020, Report APPENDIX 2.11 PART 1A dated 20.08.2020, Report APPENDIX 2.11 PART 1B dated 20.08.2020, Report APPENDIX 2.11 PART 2 dated 20.08.2020, Report APPENDIX 2.11 PART 4 dated 20.08.2020, Report APPENDIX 2.11 PART 3 dated 20.08.2020, Report APPENDIX 2.11 PART 5 dated 20.08.2020, Report APPENDIX 2.11 PART 6 dated 20.08.2020, Report APPENDIX 2.11 PART 7 dated 20.08.2020, Report APPENDIX 2.11 PART 8 dated 20.08.2020, Report APPENDIX 2.3 PART 3 dated 20.08.2020, Report APPENDIX 2.11 PART 9 dated 20.08.2020, Report APPENDIX 2.2 dated 20.08.2020, Report APPENDIX 2.3 PART 1 dated 20.08.2020, Report APPENDIX 2.4 dated 20.08.2020, Report APPENDIX 2.5 dated 20.08.2020, Report APPENDIX 2.6 dated 20.08.2020, Report APPENDIX 2.7 dated 20.08.2020, Report APPENDIX 2.8 dated 20.08.2020, Report APPENDIX 2.9 dated 20.08.2020, Report APPENDIX 3.1 dated 20.08.2020, Report APPENDIX 3.2 PART 1 dated 20.08.2020, Report APPENDIX 3.2 PART 2 dated 20.08.2020, Report APPENDIX 3.2 PART 3 dated 20.08.2020, Report APPENDIX 7.1 dated 20.08.2020, Report APPENDIX 7.2 PART 1 dated 20.08.2020, Report APPENDIX 7.2 PART 2 dated 20.08.2020, Report APPENDIX 7.3 dated 20.08.2020, Report APPENDIX 7.4 PART 1 dated 20.08.2020, Report APPENDIX 7.4 PART 2 dated 20.08.2020, Report

APPENDIX 7.5 dated 20.08.2020, Report APPENDIX 7.6 dated 20.08.2020, Report APPENDIX 7.7 dated 20.08.2020, Report APPENDIX 7.8 dated 20.08.2020, Report APPENDIX 7.9 dated 20.08.2020, Report APPENDIX 8.1 PART 1 dated 20.08.2020, Report APPENDIX 8.1 PART 2 dated 20.08.2020, Report APPENDIX 8.2 dated 20.08.2020, Report APPENDIX 8.3 dated 20.08.2020, Report APPENDIX 9.1 dated 20.08.2020, Design and Access Statement dated 20.08.2020, Archaeological Assessment dated 20.08.2020, Assessment SCORING AND REPORTING TOOL dated 20.08.2020, Statement BUILT HERITAGE dated 20.08.2020, Bat Survey dated 20.08.2020, Statement ECONOMIC BENEFITS dated 20.08.2020, Statement ES CHAPTER 1 dated 20.08.2020, Statement ES CHAPTER 10 dated 20.08.2020, Statement ES CHAPTER 11 dated 20.08.2020, Statement ES CHAPTER 12 dated 20.08.2020, Statement ES CHAPTER 2 dated 20.08.2020, Statement ES CHAPTER 3 dated 20.08.2020, Statement ES CHAPTER 4 dated 20.08.2020, Statement ES CHAPTER 5 dated 20.08.2020, Statement ES CHAPTER 6 dated 20.08.2020, Statement ES CHAPTER 7 dated 20.08.2020, Statement ES CHAPTER 8 dated 20.08.2020, Statement ES CHAPTER 9 dated 20.08.2020, Statement ES VOL 1 dated 20.08.2020, Statement ES VOL 2 dated 20.08.2020, Lighting EXTERNAL dated 20.08.2020, Ecological Assessment dated 20.08.2020, Survey GREAT CRESTED NEWT dated 20.08.2020, Habitat Survey Report dated 20.08.2020, Report LAND CONDITION REPORT PART 10 dated 20.08.2020, Report LAND CONDITION REPORT PART 11 dated 20.08.2020, Report LAND CONDITION REPORT PART 12 dated 20.08.2020, Report LAND CONDITION REPORT PART 13 dated 20.08.2020, Report LAND CONDITION REPORT PART 14 dated 20.08.2020, Report LAND CONDITION REPORT PART 15 dated 20.08.2020, Report LAND CONDITION REPORT PART 16 dated 20.08.2020, Report LAND CONDITION REPORT PART 17 dated 20.08.2020, Report LAND CONDITION REPORT PART 18 dated 20.08.2020, Report LAND CONDITION REPORT PART 19 dated 20.08.2020, Report LAND CONDITION REPORT PART 1A dated 20.08.2020, Report LAND CONDITION REPORT PART 1B dated 20.08.2020, Report LAND CONDITION REPORT PART 2 dated 20.08.2020, Report LAND CONDITION REPORT PART 3 dated 20.08.2020, Report LAND CONDITION REPORT PART 4 dated 20.08.2020, Report LAND CONDITION REPORT PART 5 dated 20.08.2020, Report LAND CONDITION REPORT PART 6 dated 20.08.2020, Report LAND CONDITION REPORT PART 7 dated 20.08.2020, Report LAND CONDITION REPORT PART 8 dated 20.08.2020, Report LAND CONDITION REPORT PART 9 dated 20.08.2020, Report NON TECHNICAL SUMMARY PART 1 dated 20.08.2020, Report NON TECHNICAL SUMMARY PART 2 dated 20.08.2020, Planning Statement dated 20.08.2020, Report PRE-ASSESSMENT REPORT SHELL AND CORE dated 20.08.2020, Bat Survey PRELIMINARY BAT ROOST ASSESSMENT dated 20.08.2020, Ecological Assessment dated 20.08.2020, Survey REPTILE dated 20.08.2020, Report SHELL AND CORE BREEAM 2018 DS TRACKER dated 20.08.2020, Statement COMMUNITY INVOLVEMENT dated 20.08.2020, Sustainability Report STATEMENT dated 20.08.2020,

Sustainability Report DISTRIBUTION PLAN dated 20.08.2020, Transport Assessment PART 1 dated 20.08.2020, Transport Assessment PART 2 dated 20.08.2020, Transport Assessment PART 3 dated 20.08.2020, Transport Assessment PART 4 dated 20.08.2020, Transport Assessment PART 5 dated 20.08.2020, Transport Assessment PART 6 dated 20.08.2020, Travel Plan dated 20.08.2020, Report Sustainable Drainage Part 1 dated 20.08.2020, Report Sustainable Drainage Part 2 dated 20.08.2020, Report Sustainable Drainage Part 3 dated 20.08.2020, Report UTILITIES INFRASTRUCTURE dated 20.08.2020, Survey WATER VOLE dated 20.08.2020, Site Plan 18-03-SGP-ZZ-00-DR-A-110006 E dated 09.02.2021, Master Plan 18-103-SGP-ZZ-ZZDR-A-001001 V dated 09.02.2021, Plan 18-103-110002 R dated 09.02.2021, Site Plan 18-103-SGP-ZZ-00-DR-A0110005 D dated 09.02.2021, Landscape Layout 31285 RG-02 F dated 09.02.2021, Landscape Layout 31285-RG-L-04-01 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-02 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-03 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-04 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-05 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-06 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-07 P5 dated 09.02.2021, Landscape Layout 31285-RG-L-04-8 P5 dated 09.02.2021, Drawing 31285 RG-L-05-02 A dated 09.02.2021, Drawing 31285 RG-L-05 A dated 09.02.2021, Drawing AYL-BWB-HML-IF-DR-C-0131-S1 P2 dated 09.02.2021, Drawing AYL-BWB-HPV-IF-DR-C-0161-S1 P2 dated 09.02.2021, Drawing AYL-BWB-HPV-IF-DR-C-0162-S1 P3 dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0145- S1 P2 dated 09.02.2021, Drawing AYL-BWB-GEN-XX-DR-C-0124-S1 P1 dated 09.02.2021, Letter Barton Willmore dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0126-PSS-S1 P1 dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0145_S1 P1 dated 09.02.2021, Lighting CPW-200136-E-EXT-00-01 P4 dated 09.02.2021, Transport Assessment Post APP HE response dated 09.02.2021, Transport Assessment Addendum V8 part 1 dated 09.02.2021, Transport Assessment Addendum V8 part 2 dated 09.02.2021, Transport Assessment Addendum V8 part 3 dated 09.02.2021, Transport Assessment Addendum V8 part 4 dated 09.02.2021, Transport Assessment Addendum V8 part 5 dated 09.02.2021, Drawing AYL-BWB-GEN-XX-DR-C-0125 S1 P1 dated 09.02.2021, Drawing AYL-BWB-GEN-IF-DR-C-0108_ S1 P2 dated 09.02.2021, Archaeological Assessment dated 22.02.2021, subject to the following:

- Highways England and KCC Highways and Transportation confirming no final objections to the application and any planning conditions relating to highways mitigation works recommended by both bodies being imposed where they are considered to meet the statutory tests
- The applicant entering into a planning obligation with the Borough Council to secure local employment opportunities and apprenticeship schemes across the development and identified biodiversity enhancements

- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards identified footpath improvements, public transport provision, and the implementation and monitoring of a travel plan
- The following conditions:

Conditions:

- 1 The development hereby permitted in respect of the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be begun before the expiration of three years from the date of this permission. The development hereby permitted within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 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 Sections 91 and 92(2) of the Town and Country Planning Act 1990

- 2 Application for approval of the reserved matters in respect of areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall be made to the Local Planning Authority before the expiration of three 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 to be carried out in areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021, approval of details of the layout, scale and appearance of the development and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 4 No development of any phase shall take place above ground level until details and samples of all materials to be used externally for the buildings in that phase have been submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

- 5 The landscaping for the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be undertaken in conformity with the details indicated on drawing nos. 31285 RG-02 REV F, 31285 RG-L-04, 31285 RG-L-04 REV P5, 31285-RG-L-04-01REV P5, 31285-RG-L-04-02REV P5, 31285-

RG-L-04-03REV P5, 31285-RG-L-04-04REV P5, 31285-RG-L-04-05REV P5, 31285-RG-L-04-06REV P5, 31285-RG-L-04-07REV P5 and 31285-RG-L-04-08REV P5 received 09.02.2021. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development comprised in the relevant phase of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

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.

6 The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: RA103739-V010/E, Pell Frischmann, Date: August 2020) and the following mitigation measures it details:

- An 8m easement must be maintained either side of Main River, as stated in section 5.1.2 and 5.2 of the FRA. See also Masterplan drawing (ref: 18-103-SGP-ZZ-ZZDR-A-001001 Rev J, Date: 04/2020) in Appendix 2 of the FRA.
- An Environmental permit must be obtained for the proposed improvements to the river corridor stated in section 5.1.2 of the FRA. (See below for further information).
- The Future ownership and maintenance of the stream post development must be made known to the Environment Agency. (See section 5.5 of the FRA).
- Commercial development shall be located as shown in Masterplan drawing (ref: 18-103-SGP-ZZ-ZZDR-A-001001 Rev J, Date: 04/2020).
- Flood resilience measures should be incorporated at detailed design stage, as stated in section 5.2 of the FRA.
- Future users must sign up to the Environment Agency flood warning service. A flood action plan must be in place as detailed in section 5.4 and Appendix F of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

7 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

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

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

8 Prior to any part of the development hereby approved being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework

- 10 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 11 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

- 12 No development hereby approved within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021 shall take place until the details required by Condition 3 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

- 13 No above ground development shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage

scheme shall be based upon the principles contained within the Flood Risk Assessment report by Pell Frischmann (August 2020 RA103739-V010/E) and contained within the Sustainable Drainage Statement by BWB (August 2020). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

- 14 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 15 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the

site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

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

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

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

- 16 Prior to any part of the approved development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing

with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework

- 18 External lighting in respect of the works indicated as hatched on proposed parameters plan 18-103-110002-R received 09.02.2021 shall be installed in accordance with the details indicated on drawing nos. CPW-200136-E-EXT-UNIT6-00-01 REV P3, CPW-200136-E-EXT-UNIT7-00-01 REV P3 received 20.08.2020 and CPW-200136-E-EXT-00-01 - P4 received 09.02.2021. Prior to the installation of any external lighting within areas marked Zone A and Zone B on Proposed Parameters Plan 18-103-110002-R received 09.02.2021, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details. The lighting shall be designed in accordance with the External Lighting Report dated 20 August 2020.

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

- 19 Prior to the first occupation of any part of the development hereby approved a Ditton Stream enhancement plan shall be prepared for the watercourse within the red line boundary (shown on site location plan ref 18-103-sgp-zz-00-dr-a-110001 rev e and dated 20 August 2020) and including the retained area of mill pond north of the M20. The plan should:

a) fully assess the ecological value of the stream, and the potential to restore more natural stream habitats,;

b) detail the removal of unnecessary structures to enable fish passage and natural processes, and provide more space for water, for improved flood risk management.

The plan should be submitted to the Local Planning Authority for agreement in writing and shall be implemented as agreed prior to the first occupation of any part of the development.

Reason: To ensure that the development provides Biodiversity Net Gain to the stream and stream corridor, and is in line with the River Basin Management Plan. This is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF).

- 20 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of geoarchaeological works in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that Palaeolithic archaeology is properly examined and recorded.

- 21 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

- 22 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 23 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded

- 24 The development within any phase shall not be occupied until the area shown on the submitted layout as vehicle parking space for that phase has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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 this reserved parking space.

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

- 25 No building shall be occupied until the area shown on the submitted plan as a turning area for that phase has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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 this reserved turning area.

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

- 26 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic

- 27 No development within any phase of the development shall take place until details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of visual amenity

- 28 The use of any unit shall not commence until the noise insulation/attenuation works set out in the Noise Technical Report received 20.08.20 have been carried out to the satisfaction of the Local Planning Authority and shall be retained thereafter. At any time when the nature of the work/business within any of the units changes, the in-coming tenant/occupier shall carry out a noise impact assessment of their proposed use and provide adequate noise insulation/attenuation work in agreement with the Local Planning Authority prior to the proposed occupation.

Reason: In the interests of the aural amenity of the local environment

- 29 Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of waste water

- 30 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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of waste water

- 31 No above ground development shall commence until a full Public Rights of Way management scheme is agreed to approve enhancements and improvements to path alignment, surfacing, widths and signage. This scheme shall also include details of Public Rights of Way management during construction if any temporary closures or diversions are required.

Reason: To ensure appropriate delivery of Public Rights of Way network.

- 32 Prior to the commencement of the development hereby approved, arrangements for the management of any and all demolition and/or construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
- The controls on noise and dust arising from the site with reference to current guidance.

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

Reason: In the interests of general amenity and highway safety.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 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@tmhc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 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.
- 4 For reasons of safety, liability and maintenance, with the sole exception of fences owned and provided by the Highways Agency at its own cost, all noise fences, screening and other structures must be erected on the developers land, and far enough within the developers land to enable maintenance to take place without encroachment onto highway land.
- 5 In preparing the design, the applicant's should be mindful, inter alia, of the need for
 - all works to be constructed and maintained such that the safety, integrity and operational efficiency of the strategic road network and any Highway England assets are not put at risk,
 - to provide such boundary treatment to prevent the risk of errant vehicles entering or otherwise endangering users of the strategic road network
 - to provide such boundary treatment to prevent the potential dazzling or distraction of drivers on the strategic road network by vehicles manoeuvring within the site
 - for the boundary treatment to be wholly within and maintainable from within the site in accordance with OfT Circular 2/13 Annex A.1.
- 6 Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers" with regards to any Landscaping proposals.

- 7 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.
- 8 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

Contact: Robin Gilbert

Annex 1: Representations made by Highways England

From: [Robin Gilbert](#)
To: [Planning Applications](#)
Cc:
Subject: FRO Case Officer Robin Gilbert: Highways England INITIAL response (our ref 89138 / #11196) re application TM/20/01820/OAEA Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW
Date: 29 September 2020 17:37:28

For attention of:	Robin Gilbert
Site:	Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW
Proposal:	Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks
Your Reference:	TM/20/01820/OAEA
Highways England's Reference:	89138 / #11196

Dear Mr Gilbert

Thank you for consulting Highways England on 08 September regarding the above amended application, seeking a response no later than 29 September.

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

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case particularly the M20 Junctions 4 and 5 and the M2 Junction 2.

Having reviewed the Transport Assessment (TA) we have the following initial comments:

1. Accessibility Audit

The TA Para 2.44 to 2.47 discuss traffic flows on the M20 in the vicinity of the M20 J4 and 5. The source of the data is not provided so we cannot verify the data. Additionally the development is likely to have an impact on the M2, particularly at Junction 2 which is not included in the assessment.

ACTION – Provide source of evidence for traffic flows. We consider the development is likely to have an impact at the M2 J2 therefore this location should also be considered (see below).

In the context of M20 traffic flows, para 2.47 states that *“The implications of the Covid-19 pandemic will amplify the already growing trend to travel by sustainable modes and active travel. There is likely to be an increase in working from home and increased virtual mobility (which reduces the overall need to travel). There is also forecast to be a change to travel behaviour, for example, in the retail market there is likely to be fewer trips to the foodstore by more people opting for one weekly shop and utilising on line shopping. This is coupled by government ambition to heavily invest in active travel modes to facilitate increased travel by non-car modes”*.

ACTION - This discussion should be more balanced considering the considerable uncertainty of the current situation. It should also consider the potential increase in usage of car travel, for example see <https://www.kentonline.co.uk/kent/news/fears-over-traffic-chaos-when-schools-return-232057/>. DfT have stated that there is currently much evidence gathering occurring to seek to assess the longer term implications of COVID on travel patterns. The evidence and any change in policy may be available in 2021. Therefore, unless the applicant is able to provide robust, agreed evidence on this point, they should stick to tried and tested assumptions and methodologies.

2. Section 3 – Policy

The Policy Section does not refer to any Highways England Guidance, including:

- DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development (Sept 2013) <https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development>
- Planning for the future – A guide to working with Highways England on planning matters (Sept 2015) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/451023/N150227_-_Highways_England_Planning_Document_FINAL-lo.pdf

ACTION – This section should, as a minimum should reference the above. The Transport Assessment methodology should align with the contents of these documents.

3. Transport Impact

Trip Generation

Previous Use

Para 5.31 of the TA states that *“KCC and TMBC have confirmed that traffic impact of the development can be considered in the context of the net change from the traffic generation forecast associated with the previous use of the site (85,000sqm of B2 floorspace).”*

We note that the Pell Frischmann Transport Assessment supporting planning application 16/03025 undertook a first principles

assessment. They note in para 7.21 that "Aylesford Newsprint management provided records of resource consumption and paper production for the past 10 years (and a detailed breakdown for the year 2014, the last full year of the paper mill operation), which also include delivery vehicle trips. It can be noted that the termination of the paper mill production was sudden, without a gradual slow down. Therefore, the 2014 figures have been used as the basis of the extant trip generation calculations as they are representative of the usual operational conditions". Based on 2014 usage, they calculated that the trip generation of the site would be 112 vehicles in the AM peak and 146 in the PM peak (see table 7.10 in the Pell Frischmann Transport Assessment).

The Previous Use is presented in this TA in para 5.32 and Table 5.2 as being 198 AM peak and 264 PM peak vehicles and that this is based on the proposed B2 trip rates calculated for the site (see Trip Generation below). This is considerably higher than that used previously and based on information related to activity between 2004 and 2014.

Additionally, it is understood from the Pell Frischmann Transport Assessment supporting the Planning Application 16/03025 that the previous Aylesford Newsprint usage on site ceased in February 2015. Considering that over 5 years has passed, the validity of considering the site as extant use is disputed.

ACTION – Based on the sites previous usage and the analysis that evidences this from the 16/03025 planning application, we don't accept the 198 AM and 264 PM peak hour trips. Clearly the site never generated this level of trips and it is improbable that it ever would. It is considered exceptionally unlikely that the site could be occupied with that level of B2 trips generated. Furthermore, the Local Plan was based on traffic figures subsequent to when this site ceased to be in use. That capacity on the network would appear now to have been used by other development and therefore the full impact of the development should be tested against the 2031 DM scenario i.e. the scenario without Aylesford Newsprint included. Therefore the applicant should either provide evidence on this point to support higher AM and PM peak hour figures, or make use of the Pell Frischmann figures.

Proposed Development Trip Rates

We note from the planning application that the proposal is for 177,260 of flexible "Other B1(c) / B2 / B8" The TA is more definitive, para 5.4 of the indicates:

- B1c: Up to 15,760 sqm
- B2: Up to 31,250 sqm
- B8 (Storage & Distribution): up to 175,942 sqm
- B8 (Parcel Delivery): up to 35,000 sqm
- Overall total: Up to 177,260 sqm

NOTE – Should the breakdown of proposed development usage differ from the uses presented in the TA, the TA will need to be amended to reflect this.

ACTION - The TA should be based on the worst case scenario ie which combination of uses/ floorspace would generate the greatest amount of AM/ PM peak traffic. This can then be compared with other scenarios, including any favoured scenario ie one the

applicant believes may occur in reality.

Proposed Development Trip Rates

Key assumptions and evidence used to support the analysis in the TA are not referenced within the main text e.g. that the supporting TRICS assessment is provided in an Appendix and references to trip distribution. Having not had sight of Scoping documents this makes the TA difficult to navigate.

ACTION – provide reference and a summary where appropriate to key assumptions and evidence used in the TA.

Table 5.4 outlines that the AM peak trip generation associated with the site will be 544 AM peak and 590 PM peak. Having undertaken a review of the TRICS we obtain a much higher trip rate, particularly in the AM peak period and note the following:

- **All uses** - inconsistency with the site selection – for example, B1 establishes that the sites should be within 'Edge of Town Centre, Suburban Area, Edge of Town, Freestanding – Industrial zone and Out of Town'. However, B2 only includes 'Edge of Town' and 'Neighbourhood Centre', for example. This should be reviewed for all uses.
- **B2** – the applicant has manually doubled the maximum size included within the survey selection to 70,000 sqm – with a maximum site size returned of 67,459 sqm (that is nearly twice the actual size of B2 proposed). This may have artificially inflated the rates.
- **B2** - it is noted in the Pell Frischmann Transport Assessment that the trip rate for B2 (previous and proposed) was based on 10 years of data collected for the full site. The applicant should consider the usage of these rates or justify why these are not now applicable.
- **B8 – Warehousing** – there are many potential warehousing sites that are available and applicable to this site within the TRICS database. However only 3 such sites have been selected by the applicant for inclusion. Our high level analysis identified 11 potential sites which result in a higher overall AM and PM peak hour trip rate.
- **B8 – Parcel** – There is a DHL Parcel facility site (15,583 sqm) which appears to be much more representative of the size and scale that would likely occur at this site. It is more likely to be a regional hub than a depot. The TA dismisses the applicability of the DHL site because it had 40% office/admin attached to it – however the remaining sizes of selected B8 parcel sites contained within the TA are much lower (about a fifth of the DHL parcel site size). The DHL facility should be included in order to provide a more accurate reflection of the potential trip generation of the site

For the above reasons, the vehicle trip gen forecast contained within Table 5.4 is not considered to be sufficiently robust.

ACTION – consider and review the above and re-apply in an updated TRICS assessment.

Trip distribution

Other than in para 1.7 which states that "Vehicle trip distribution as per the VISUM model" there is no discussion of the potential trip distribution of the proposal. It is currently unclear how the trip distribution of the proposed site was represented in the VISUM model and therefore unclear how many development related trips reach the M20 Junction 4 and Junction 5. Additionally, the absence of flow diagrams showing the trip distribution from the site does not enable the impact on the other sections of the SRN to be assessed. The applicant should be aware of Highways England's response to planning application 16/03025 which required a detailed assessment of the M20 Junction 4 and 5 as well as the M2 Junction 2. The M2 Junction 2 is not considered in this assessment.

It is also unclear if the assessment has considered if a change in the proposed usage between the Aylesford Newsprint Local Plan Employment Land Allocation already in the Visum and the proposed development in this application has resulted in a change in trip distribution.

We also note that when in use as a Papermill, it is understood that the private road connecting the site to Station Road was restricted in terms of type and level of use. The Masterplan drawing 18-103-SGP-ZZ-ZZDR-A-001001 Rev P would appear to indicate the private road will become a general access. Therefore the TA will need to explain the proposed changes and assess the implications of this change (both in terms of site traffic and other traffic wishing to make use of the newly available route). Clearly, any significant change in the type and level of use will impact on the A20 and M20J5.

ACTION – Peak hour flow diagrams should be provided of the proposed development (including how this differs from the Aylesford Newsprint Local Plan Employment Land Allocation). This should extend to the wider SRN (including the M2), identifying where the AM and PM peak hour impacts will occur. Once this has been received we will be able to ascertain the extent of any further analysis required.

Consideration of impacts on SRN

This section of the TA considers only the M20 Junction 4 and 5. No other parts of the SRN are included so we are unable to determine if the proposals have an impact elsewhere. For example previous Highways England responses relating to planning application 16/03025 referred additionally to the potential impact of the proposals on the M2 Junction 2.

ACTION - The trip distribution assessment requested above should extend to the wider SRN (including the M2 Junction 2), identifying AM and PM peak hour vehicle movements. Once this has been received we will be able to ascertain the extent of further analysis required.

4. Assessment Methodology

It is understood that the traffic impact of the development is assessed through the KCC VISUM model and that the Aylesford Newsprint Local Plan Employment Land Allocation site has been included as a 160,000 sqm development within the model. This is seemingly not referenced in the TA itself, only in the Appendix which is not cross referenced.

The TA Appendix B Para 4.8 indicates that the VISUM model assumes that the proposed development site would deliver 160,000 sqm of employment land use. Although stated that it is based on the scale of development and trip rates set out within the A20 VISUM Model Forecasting Report dated March 2019 (ref: 18-044-03 Rev B), it is not clear how the trip generation calculations of 1,606 AM peak and 1,066 PM peak have been formulated.

Appendix B Para 4.9 outlines that "The VISUM model assessment assumed that the site could generate 1,606 two-way vehicle trips during the AM peak hour and 1,066 two-way vehicle trips during the PM peak hour. This trip generation forecast should be treated with a degree of caution as it is based on generic trip rates used to assess the traffic impact of the emerging Local Plan and are not representative of the development proposals". Accordingly it is also understood that the Local Plan Employment Land Allocation has been amended to reflect this new proposed development and it is therefore key to verify the Aylesford Newsprint Local Plan Employment Land Allocation trip generation calculations.

ACTION - Provide evidence including specific references to the Forecasting Report detailing the Aylesford development as it was included in the VISUM model and a breakdown of how the 1,606 AM peak and 1,066 PM peak site flows have been calculated. This will allow us to verify the assumptions

5. Transport Impact

The TA Para 6.7 to 6.14 detail the Dataset scenarios. It is suggested that Dataset 2 [2031 Do Nothing + Previous Use of the Site (no link road) VISUM MODEL] and Dataset 4 [2031 Do Something VISUM MODEL] – which includes the proposed development are compared in order to "identify which junctions to assess." It is suggested in para 6.20 that "...junctions that meet both of the following criteria are considered appropriate for further assessment":

- Increase of over 60 vehicles per hour
- Impact of more than 3%*

We will consider the impacts on the SRN once the traffic levels associated with the development have been finalised. In this case a percentage or set number of vehicles as a criteria may not be helpful in identifying if a more detailed junction assessment should be made as it does not necessarily account for the current local network conditions i.e. the existing queues and/or slow moving peak hour traffic that may occur. We do not yet have sufficient information to determine if further analysis of the M20 Junction 4 and 5 (or the M2 Junction 2) is required.

Although this section has not been reviewed, it should be noted that it is not clear which Dataset Scenarios have been compared in Table 6.3 which outlines the change in flows at the M20 J4. The total traffic flows do not match those presented in Table 6.2.

Summary

As is clear from the above, there are many issues raised above regarding the analysis for which we require additional information before undertaking a more complete assessment.

Accordingly, we are not satisfied that the proposals will not materially affect the safety, reliability and / or operation of the SRN (the

tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109).

Consequently, the Council should refrain from determining the application (other than a refusal if it so wishes) until such time as the required information has been received, assessed and agreed.

If the Council wishes to determine the application before this point, please contact me and we will provide our formal recommendations as they stand at that time.

Finally, the Council should not assume Highways England's position in relation to any planning matters until such time as Highways England advises. Highways England have a 15 working day response period.

You will note that we have copied our response direct to the applicant's agent. We await their response in due course.

Should you, or they, have any queries regarding this response please contact us at 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. 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

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Annex 2: Representations made by KCC Highways and Transportation.



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: 29 October 2020

Application - TM/20/01820/OAEA

Location - Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW

Proposal - Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks

Dear Robin

Thank you for consulting me and allowing additional time to consider this application for the proposed redevelopment of the Aylesford Newsprint site which proposes 177,280m² commercial floorspace and the opening of the Bellingham Way link road. I note this is a hybrid application for flexible B1(c), B2 and B8 comprising:

Outline permission is sought for 159,235m² flexible employment floorspace. This is a net increase of 85,550m² of employment floorspace from that associated with the former Aylesford Newsprint.

Full permission is sought for two units of 6,689m² and 11,355m² employment floorspace, the Bellingham Way link road and the north south perimeter road.

I note the use class is to be limited to up to 15,760m² B1c, 31,250m² B2 and 177,280m² B8 and 35,000m² B8 parcel delivery.

1. Introduction

1.1 The application is supported by a Transport Assessment (TA) prepared by Vectos transport consultants.

- 1.2 The site is allocated as safeguarded employment land in the 2008 adopted Tonbridge and Malling Borough Council (TMBC) Development Land Allocations Policies Plan. It is also included in the new TMBC draft Local Plan under policy LP35:

LP35: Employment Land: Former Aylesford Newsprint Site

1. Development of the former Aylesford Newsprint site, as illustrated on the proposals map, for light industrial, general industrial and/or storage and distribution uses will be permitted provided that a vehicular access between Bellingham Way and Station Road forms part of the scheme and the development is of an acceptable design to the locality and does

not result in unacceptable impacts on the highway network, air quality and the amenity of the area and where it complies with the other policies in the Local Plan.

2. The vehicular access between Bellingham Way and Station Road will be required to be completed and open in advance of the majority of the development of the site taking place.
3. The prospective applicant should prepare a masterplan, to the satisfaction of the Council, delivering the necessary infrastructure to meet the needs of the development.
4. The masterplan needs to be prepared and completed in advance of the formal submission of the planning application. It shall be accompanied by a Planning Performance Agreement.

- 1.3 I have reviewed the TA and my comments are as follows:

2. Accessibility

- 2.1 Improvements to existing routes and new footways and cycle facilities are required, to be delivered by the developer, to provide high quality walking and cycling routes and connections to local facilities. This would include:

- The site is well located between two train stations: Aylesford and New Hythe. High quality walking and cycling routes are required to the stations.
- A footway cycle link to Leybourne Lakes and links with existing routes.
- Public rights of way (PRoW) require upgrades, subject to the requirements of KCC PRoW officers.
- The existing public footpath linking Mill Hall with Aylesford village alongside the River Medway, should be upgraded to allow cyclists and hence providing a missing link for cyclists on the route to Maidstone Centre.

- A footway link is needed along the east side of Leybourne Way between new Hythe Lane and the existing footway.
 - Separate cycle tracks and footways are required where possible along the Bellingham Way link .
- 2.2 Consultation with Network Rail and southeastern is recommended in order to assess whether improvements are required at the stations.
- 2.3 A proposal for a bike hire scheme operated by Arriva for an initial 5-year period is welcomed and sufficient contributions can be secured through a S106 contribution.
- 2.4 Cycle parking should be provided close to premises in each parking area in accordance with the minimum requirement in the Kent and Medway Vehicle Parking Standards.

2.5 Bus services

Regular bus services are available from Ditton Corner bus stop, but this is located some 750m from the closest part of the site and over 1.7km from the north eastern part of the site.

It is noted that the developer has suggested a contribution in a S106 agreement for a service connecting the site with Maidstone on a half hourly frequency. A regular service is needed through the site and bus operators and KCC public transport team should be consulted. Initial comments from that team confirm that new bus services or enhancements to existing services will be needed and the service frequencies and destinations should be based on detailed data on where employees are likely to be travelling from and information on the organisations leasing on the site. A contribution to bus services could be provided by the developer, with the nature of the solution being determined once employee flows / distribution are known.

Improvements are required to the bus stops in the vicinity of the Bricklayers Arms with bus boarders and shelters provided where appropriate.

2.6 Mobility strategy

The delivery of a Mobility Strategy including carpooling, car sharing spaces, electric vehicle charging, car park management is welcomed. This will provide new and innovative ways to allow choices in transport mode.

The provision of a car club on site through Enterprise with 1 car club vehicle at year 1 and 2 vehicles at year 2 and 3 with funding secured through a S106 agreement is also welcome. All business are to be provided with free ECC membership for their employees; and 1 years' free personal membership to all employees.

3 Access Strategy

- 3.1 The Bellingham Way link road has been designed for a 30mph speed limit and includes a 3m wide shared footpath/cycleway and as indicated in 2.1 above, a separate cycletrack and footway is required. The alignment of the road should be designed to physically restrict speeds to 30mph.
- 3.2 A road safety audit (RSA) is provided at Appendix F however Designers Comments are not included. Any amendment to the drawings arising from the RSA comments should be reaudited.
- 3.3 Following a review of the proposed link road design, drawing number 205236-A-01, serious concern is raised regarding the reconfigured junction to the far west of the proposed link road which is shown as a staggered crossroads which replaces an existing roundabout. The

stagger distance between the junctions is shown as approximately 25m however, for a right/left turn stagger, with ghost islands the minimum stagger distance should be 50m.

3.4 Further issues are set out below:

- The right turning facility on the bend with a width of 10.3m has an approximate inside radius of 50m. The proposed design shows a right turning lane width of 3m and traffic lanes of 3.65m. Widening would need to be provided on a bend of this size in line with DMRB CD 123 Table 5.10. The masterplan shows a stationary 7.5t van positioned within the bay, but not performing a manoeuvre. The back end of the vehicle may overhang into the carriageway lane. Junction radii also looks tight for vehicles exiting, vehicles may overhang into the right turn lane.
- Forward visibility on the bend is shown at 60m based on the Kent Design Guide and a right turn facility with 10.3m width. This is under the parameters for a local distributor road. 60m would only be appropriate where vehicle speeds will be less than 30mph and this is not likely given the road width and alignment.
- The left in/right out industrial access looks very tight and slightly odd in appearance. It might help if the junction was perpendicular to the road. Forward visibility on the bend is shown at 60m based on Kent Design Guide and speeds are likely to be higher than the required 30mph.
- The inside bend on the link road where the left in/right out junction is located is approximately 40m. The lane width across this section is approximately 8.5m and would need increasing to meet standards set out within DMRB CD 123 Table 5.10.
- Roundabout exit arms look narrow, a wider width is needed in case of breakdowns.
- HGV's overrun lanes on the circulatory carriageway which would lead to collisions.

4 HGV access strategy

4.1 The HGV strategy, which aims to prevent large vehicles entering/exiting the site via Station Road to the east, comprises of some measures to restrict HGV movements at junctions, a HGV turning area located towards the eastern end of the link road, and a weight restriction between the turning area and Station Road. One key concern with the proposed strategy is the proximity of the turning area to the junction with Station Road which may encourage HGV drivers to ignore the weight restriction rather than perform a U-turn. This or an alternative facility should be provided further to the west to prevent likely abuse of the weight restriction. Further design issues are set out below:

- The centre line marking for right turn into the turning area and taper are not lined up properly.
- The pedestrian crossing is angled away from the natural pedestrian desire lines and should be perpendicular.
- Visibility is measured at 4m back from the give way marking rather than 4.5m. Also, the visibility has been measured from the centre of the junction, where in reality the visibility will more likely be required from the centre of the exit lane.
- The turning area itself is quite constrained which makes the vehicle manoeuvre look very difficult and tight, with the risk of vehicles tipping as swept paths look close to full lock.
- The exit radius out of the turning head looks tight with the articulated vehicle very tight against the kerb. At ghost island junctions where no diverge or merge tapers are provided

the corner radii should be 15 metres followed by a corner taper of 1:6 over a distance of 30 metres.

- The taper merge measures 30m which is 1:20/2 if designed along the centreline of the road for a 3m right turn lane width. The proposal provides a 3.5m lane width, so the taper needs to be slightly longer at 35m.

5 Parking

5.1 Parking provision should be provided in accordance with the Kent & Medway Vehicle parking standards which recommends a number of spaces per m² depending on the amount and type of employment use. The level of provision can be firmed up once reserved matters are proposed in respect of the outline element of the application.

5.2 The application seeks full permission for Units 6 and 7 which comprise of 6,689m² and 11,355m² flexible B1, B2, B8 uses. The proposed parking provision is based on a B8 use however should the units be used by the more intensive B1 or B2 uses then the car parking requirements will be higher. Therefore, whilst the car parking provision is acceptable for a typical B8 use of units 6 and 7 this should be conditioned so that alternative parking is made available should B1 or B2 uses come forward. I would also like the applicant to check whether this parking provision is sufficient/appropriate for the parcel delivery use.

5.3 Cycle parking for units 6 and 7 is required at 1 space per 200m² therefore a minimum of 33 spaces are need for Unit 6 and 57 for unit 7. These should be covered, secure and provided close to the entrance to the units.

6 Crash Analysis

6.1 Crash data has been provided for the 5-year period to 31.12.19 and incidents around junctions have been reviewed in the TA. An appraisal of the crash analysis work indicates that the assumptions reached are valid and no clusters are identified. However, the crash analysis should include the rest of the network in the scoping area.

7 Trip rates

7.1 Trip rates used for the TA purposes have been reviewed and found to be acceptable. The redevelopment of the site is expected to generate 544 vehicle trips in the AM peak and 590 in the PM peak (two-way).

7.2 As agreed by KCC and TMBC the residual impact of the development is to be assessed and therefore the traffic flows generated by the previous B2 use of the site are taken from those generated by the proposed use of the site in order to establish the residual impact. The net increase in traffic flows is therefore 346 two-way traffic movements in the AM peak and 326 in the PM peak when compared to the extant use.

7.3 A multi modal trip generation forecast for staff is included at para. 5.38 and further detail is required of how this has been derived.

8 Traffic Distribution

8.1 The redistribution of traffic arising from the opening of the Bellingham Way link road has been estimated using the KCC VISUM model. The proposed development distribution to the external highway network is included within the Do Something VISUM output flows.

8.2 It is not clear what methodology the proposed development distribution along the new link road was based on, and no flow diagrams are provided to illustrate the flows used for the

assessment. Although there is a level of confidence that the proposed roundabouts work well within capacity further details are required.

- 8.3 Extant use distribution is undertaken manually based on Nomis data. It is not clear within the TA which Super Output Area was used for this distribution. Further information is required. An initial review of the flow diagram provided indicates that there is a higher percentage of traffic going north on the A228, while a considerably small percentage head west on the M20. A check based on two different super output areas of Nomis implied a more equal split between the two destinations. More details of the distribution exercise needs to be provided as it affects a number of junctions, and most importantly the assessment of the A228/Malling Road/Hays Road roundabout.

9 Growth

- 9.1 Growth has not been considered when not incorporated within the VISUM model output figures. The applicant has used 2016 observed flows without committed development in junction assessments and not the model output flows for the Running Horse Roundabout and Papyrus Way/New Hythe Lane. For new site access junctions, the model output files indicate 2020 flows are used. The TA argues that no growth has taken place since then, based on historical data, and thus there is no need for growth to be applied. This approach is not accepted as the final year of assessment is 2031, and there is a significant quantum of development planned in this area up to that time. I would refer to KCC's response to this point when it was presented in the Scoping Note:

The trend in traffic flows presented in the Scoping Note at Table 2.4 may reflect the effects of ongoing construction and traffic management in this area over the last few years which include the construction of Smart Motorways, Operation Stack and Operation Brock. These have all had a significant impact on the traffic using Kent's roads. I would recommend the use of Tempro to growth up traffic flows for future year assessment where flows derived from the 2031 VISUM model scenarios are not available.

10 Methodology for junction assessments Modelling scenarios and traffic flows

- 10.1 The Visum **Do Minimum** model includes traffic growthed to 2031 with committed development.
- 10.2 The Visum **Do Something** model includes traffic growthed to 2031 with committed development and the Local Plan development strategy.
- 10.3 The applicant is using the 2031 Do Minimum Visum model + the previous use of the site and comparing against the same scenario with the redevelopment proposal and the Bellingham Way Link Road to assess which junctions should be assessed. The scoping report for the development included a list of 27 junctions requiring assessment. Assessments have been completed for those junctions, from the list of 27, which showed an overall increase of more than 80 vehicles and a 3% increase in total flows through the junction as shown in Table 6.2 : 'Traffic Impact' in the TA. This threshold was not agreed with KCC during pre-app discussions. I would refer to KCC's response to the Scoping Note:

It is agreed that junctions need not be modelled if they are expected to see reduced traffic flows following the opening of Bellingham Way and including the development traffic, however the change to the flows should be provided for clarity. Where an increase in traffic is expected the impact should be assessed.

- 10.4 Table 6.2 'Traffic impact' is copied below for ease of reference. The junctions with orange text are those where capacity assessments have been completed. Capacity assessments

have not been completed for the junctions with blue or green text with the exception of junctions 24 and 25 which are M20 junctions 4 and 5:

Table 6.2: Traffic Impact

Link	AM				PM Peak			
	Do Min + Previous use	Do Something	Change	Impact	Do Min + Previous Use	Do Something	Change	Impact
1. Bellingham Way/New Hythe Lane/Leybourne Way	2038	2371	333	16.3%	2463	2224	-239	-9.7%
2. New Hythe Lane/Papyrus Way	513	596	83	16.2%	658	803	145	22.0%
3. Leybourne Way/Tesco access_IN	1679	1614	-65	-3.8%	1827	1421	-406	-22.2%
4. Leybourne Way/ Tesco egress_OUT	1658	1494	-164	-9.9%	1794	1372	-422	-23.5%
5. Leybourne Way/ Gighill Road	1928	1757	-171	-8.9%	2130	1706	-424	-19.9%
6. Leybourne Way/ Lunford Lane	2020	1862	-158	-7.8%	2337	1898	-439	-18.8%
7. A228 / Leybourne Way	4034	3999	-35	-0.9%	4950	4582	-368	-7.4%
8. A228 /Malling Road/Hays Road	3034	3163	129	4.3%	3818	3816	-2	-0.1%
9. A228 /Peters Bridge	2906	2659	-247	-8.5%	3031	2927	-104	-3.4%
10. A228/Bull Road	3597	3565	-32	-0.9%	4066	4065	-1	-0.0%
11. A228/Ashton Way	4253	4254	1	0.0%	4731	4739	8	0.2%
12. A20/Ashton Way/Castle Way	2628	2625	-3	-0.1%	2776	2803	27	1.0%
13. A20/Winterfield Lane/Lunford Lane	2315	2305	-10	-0.4%	2630	2625	-5	-0.2%
14. A20/New Road, East Malling	2299	2281	-18	-0.8%	2382	2443	61	2.6%
15. A20/New Hythe Lane	2857	2382	-475	-16.6%	3038	2887	-151	-5.0%
16. A20/New Road/Station Road, Ditton	2282	1778	-504	-22.1%	2378	2070	-308	-12.9%
17. A20/Mills Road/Hall Road	3006	3056	50	1.7%	3576	3630	54	1.5%
18. A20/Coldharbour Roundabout	4933	4960	28	0.6%	5025	5075	50	1.0%
19. A20/St Laurence Avenue	3254	3258	4	0.1%	3453	3465	12	0.4%
20. Station Road/ Hall Road	1406	1972	566	40.3%	1084	1850	766	70.7%
21. Bellingham Way/ Station Road	915	2127	1212	132.5%	731	1733	1002	137.1%
22. Forstal Road, High Street, Aylesford	608	468	-140	-23.0%	679	738	59	8.7%
23. A229/Forstal Road/Sandling Lane (Running Horse Roundabout)	4494	4618	123	2.7%	3477	3791	314	9.0%
24. M20 Junctions 4	5615	5444	-172	-3.1%	6236	5835	-401	-6.4%
25. M20 Junction 5	4263	4163	-100	-2.3%	4016	3962	-54	-1.3%
26. Level crossings at Mill Hill	266	218	-48	-18.0%	375	267	-108	-28.8%
27. Level crossings at Station Road	1260	1502	242	19.2%	965	1420	455	47.2%

10.5 The 27 junctions have been checked against the criteria of 80 vehicles and 3% increase as suggested by the applicant (although not agreed with KCC Highways), not only as a whole but at arm operation level as well.

10.6 Based on the TA assessment, junctions 3-7, 9-19, 22 and 26 have not been modelled. Nevertheless, an interrogation of the turning movements revealed that junctions 3, 7, 9, 12, 14, 17, 18 and 22 experience a disproportionate change in flows on various arms with

changes in turning movements that imply significant increases on certain arms. Assessment of these junction is required.

- 10.7 For those junctions included, junction capacity assessments are provided comparing the 2031 Do Minimum Visum model + the previous use + Whitepost Field with the same scenario without the previous use and with the redevelopment proposal and Bellingham Way link road.
- 10.8 It is not clear why the scenarios including Whitepost Field as committed development is not used for both the selection of junctions to assess and the comparison of capacity assessments, given that this is a committed development.
- 10.9 KCC requested an additional scenario to model the impact of the development including only 175 dwellings at Whitepost Field and no Whitepost Field Relief Road. Traffic flow diagrams are required to show the proposed development generated traffic on the highway network in each peak hour in order to assess whether this scenario is required.
- 10.10 Limited traffic flows diagrams are provided at Appendix H, but additional diagrams are needed to show each of the data sets and the committed development traffic, the previous use flows and proposed use flows provided separately.
- 10.11 Also required are the "Do Something + Whitepost Field dev" flows on which the junction assessments are based. A check of the flow input of the assessment models indicated that no additional flows due to committed development were included for the assessed junctions. Respective flow diagrams are required for clarification.
- 10.12 Flow diagrams provided at Appendix H for the 2031 Do Minimum scenario + committed development do not tally with the flows in the A20 Corridor Junction assessments – do Something Reg 19 Scenario. This needs to be revisited.

11 Model Results

- 11.1 Before discussing each junction in turn there are some general comments which apply to the assessments as a whole:
- 11.2 The assessments typically use a flat demand profile for future year scenarios which are not mentioned or discussed within the TA. The use of this demand profile needs to be fully justified where used. Where no justification is provided revised assessments using the standard one-hour profile are needed.
- 11.3 A number of junctions do not include baseline models to allow sense checking of the models against observed traffic conditions. Forecast models for the Do Minimum scenario are also required at all junctions to demonstrate how the network would operate without the development and proposed link road and provide a relative comparison of impact.
- 11.4 Final judgement of the assessments will be reserved until the extant use distribution and the justification of the demand profiles used have been approved.

12 Junction Assessments

12.1 Site Access junctions

The junctions of the Bellingham Way link road and the access to the industrial units have each been modelled assuming parcel delivery which is a higher trip generator than other employment/industrial uses in order to be robust.

All the junctions operate within capacity, although the year of assessment requires clarification as assessment output files indicate this to be 2020

12.2 New Hythe Rd/Bellingham Way/Leybourne Way (Jct 1)

The model assessment indicates that the junction is forecast to operate within capacity, however, as stated above this is based upon a flat demand profile. This should be fully justified or remodelled using the one-hour profile.

The roundabout will see a significant increase in traffic therefore a check should be made on geometric design to ensure it complies with DC116.

12.3 Papyrus Way/New Hythe Lane (Jct 2)

Detailed assessment of the junction has been undertaken on the basis of the 2016 baseline flows + development flows. The junction appears to perform well within capacity, however, no growth between 2016 and 2031 has been included and it is based upon a flat demand profile. This should be fully justified or remodelled using the one-hour profile.

12.4 A228/ Malling Road / Hays Road (Jct 8)

It is acknowledged that the Visum model was not very detailed at this area and adjustments to flows are accepted in principle. With respect to this junction in particular, further information/clarification with regards to the extant use distribution is required to verify omission of a PM peak model and conclusions drawn at this junction. Also, the junction is not included in any flow diagrams. Again, a flat demand profile has been used which should be justified or remodelled using the one-hour profile.

12.5 Station Road / Hall Road (Jct 20)

This junction is a known constraint as existing although the application assessment indicates that the junction is forecast to operate within capacity, however, this is based upon a flat demand profile. This should be fully justified or remodelled using the one-hour profile. This junction as existing is impacted by the level crossing to the north east of the junction. The current application will lead to a significant increase in traffic flows at this junction and therefore an assessment is required of the impact of the crossing on the operation of the junction.

12.6 Station Road / Bellingham Way Link Road (Jct 21)

The assessment indicates that the junction will operate over capacity in the AM and at capacity in the PM peak, however, this is based upon a flat demand profile. This should be fully justified or remodelled using the one-hour profile.

The 2031 Do Something + Committed Development scenario predicts an RFC (* see note 1) on Station Road (E) turning into the development access, of 1.11 in the AM peak. This would result in traffic queuing onto Station road and blocking ahead traffic. During the PM peak the same movement is predicted to have an RFC of 0.98.

This junction constitutes one of the two main entrances to the development and as such it should operate at an acceptable level of capacity. The conclusion reached that the junction does not require mitigation is not considered acceptable. The reference to the VISUM model catering for this level of demand is misleading as the level of coding within VISUM is crude and hence why local assessments are required.

*Note 1 The maximum ratio of flow to capacity (RFC), which measures the predicted flow of vehicles against the junction capacity based on the junction geometry. It is normally accepted that an RFC of 1.000 indicates that the junction is operating at maximum capacity. Due to the inherent day-to-day variability of traffic flows a RFC value of 0.85 is acceptable in operational terms for development impact assessments.

There is also a safety concern with regards to this non-typical junction arrangement in the context of intensified use.

It is noted that there are no turns to or from Station Road West in the do Something scenario, please clarify how these turning movements will be prevented.

There is predicted to be a significant increase in traffic along Station Road west and therefore a link capacity assessment is needed.

12.7 A229/Forstal Road/Sandling Lane (Running Horse Roundabout - Jct 23)

The assessment indicates that the junction will operate over capacity in the AM peak with development flows without any level of growth or committed development and assuming a flat demand profile. Further confirmation is required on the modelling approach. Also, a 2016 observed model output is required.

12.8 Level crossing (Jct 27)

The TA states that the queues forming at each cycle of the level crossing when closed (2min and 15 sec each time, 4 times during AM and 3 during PM), will have time to disperse until the next closing. This is not believed to be the case as Station Road constitutes a two-way single carriageway, the free flow theoretical capacity of which is expected to be around 1600. The Do Something 2-way flows are 1502 and 1420 in AM and PM respectively. In particular the AM is very close to theoretical capacity and taking into consideration the overall 9 minutes of lost time, it can be assumed that queuing will go beyond the one hour of peak time. It is also recommended that Network Rail are consulted in operation safety terms of the level crossing. The applicant is proposing to mitigate this impact with the provision of a bus service between the site and Maidstone centre with half-hourly frequency. This may assist however, further measures are required to ensure that the impact of the additional traffic does not have a detrimental impact on safety and capacity along Station Road in Aylesford village and resulting in blocking back and significant queueing along Station Road each side of the level crossing.

13 Mitigation

13.1 The application includes the opening of the Bellingham Way link road which provides an alternative route to the A20 and a package of measures to improve accessibility for pedestrians, cyclists, public transport users is proposed and should be enhanced as outlined above.

13.2 Additional mitigating measures will be required where there is a significant impact on the capacity of the highway network. Whilst additional information and clarification is required as outlined in the review above, the results provided so far clearly show that the junctions of Station Road/Bellingham Way link, A229/Forstal Road/Sandling Lane (Running Horse Roundabout) and Station Road/ Hall Road including the level crossing will require mitigating measures. Other junctions as identified above require capacity assessments in order to conclude whether further mitigation is needed.

14 Travel Plan

14.1 In accordance with the aims and objectives of the National Planning Policy Framework (paragraph 111), all developments which generate significant amounts of transport movement are required to provide a travel plan.

14.2 A Framework Travel Plan and Mobility Strategy has been submitted to provide an ongoing basis for encouraging sustainable travel patterns and reducing vehicle trips. The potential measures and initiatives put forward in the Travel Plan include the provision of employee

travel information packs, active travel corridors, contribution to bus improvements, car club, car pooling, electric charging points, car parking management, bike hire scheme, cycle parking, showers and lockers, bicycle purchase discounts, promotion of car sharing, notice boards and the distribution of newsletters. Implementation will be overseen by a Travel Plan Co-ordinator.

- 14.3 It is recommended that the proposed shared footway/ cycling provision is upgraded to a separate footway and cycle track where possible. Also, I note that a contribution is proposed for an extension of local bus services to provide an hourly service to Maidstone Centre. Although details are to be agreed with Arriva and KCC Public Transport team, a half hourly service through the site is needed as outlined in the Transport Assessment.
- 14.4 The Travel Plan targets should seek to achieve at least a 10% reduction in single occupancy car trips by achieving mode share increases in travel by walking, cycling, bus, rail and car sharing. The Travel Plan is to be reviewed and monitored.
- 14.5 Following written approval of the Travel Plan by KCC the Travel Plan should be registered with KCC Jambusters website (www.jambusterstpms.co.uk). The applicant shall implement and monitor the approved travel plan, and for each subsequent occupation of the development thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.
- 14.6 Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the travel plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period. A fee of is required, prior to first occupation of the development, to fund KCC's Travel Plan Advisor to review monitoring reports and work with the Travel Plan Coordinators to achieve the objectives.

15 Conclusions

Additional information and clarification is required in order that I can fully assess the impact of this development proposal on the highway network. Once this information is received I can review and provide additional comments.

Should you wish to discuss or need clarification on this review of the Transport Assessment, please do get in touch.

Yours sincerely

Louise Rowlands
Principal Transport & Development Planner



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

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 5 March 2021

Application - TM/20/01820/OAEA
Location - Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW
Proposal - Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks

Dear Robin

Thank you for consulting me on the Transport Assessment Addendum (TAA) dated 3 February 2021.

I have reviewed the TAA and my comments are as follows:

1 Accessibility

The applicant has offered an impressive list of sustainable travel improvements. This will be of benefit for the users of the application site and also to other employment centres and residents throughout the area. These include the following:

- Drawing 205236D-C-01 Rev A2 and 205236D-C-02 Rev B shows improved, widened footways along the eastern side of Papyrus Way and extending along the southern side of New Hythe Lane towards New Hythe Station. A safety audit is needed.
- A footway link along the east side of Leybourne Way from New Hythe Lane to tie in with the existing footway is shown on drawing number 205236D-C-03 Rev A and this is as requested. A safety audit is needed.

- A walking and cycling route to Aylesford rail station is shown on drawing number 205236D-C-06 Rev A and including crossings for pedestrians on Bellingham Way and a puffin crossing on Station Road. The crossing on Bellingham Way should be suitable for cyclists use. The carriageway on Station Road should be a minimum width of 6.5m and therefore some highway verge could be used to increase the width of the footway/cycleway whilst maintaining a reasonable carriageway width. The drawing shows that Highways England land falls within the Station Road/Bellingham Way junction and along the northern side of Station Road. Engagement with Highways England to obtain acceptance of the changed layout or land acquisition should take place.
- A walking and cycle route along the Bellingham Way link road is included on drawing number AYL-BWB-GEN-IF-SK-C-0102 Rev P04.
- AYL-BWB-GEN-IF-SK-C-0101 Rev P03 shows the footway cycleway extending along the site access road and into College Road.
- A financial contribution of £250,000 for the upgrade of the existing public footpath along the south side of the River Medway between Mill Hall and Aylesford village has been offered and this is welcome and accepted.
- Enhancement to PRoW MR492, MR493 and MR91 are also agreed.
- A contribution of £30,000 has been offered for bus boarder kerbs and shelters at the Bricklayers Arms bus stop, it would be preferred if this could be provided by way of S278 Agreement.
- A contribution of £25,000 for pedestrian improvements along New Hythe Lane.
- S106 contribution of £3,500 to support the implementation of a TRO to address any parking issues that arise.
- Additional incentives to encourage sustainable travel are as follows:
 - Bike hire scheme comprising 36 bikes over 6 bike stations with maintenance and running costs for 5 years. The upfront cost is £180,945 and an additional £38,176 annually for 5 years for maintenance and other associated costs with running the scheme.

- Car club contribution of £50,000 to fund the provision of 1 car club vehicle at year 1 and 2 vehicles at years 2 and 3. All business provided with free car club membership for their employees and 1 year's free personal membership to all employees.
- Car Pooling contribution and provision of car share parking spaces.
- Charging points for electric vehicles at 10% across the site and 100% passive provision.
- Car Park Management Plan
- Cycle parking is proposed for 230 cycles with a commitment to provide additional spaces should they be required. The cycle parking provision is to be monitored annually through the Travel Plan.
- A contribution towards bus service enhancements is proposed based on an extension of a local bus service connecting the site with Maidstone on a half hourly frequency at a cost of £664,460. This is welcomed subject to it being a general contribution to public transport (likely to involve the extension / enhancement of existing routes). This will allow flexibility on its deployment depending both on the employee make up at the and the status of the commercial network at the time.
- The commitment to provide these contributions is welcomed and whilst S106 contributions are appropriate for the PRoW improvements, the bus contribution and some sustainable travel initiatives, the works within the highway should be completed via S278 Agreement. This would include footways/cycleways and bus stop improvements.

Note: All work within the highway requires a safety audit.

2 Vehicular Access Strategy

Drawings of the Bellingham Way link road have been updated to take into account the comments raised in the previous response by KCC Highways. I can confirm that a design in accordance with the Kent Design Guide, Local Distributor Road is acceptable. A Designer's Response to the safety audit is provided at Appendix C of the TAA. The comments can be addressed in the detailed design. A signing strategy will be provided to ensure HGVs are directed towards Bellingham Way and not towards Papyrus Way or Station Road. Consideration should be given to the mandatory use of the HGV route and speed trackers for all tenants of the development site. A signing strategy should also be a condition of any planning consent.

Third-party Traffic Regulation Orders (TROs) are required in order for the applicant to pursue a weight limit, parking controls in the HGV turning area, no right turn order from the HGV turning area and no entry on the exit only lane from the HGV turning area.

Where a stopping up order is needed for redundant sections of highway, this should be pursued by the applicant through the Town and Country Planning Act.

3 Parking

It is agreed that an appropriate condition can be provided to review the parking provision should units 6 and 7 be used for B1 or B2 use and not B8 use subject to the approval of TMBC.

Measures will be included in the travel plan to encourage car sharing and reduce single occupancy car trips.

The level of cycle spaces proposed is significantly less than that recommended in SPG4. The applicant indicates a commitment to increase cycle parking if needed and this will be a condition included in the Travel Plan through which this will be monitored.

4 Crashes

Additional information is provided and no particular problems are identified requiring action by the applicant.

5 Trip Rates

An explanation of the methodology used to calculate the modal trip generation for staff trips has been provided and the use of census travel to work data is agreed.

6 Traffic distribution

The traffic distribution queries previously raised are addressed.

7 Growth

Junctions have been assessed for the 2031 future year and so the concern previously raised is adequately addressed.

8 Impact

The TAA includes further analysis of the net impact of traffic at additional junctions as requested and including:

Bellingham Way/New Hythe Lane/Leybourne Way

Modelling indicates that the junction is within capacity in the Do Something 2031 scenario.

An additional safety review has been completed as requested and no road safety problems were identified. To address concerns regarding safety the applicant has produced an improvement scheme to provide additional white lining at the roundabout. This is shown on drawing number 205236D-A-07. The geometry of the improved roundabout has been checked against standards and found to be compliant. It is noted that the visibility on the approach to the roundabout on Bellingham Way is compliant with manual for streets for a 30mph speed limit. It would be helpful if measures could be provided on this approach to the roundabout to ensure speed are 30mph or less. A controlled crossing facility between Abery Drive and the

roundabout is recommended.

Papyrus Way/New Hythe Lane

The junction has been remodelled using a one-hour profile and including growth to 2031. No capacity issues have been identified.

Leybourne Way/Tesco access

The junction is expected to see a small increase in traffic flows during the AM peak. A capacity assessment has been completed and the junction has sufficient capacity to accommodate the additional vehicles in the AM peak period.

A20/Malling Road/Hays Road no significant impact

A228/Peters Bridge is expected to see a significant reduction in traffic flows in both peak periods and therefore a capacity assessment is not required.

A20/Ashton Way/Castle Way

This junction is expected to see a net reduction in traffic in the AM peak and a small increase in the PM peak (23 vehicles) This increase is not considered significant for a junction of this size and therefore additional modelling is not required.

Leybourne Way/Lunsford Lane

Table 9 Appendix G shows a significant net reduction in traffic flow at the junction so additional modelling is not required.

A20/New Road

Although there is expected to be an increase in traffic of 60 vehicles in the PM peak this junction is subject to improvement via S278 works associated with the Parkside development proposal at East Malling. The junction improvement was modelled with the Aylesford Newsprint development included and assuming the higher level of traffic generation used for the Local Plan assessment.

A20/Mills Road/Hall Road

Junction improvement schemes are programmed to commence summer 2021 with completion expected approximately 12 months later. The junction improvement has been modelled to include traffic generated from the redevelopment of the Aylesford Newsprint development. The redevelopment of Aylesford Newsprint is expected to generate an additional 50 traffic movements in the AM peak and 54 in the PM peak at this junction. A condition to restrict development prior to the completion of the works is not required as the opening of the Bellingham Way link will allow improved highway resilience, and this will outway the disbenefit of the additional traffic movements.

A20 Coldharbour Roundabout

The development is expected to generate an additional 28 traffic movements in the AM peak and 52 in the PM peak. Work on the improvement scheme is expected to start spring 2021. The improvements have been modelled to include the Aylesford Newsprint development. A condition to restrict development prior to the completion of the works is not required as the opening of the Bellingham Way link will allow improved highway resilience, and this will outway the disbenefit of the additional traffic movements.

A20/ St Laurence Avenue

The increase in traffic arising from the development is minimal; 4 traffic movements in the AM peak and 12 in the PM peak.

Station Road/ Hall Road the capacity assessment indicates the junction operates within capacity in the Do Something 2031 scenario

Station Road / Bellingham Way

An improvement scheme is required to mitigate the impact of the application traffic and a traffic signalised junction arrangement has been put forward as shown in principle on drawing numbers 205236/A/010 Rev B dated 16.7.20, AYL-BWB-HML-IF-DR-C-0103 Rev P3 and AYL-BWB-GEN-IF-SK-C-0121 Rev P1. The scheme offers improvements to capacity and includes signalised pedestrian crossings on Bellingham Way and Station Road adjacent to Aylesford Station access. The improvement scheme is forecast to operate within capacity in both peak periods.

Additional information is required with regard the proposed improvement scheme and this has already been fed to the applicant:

Modifications are required to the design to address comments from KCC ITS Engineer, a technical note relating to the proposed departures from standards and a stage 1 safety audit. Also, the TAA indicates that the junction includes land owned by Highways England and so the applicant is required to seek permission from Highways England to allow the improvements to be delivered.

Forstal Road/High Street, Aylesford

The application is expected to reduce traffic through the junction by 140 vehicles in the AM peak and increase by 59 in the PM peak. Following concerns regarding the capacity of the junction an assessment was completed and included in Technical Note 205236 'Highways England Response' . The junction is forecast to operate within capacity in 2031 in the Do something scenario.

A229/Forstal Road/Sandling Lane – Running Horse Roundabout

The TAA provides additional information and corrections to the capacity assessment for the Running Horse roundabout following concerns raised regarding capacity. Due to the extensive package of sustainable transport incentives proposed by the applicant KCC Highways have agreed that a sensitivity test allowing for a 10% reduction of development traffic flows. The applicant has also completed an additional sensitivity test allowing a 10% reduction in background traffic due to the modal shift expected resulting for the sustainable travel measures offered.

Table 3: Do Minimum 2031 Running Horse Roundabout Assessment

	AM Peak Hour			PM Peak Hour		
	RPC	Queue	Delay	RPC	Queue	Delay
A229 N	0.96	22.3	41.30	0.57	1.3	3.71
Sandling Lane	0.49	0.0	8.09	0.29	0.9	2.07
A229 S	0.92	10.3	39.08	0.48	0.9	3.98
Forstal Road	0.42	0.7	6.84	0.37	0.6	4.40
M20	0.56	1.3	3.98	0.51	1.0	3.97

Table 5: Do Something plus WPF 2031 Running Horse Roundabout – 10% Discount to Development Traffic

	AM Peak Hour			PM Peak Hour		
	RPC	Queue	Delay	RPC	Queue	Delay
A229 N	1.00	52.7	92.74	0.64	1.7	4.64
Sandling Lane	0.51	1.0	8.71	0.25	0.3	3.36
A229 S	0.98	17.1	64.65	0.53	1.1	4.74
Forstal Road	0.44	0.8	6.50	0.37	0.8	4.37
M20	0.57	1.3	4.06	0.65	1.7	5.40

It can be seen from Tables 3 and 5 taken from the TAA that the A229 north and A229 south arms of the junction are expected to operate over desirable capacity in 2031 in the Do Minimum scenario during the peak hours with an RFC of 0.96 and 0.92 respectively. In the Do Something scenario with 10 % reduction in development traffic as agreed with KCC, the A229 reaches an RFC of 1.0 in the AM peak with an additional 30 vehicles added to the queue and the A229 south has an RFC of 0.98 in the AM peak and 7 additional vehicles added to the queue. It should be noted that the Do Minimum flows do not include traffic associated with the extant use of the development site which can be used to offset the development traffic generation as agreed with TMBC. The difference between the Do Something and Do Minimum scenarios is therefore greater than it would be if this had been taken into consideration.

The additional sensitivity test completed by the applicant allows a 10% reduction to the background traffic as well as the development traffic. Although this scenario was not suggested by KCC Highways the results are of interest and indicate that the junction would operate within capacity with minimal queues and delays on all arms.

A20/Hermitage Lane

The junction was not included in the modelling set out in the TA and so Appendix L of the TAA includes a technical note relating specifically to this junction.

The junction of A20/Hermitage Lane will be effectively mitigated by the provision of the Whitepost Field link, a link road between Hermitage Lane and the Poppyfields Roundabout on the A20. The new link road will provide an additional alternative route to the M20 junction 5 and also towards Maidstone, hence relieving the A20/Hermitage Lane junction. The link road was

included in the Whitepost Field planning application TM/17/01595 for 840 homes. The application has received planning consent and therefore the scheme can be regarded as committed. However, the trigger for the completion of the link road is 175 homes or 5 years whichever is the sooner. KCC Highways have requested that an assessment be completed of the impact of the redevelopment of the Aylesford Newsprint site at the A20/Hermitage Lane junction prior to the completion of the link road.

The development traffic through the junction was not included in the Visum flow outputs and so it has been estimated using the flows to and from the next junction to the east Coldharbour Roundabout. A check on the traffic flows used suggests that they are higher than the Visum outputs. Flows have been taken from the Do Minimum scenario for the Coldharbour Roundabout and subtracted from the Do Something scenario to provide the development flows. I have checked the flows used against the Visum output data and also the distribution diagrams for both Coldharbour Roundabout and A20/Mills Road/Hall Road junction and I calculate a different resultant flow through the A20/Hermitage Lane junction which is significantly less than that shown at Appendix L. Also, it should be noted that there is a weight restriction along Hermitage Lane and therefore the HGV factor for development traffic could be removed from this arm.

The Background flows through the junction are taken from the 2019 Visum report prepared for evidence for the draft Local Plan and growthed to 2031. The do Minimum flows do not include traffic associated with the extant use of the development site which can be used to offset the development traffic generation as agreed with TMBC. The difference between the Do Something and Do Minimum scenarios is therefore greater than it would be if this had been taken into consideration, this is reflected in the capacity assessments which show the junction will be over capacity in the 2031 Do Minimum scenario and even more so in the Do Something scenario.

Tables are provided in Appendix L of the TAA but unfortunately the junction arms are not labelled. Looking at the proportions of traffic movements through the junction it is apparent that the junction arms are as follows:

A Preston Hall

B A20 east

C Hermitage Lane

D A20 west

The assessment provided in Appendix L shows that the Do Something scenarios do lead to additional queuing and delays which is minimal on some arms but quite significant on others.

An assessment which includes the traffic associated with the extant use of the Aylesford Newsprint site in the Do Minimum scenario and a review of the development trips through the junction has been recommended in order that a fair comparison of results can be made as this is likely to result in a reduced impact.

This request for additional information has already been fed to the applicant and addressed in Technical Note 205236 titled A20/Hermitage Lane Junction dated March 2021. The revised traffic flows are modelled with 175 homes from Whitepost Field and no link road for both the 2031 Do Minimum and Do Something scenarios. The results show an increase in queue lengths on some arms, but this is not considered to be severe.

JN 27 Level crossing

The level crossing already causes queues in each direction along Station Road. It is clear that the additional traffic generated by this application will worsen this situation, however this cannot reasonably be mitigated by this application.

Site Access junctions

All site access junctions operate within capacity in the 2031 scenario.

Station Road Link capacity assessment

The assessment has been provided which indicates spare capacity on Station Road

Larkfield Local Roads

A 20mph speed limit is being pursued for the local roads in the Larkfield area to enhance safety. Whilst the traffic distribution analysis indicates that the development traffic will mostly use the main distributor routes, such as Leybourne Way towards the A228 and onwards to the M20 Jn4, it is likely that some trips will take the routes through the existing residential areas in Larkfield, particularly when there are incidents or hold-ups along Leybourne Way. With this in mind it would be helpful if this development could support the scheme currently being developed and contribute to or implement measures to enhance the speed limits on the local roads in the Larkfield area in order to complement and enhance the speed limits.

9 Mitigation

The improvements to sustainable transport modes are welcome and will allow choice of travel for employees travelling to and from work, both existing premises and those proposed, and local residents. The opening of the Bellingham Way link road will provide an alternative route to the A20 to the benefit of highway resilience leading to a reduction in traffic movements on many links but an increase on others. Impact assessments have been completed for a number of junctions and the results indicate that for the majority, the application will not have any detrimental impact on capacity or safety. Mitigating measures are required for the junction of Station Road/Bellingham Way. The applicant has produced a drawing showing a proposal for traffic signals at the junction and pedestrian facilities on Station Road, near to the station, and on Bellingham Way. Further work is needed to show that such a scheme can be delivered safely.

10 Conclusions

The TAA has provided additional information which has clarified many points and addressed many concerns previously raised and this is greatly appreciated. There are however some areas where additional information is needed as set out above and included below:

- Station Road/Bellingham Way junction improvement scheme
- A controlled crossing facility on Bellingham Way between Abery Drive and the roundabout junction of Bellingham Way/New Hythe Lane/Leybourne Way is required.
- Measures to enhance the speed limits on local roads in the Larkfield area to complement and enhance the speed limits.
- Safety audits for all works within the highway.

Once this information is available and reviewed I shall be able to provide further comments. Should the Local Planning Authority wish to determine the application in the meantime, please contact me for a list of conditions.

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

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

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

Yours sincerely

Louise Rowlands
Principal Transport & Development Planner

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Annex 3: Representations made by Kent Downs Area of Outstanding Beauty Unit.

Robin Gilbert
Tonbridge & Malling Borough Council

Sent by email to:
planning.applications@tmbc.gov.uk

28 September 2020

Dear Robin

Application TM/20/01820/OAEA : Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW

Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks

Thank you for your consultation on the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out at Appendix 1 below.

The application site lies in the setting of the Kent Downs AONB, by virtue of its proximity to the AONB (approximately 2.5 km away) and the fact that the site is highly visible in views from the Kent Downs escarpment. The application should therefore be tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the AONB, in line with paragraph 172 of the NPPF and policy CP7 of Tonbridge's adopted Core Strategy.

The primary legislation relating to AONBs, which underpins national planning policy, is set out in the Countryside and Rights of Way Act 2000. Section 85 of this Act requires that in exercising any functions in relation to land in an AONB, relevant authorities, which includes local authorities, shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. This is known as the 'Duty of Regard'.

Enhancing landscapes and life in the Kent Downs

The Kent Downs AONB Joint Advisory Committee (JAC) promotes and co-ordinates the conservation and enhancement of the Kent Downs AONB. Funding is provided by DEFRA, Kent County Council and the local authorities of Ashford, Bromley, Canterbury, Dover, Gravesham, Medway, Maidstone, Sevenoaks, Shepway, Swale and Tonbridge & Malling. Other organisations represented on the JAC include Natural England, the Environment Agency, Country Land and Business Association, National Farmers Union, Kent Association of Parish Councils and Action with Communities in Rural Kent.



Kent Downs AONB Unit
West Barn
Penstock Hall Farm
Canterbury Road
East Brabourne
Ashford, Kent TN25 5LL
Tel: 01303 815170
Fax: 01303 815179
mail@kentdowns.org.uk
www.kentdowns.org.uk

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley



Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must "formulate the policies for the management of the AONB and for carrying out their functions in relation to it". The Kent Downs AONB Unit produces a Management Plan on behalf of the local authorities within the AONB. The Management Plan has been formally adopted by the local authorities in Kent in which the AONB occurs, including Tonbridge & Malling Borough Council. The national Planning Policy Guidance revised last year, confirms that Management Plans can be a material consideration in planning decisions.

The Kent Downs AONB Management Plan, Second Revision 2014-2019 can be downloaded at:

<https://s3-eu-west-1.amazonaws.com/explore-kent-bucket/uploads/sites/7/2018/04/18113849/KDAONB-Management-Plan.pdf>

The setting of the AONB from the North Downs escarpment has enormous value. It was a principle reason why the AONB was designated in this area. The importance of the setting of the AONB is recognised in the Kent Downs AONB Management Plan 2014 to 2019. The Management Plan advises that the weight to be afforded to setting issues will depend on the significance of the impact with matters such as the size of the proposals, their distance and incompatibility with their surroundings likely to affect impact. Policy SD8 of the Management Plan states that:

'Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and utilities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated'.

Further guidance on Setting is also provided in the Kent Downs AONB Units adopted [Position Statement on Setting](#).

The nPPG as amended last year, now also provides additional guidance on development affecting the setting of AONBs. This confirms that land within the setting of AONBs often makes an important contribution to maintaining their natural beauty and that poorly located or designed development can do significant harm, stating that :

'This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.'

The importance of setting has also been supported by the Planning Inspectorate in several recent dismissed appeal decisions. These include a proposed housing development at Harrietsham and commercial developments at Waterside Park, adjacent to Junction 8 of the M20 near Maidstone. In respect of the appeal at Harrietsham, the Inspector concluded that *"the unacceptable effects of the proposal on the landscape character of the area, including its SLA categorisation and its position at the edge of the AONB significantly and demonstrably outweigh the benefits that would arise from the proposal"*. (APP/U2235/W/15/3119223).

Enhancing landscapes and life in the Kent Downs

The Kent Downs AONB Joint Advisory Committee (JAC) promotes and co-ordinates the conservation and enhancement of the Kent Downs AONB. Funding is provided by DEFRA, Kent County Council and the local authorities of Ashford, Bromley, Canterbury, Dover, Gravesham, Medway, Maidstone, Sevenoaks, Shepway, Swale and Tonbridge & Malling. Other organisations represented on the JAC include Natural England, the Environment Agency, Country Land and Business Association, National Farmers Union, Kent Association of Parish Councils and Action with Communities in Rural Kent.

In respect of the Waterside Park appeals it was concluded that "considerable environmental harm would result from the loss of this area of countryside to development through the combined impact on the landscape setting of the AONB and the heritage assets. The developments would fail to protect the setting of the AONB and therefore also conflict with the aims of Section 85 of the Countryside and Rights of Way Act 2000". (APP/U2235/A/14/2224036 & APP/U2235/A/14/2229271).

Protection of the setting of the AONB was also a fundamental reason behind the Secretary of State's decision to uphold the dismissed appeal for the Kent International Gateway Road/Rail Freight Interchange adjacent to the M20 at Bearsted where it was concluded that "A number of factors weigh against the proposal, including the loss of a large area of open countryside, substantial harm to the setting of the Kent Downs AONB..." (APP/U2235/A/09/2096565)

Tonbridge's emerging Local Plan also recognises the importance of setting to the AONB, with Policy LP12 advising that development within both the AONBs and their settings will be permitted provided that: a. the location, form, scale, materials and design would conserve or enhance the character of the landscape; and b. the development would conserve or enhance the special qualities, distinctive character and tranquility of the AONB; and c. the development has regard to the relevant AONB Management Plan and any associated guidance.

Impacts on the Kent Downs AONB

When the site was operating as Aylesford Newsprint, it comprised large blocks of industrial buildings along with tall chimneys which, coloured pale grey, formed prominent features in the landscape including in views from the AONB to the north-east, that detracted from the AONB. The site in its current form also detracts in views out from the AONB. The closure of Aylesford Newsprint provides a welcome opportunity for the redevelopment of the site and for enhancement of the setting to the Kent Downs AONB.

The current proposal however would lead to a significant deterioration of impacts on the Kent Downs AONB from both the existing derelict nature of the site and that which previously existed when the site was occupied by Aylesford Newsprint. This is due to the scale of the proposed redevelopment and in particular the mass and height of proposed Units 1 and 2 which are significantly larger than both previous buildings that existed on the site and any of the existing surrounding industrial buildings. The scale of the buildings is such that they would appear huge, monolithic structures in views from the AONB that would result in a significant deterioration in the view and due to their scale, the impact of which is not capable of being mitigated.

As such, we strongly disagree with the findings of the LVIA submitted as part of the application. In respect of the visual effects assessment from viewpoint 1, as reported in the Table of Visual Effects at Appendix 7.6, which is taken from Blue Bell Hill picnic spot, we agree that the sensitivity of the Viewpoint is High. A minor adverse effect is predicted during construction, with a neutral effect on completion and an overall Neutral Residual effect. The accompanying commentary advises that :

Once the buildings are completed, the large-scale warehouses (Units 1 and 2) will be visible, screening out Units 3-6. These buildings will not be overly dissimilar to the

Enhancing landscapes and life in the Kent Downs

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existing hardstanding remaining in the Site due to their grey colour and scale and will form a small scale element within the view. They will be seen in the context of the neighbouring similar scale buildings. The majority of tree planting around unit 7 in the south-east of the Site is to be retained, softening the impact of the proposed building. Due to the distance and the scale of the proposed buildings, the establishment of the vegetation in the Site will have little effect on views towards the main body of the Site. Views towards the south-eastern corner will be softened by the proposed planting within and along the edge of the Site.

As stated above, we strongly disagree that Units 1 and 2 would be of a similar scale to surrounding buildings, however agree that vegetation establishment will have little effect on views from the AONB.

The impacts on the AONB are then reported in Table 7.9 in the main body of Chapter 7 of the ES where it is concluded that with regards to the completed development, the indirect effects of introducing the new built form would have a Neutral effect. Despite the analysis that is set out in the Table of Visual Effects (Appendix 7.6), that *'the establishment of the vegetation in the Site will have little effect on views towards the main body of the Site'* the predicted Neutral Effect is justified on the basis that planting throughout the development would break up the built form and that the use of material to reflect those of adjacent buildings. The proposed layout however does not allow for any planting between the buildings and in case the scale of them is such that planting would have minimal screening effect. Furthermore, the use of a pale grey will increase the buildings prominence in views; darker colours would be more recessive. We also note that the detailed application for Units 6 and 7 proposes extensive use of white colour panels which again, will make the buildings much more apparent in the landscape (noting that Unit 6 would be screened in views from the AONB if Units 1 and 2 are constricted, however Unit 7 would be visible).

With regards to impacts on users of the North Downs Way and recreational users of the Bluebell Hill picnic spot in terms of views, as set out in Table 7.9 it is again concluded that there would be a Neutral effect. Again, it is stated that embedded mitigation would comprise planting throughout the development (despite this not being possible). It is also advised that recessive dull colors will be used, which again contradicts the stark white cladding that is proposed for Units 6 and 7 and the proposed use of grey cladding on the larger Units 1 and 2.

Pale colours are known to highlight buildings and make them seem larger than their actual size and hence more intrusive than what they might otherwise be. Cladding such a large structure in a pale white material will result in the building being very apparent in the landscape. The Kent Downs AONB Unit has recently produced a ['Guidance on the selection and use of colour in development'](#) document. The guidance identifies that colour plays a significant part in the creation of landscape character, local identity and natural beauty and contributes to the distinctive qualities of the Kent Downs AONB. In respect of the use of white, the document advises that 'Care must be taken when applying light colours to development to ensure that this does not produce a negative impact on views. Large expanse of light-coloured roofs for example can be very harmful to the sense of place and very distracting to the viewer' (paragraph 2.10).

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Taking the above into account, and the importance of setting to the Kent Downs, the AONB Unit strongly disagrees with the conclusions of the LVIA of the impacts of the proposals on the Kent Downs and it is considered that the proposal in its current form would fail to conserve the landscape and scenic beauty of the Kent Downs AONB and would therefore conflict with paragraph 172 of the NPPF. The proposal would also fail to comply with emerging Tonbridge & Malling Local Plan policy LB12. The proposal would also be in conflict with the Kent Downs AONB Management Plan, in particular policy SD8. **The Kent Downs AONB Unit therefore objects to the application.**

In order to comply with the requirement to both conserve and enhance the AONB, it is considered that both the scale and heights of the proposed buildings need to be reduced, if the large buildings were broken up into smaller blocks it would be possible for planting to be introduced between the buildings and structural landscaping should be provided along the eastern side of the site which would assist in filtering views of the redevelopment from the AONB. Breaking the large scale units up into smaller blocks, would enable space to be provided between buildings to allow for significant trees to be planted and mature. Such planting is considered essential to reduce the visual impact of buildings particularly when viewed from the higher ground of the AONB. Further consideration of more appropriate colours is also required.

I hope you find these comments useful. I would be happy to discuss further if this would be helpful.

Yours sincerely

A black rectangular redaction box covering the signature of Katie Miller.

Katie Miller
Planning Manager, Kent Downs AONB Unit

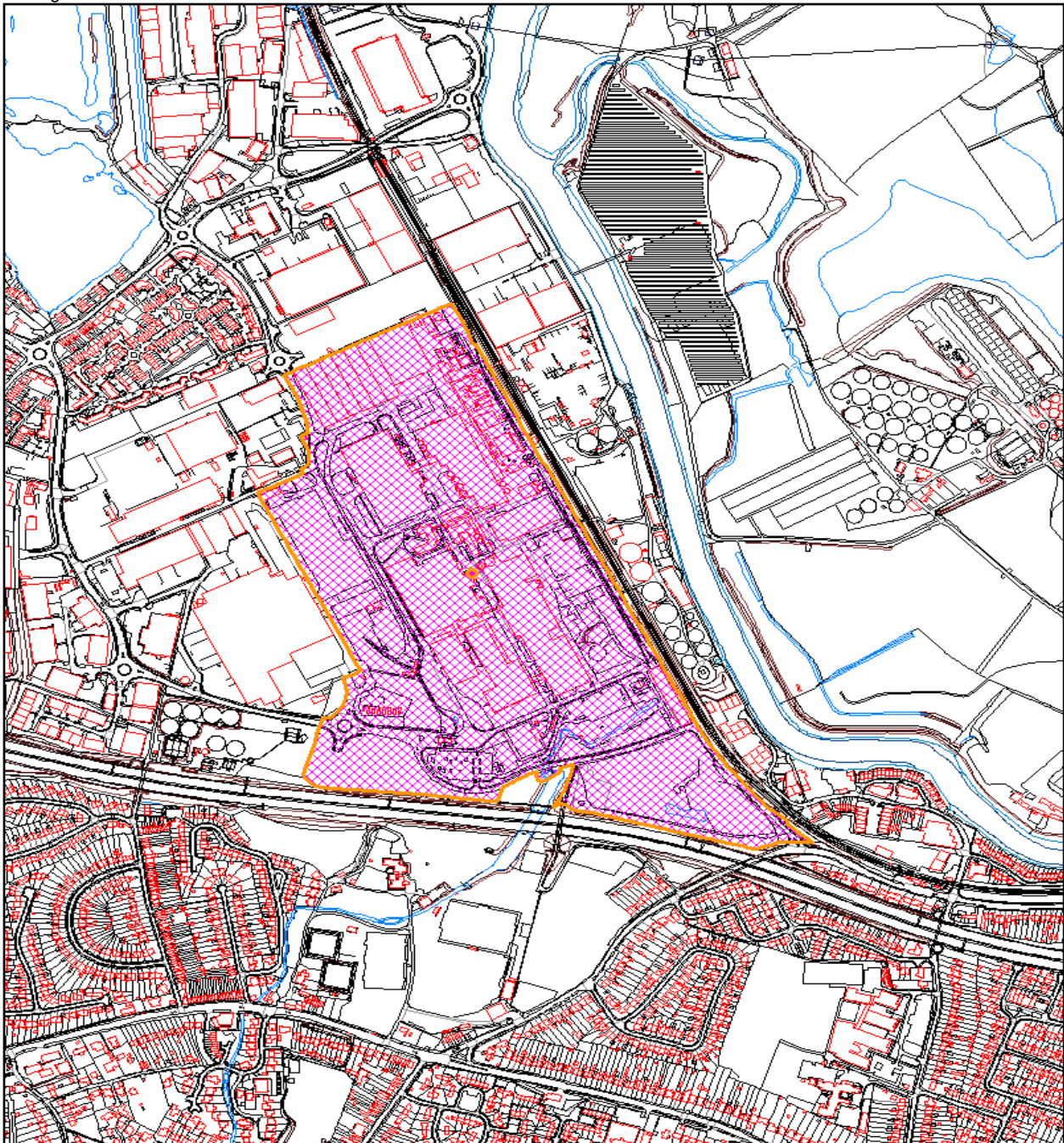
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TM/20/01820/OAEA

Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW

Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks

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Aylesford Aylesford South	12 June 2020	TM/20/01218/OA
Proposal:	Outline Application: all matters reserved except for access for the erection of up to 118 dwellings, together with associated works for access, open space, infrastructure, earthworks, surface water drainage systems and landscaping	
Location:	Land Adjacent Ditton Common North of Rede Wood Road Oakapple Lane Barming Kent	
Go to:	Recommendation	

1. Description:

- 1.1 Outline planning permission is sought for the development of up to 118 dwellings within this site. All matters are reserved for future consideration other than access to the site.
- 1.2 Whilst matters of layout, scale, appearance and landscaping are reserved for future consideration the applicant has submitted indicative drawings of how a development of up to 118 dwellings could be laid out. 40% of the proposed dwellings would be affordable. The site forms the north west corner (approx.5.72ha in size) of a much larger field. The rest of this field lies within Maidstone Borough Council's (MBCs) area. Access to the application site would be via this larger part of the field and would connect to the existing residential development at Brokewood Way, which connects to Fullingpits Road which itself is accessed from Hermitage Lane.
- 1.3 The proposed development, therefore, forms part of a larger development scheme by the applicant for which permission has now been granted by Maidstone Borough Council for a residential development on its part of the field (for 187 dwellings and associated open space and infrastructure (ref. 20/501773/FULL)).
- 1.4 The indicative layout shows the principal road accessing the development from the centre of the south east boundary of the site from the MBC part of the wider development which will run through the central core of the development. This would connect to a looped road layout, which is shown running broadly parallel to the perimeter of the site, which would be formed by green lanes and shared surface roads.
- 1.5 The layout plans also indicate that a mix of apartments, terraced, semi-detached and detached houses will be laid out mainly fronting onto the access roads in a typical suburban layout. The development would be set back from the periphery of the site behind substantial green buffers, the main one being located along the south eastern boundary of the site, separating the built form from that within the MBC portion of the wider field. A LEAP is proposed to the

north east corner of the site but would be connected to and accessed from the open space buffers surrounding the built development. The submitted parameters plan shows that the dwellings located at the western end of the site would be up to 2 storeys in height, the central core of the development up to 3 storeys in height with the remainder being up to 2.5 storeys.

- 1.6 In addition to the main access to the site being from within with the MBC area, a secondary access would also be provided, also within the MBC part of the wider site. This would enable access from Broomshaw Road (which also lies within Maidstone BCs area) to the south of the site.

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 has a wedged shaped area covering some 5.72ha of land. Its forms the north west part of a single field with the remaining (larger) part located in MBCs area. The borough boundary bisects the field in a north-east/south west direction although more than half of the site lies within MBCs area.
- 3.2 The field that the site forms part of lies directly west of the existing Taylor Wimpey development on the west side of Hermitage Lane, which is still under construction.
- 3.3 The wider field is bounded by woodland on the north side with the Gallagher's Quarry beyond to the north, and by tree and hedge lines on the east, south and west boundaries. The rear gardens of houses on Broomshaw Road and Rede Wood Road are to the south. There is an area of Ancient Woodland (AW) touching the northeast corner of the field; this adjoins the MBC part of the field.
- 3.4 PROW MR496 (Byway) runs along the eastern boundary of the site which continues north easterly to join onto Kiln Barn Road. This terminates at the south eastern corner of the site where it joins PROW MR108 (bridleway) that runs east into Oaken Woods (a separate Ancient Woodland) and beyond to Sweets Lane.
- 3.5 The site is allocated for housing under draft policy LP25 (Site f) for 118 houses in the emerging Tonbridge and Malling Local Plan.

4. Planning History (relevant):

TM/05/03189/FL Grant With Conditions 3 July 2006

Change of use of land to grazing in association with the erection of stables and formation of a menage

5. Consultees:

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

5.1.1 This development will increase traffic movements along the already heavily congested Hermitage Lane and the already over capacity A20. This additional traffic movement will primarily be at peak times, which is different to the current traffic movement at this site which is during the day and not at peak time. Therefore no further development, whatever the size, should take place along Hermitage Lane until 1) the works required to improve the capacity of the Coldharbour roundabout on the A20 have been completed; 2) the necessary improvements required to the A20/Hall Road/Mills Road junction have been completed, and as the current proposals are not guaranteed at present but if approved must be in place before this development is undertaken; 3) the further necessary local improvements required to the Hermitage Lane/A20 junction have been completed; and 4) the necessary and required improvements at the southern end of Hermitage Lane at and leading to the junction between Fountain Lane and the A26 Tonbridge Road have been completed rather than the shambolic improvements proposed with this development which the applicant accepts would still leave this junction over capacity.

5.1.2 This development will also make the already poor air quality in this area even worse including affecting quite significantly the existing Aylesford and Maidstone A20 AQMA's as more traffic from this development use the A20 and its access to the motorway.

5.1.3 This development also increases the already over congested highway network serving the Hospital which the current Pandemic crisis only goes to justify the need for quick and speedy access to these much-needed health facilities.

5.2 Teston PC: While COVID-19 has, for obvious reasons, curtailed traffic volumes over the past few months, in "normal" times traffic volumes can be very large and traffic flow highly disrupted along Hermitage Lane that provides access to Oakapple Lane. That is primarily due to the huge amount of development permitted by Maidstone Borough Council and Tonbridge & Malling Borough Council along that route.

5.2.1 Neither Borough Council appears to have thought through the traffic implications and KCC/Highways has not highlighted the issue, because they would appear usually to analyse on a site-by-site basis, rather than cumulatively. In essence, KCC/Highways seems to have absented itself from overall analysis of traffic flows in this part of Kent and abdicated responsibility

for adverse impacts, although, to be fair, some improvements are appearing, supported by VISUM modelling.

- 5.2.2 The traffic flows generated by up to 118 plus 187 new homes could amount to another 650 or more vehicle movements during each rush-hour, with consequential further adverse impact on traffic flow along Hermitage Lane. Teston residents, like many others, depend on Hermitage Lane as a key north-south route – this would be just another impediment to sustainable traffic flow along it.
- 5.2.3 Not all T&M Councillors may be aware of the situation along Hermitage Lane, but it is hoped that your Planning Officers are all fully aware. The current situation is not itself sustainable, let alone with another 300 plus homes as envisaged by the above applications.
- 5.2.4 As a very important detail, we would note that the site for 187 homes does not meet all of the criteria stipulated in Maidstone Borough Council's Local Plan Policy H1(4) Oakapple Lane, Barming. The second application, for 118 homes, is not in that Local Plan. Therefore the two applications that are being consulted on are not compatible with Maidstone Borough Council's adopted Local Plan. The third application above depends on permission for the site with 187 sites and therefore should not be permitted until that is approved and, as stated above, it fails to meet all stipulated criteria in Maidstone's adopted Local Plan.
- 5.2.5 To include either of these sites in any windfall allowance would stretch credibility.
- 5.2.6 We ask that, at last, Tonbridge & Malling declares that enough-is-enough development along Hermitage Lane and that you persuade Maidstone Borough Council of the same.
- 5.2.7 We ask you, please, to recommend to your Members that they draw the line and refuse the third of the above applications and recommend refusal to Maidstone Borough Council for the first two.
- 5.3 Wateringbury PC: We write supporting the objection of our neighbours Teston Parish Council to the outline application 20/01218/OA for 118 dwellings on land adjacent Ditton Common North of Rede Wood Road Oak Apple Lane Barming.
- 5.3.1 Whilst we appreciate that the development is outside our Parish we are deeply concerned about the excess amount of traffic the development would add to all the other proposed developments along Hermitage Lane to our already overloaded A26 Tonbridge Road.
- 5.3.2 We also refer to the Traffic and Highways Planning Statement Paragraph 3.9 that refers to a secondary access that provides vehicular access from the development site onto Broomshaw Road that would open up an access direct

from Hermitage Lane via Broomshaw Road into Rede Wood Road onto Heath Road, allowing traffic to travel either through Beverley Estate or North Road opposite the Barming Bull pub to gain access to the A26 Tonbridge Road.

- 5.3.3 We would also point out that the NPPF Paragraph 109 points out ‘Quote, that Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, unquote.’
- 5.3.4 We suggest that is exactly what would happen if this development went ahead and the secondary access was opened allowing a rat run from Hermitage Lane to the A26 taking into account the heavily inhabited areas that the traffic would pass through to reach the A26.
- 5.3.5 As you may be aware Wateringbury has one of the highest Pollution problems in the Tonbridge & Malling Borough and object to the possibility of having an increase of pollution forced onto our residents by a greater increase in traffic volume.
- 5.4 Highways England: Representations are reproduced in full in Annex 1
- 5.5 KCC (H&T): Representations are reproduced in Annex 2
- 5.6 KCC (Economic development): Representations are reproduced in Annex 3
- 5.7 KCC (Minerals and waste): The planning application site is coincident with a Mineral Safeguarding Area (MSA), the safeguarded mineral being The Sandgate Formation-Sandstone and the Kentish Ragstone (Hythe Formation) which occurs at depth below the Sandgate Formation. Therefore, the planning application would need to comply with Policy DM 7 Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) which seeks to safeguard economic minerals from being sterilised by surface development. The application includes a Mineral Assessment that addresses land-won mineral safeguarding. The report prepared by WYG for Taylor Wimpy concludes that the Sandgate Formation and the Kentish Ragstone (Hythe Formation) is of limited economic potential, given the lack of need for the Sandgate Formation materials and the extensive landbank of the underlying Kentish Ragstone (Hythe Formation) renders this material in this location potentially unviable due to a lack of need. On the evidence available at this time the County Council is satisfied on mineral safeguarding issues and wishes to raise no objection on this matter.
- 5.7.1 The application is also within 250m of the Hermitage Quarry, which is safeguarded under Policy CSM 5 Land-won Mineral Safeguarding of the KMWLP. Therefore, this planning application also needs to satisfy Policy DM 8 of the KMWLP which seeks to ensure minerals and waste infrastructure is safeguarded from other forms of development. When development is granted

planning permission in close proximity to minerals and waste development this can result in future occupants being subject to unacceptable adverse impacts (such as noise, dust and vibrations) which may legitimately arise from the operations at such facilities. This can, through Statutory Nuisance legislation, result in restrictions being placed on such facilities which can constrain their lawful operations.

- 5.7.2 An acoustic assessment has been submitted in support of this application which effectively concludes that such impacts would not be experienced to an unacceptable level by future occupants of the residential development proposed. It states:

6.1.6. Operational vibration and the effects of quarry blasting have also been assessed and any associated impacts deemed to be acceptable.

6.1.7. Mitigation measures with regards to glazing and ventilation for noise have been recommended. With the implementation of these recommendations it is considered that a suitable and commensurate level of protection against noise and vibration will be provided to the occupants of the proposed residential development.

- 5.7.3 The adjacent quarry consistently operates within what is considered to be an acceptable limit by the conditions placed on their planning permission and government guidance. The County Council does concur with the conclusions made in this assessment and would therefore wish to raise no objection to the proposals. However, this is done under the provision of it being noted here and in any relevant planning committee report, that there are already a high number of complaints received concerning vibration and air overpressure from blasting at the quarry, notwithstanding that the operational limits are well adhered to. A number of these complaints are received from residents living further away from the site than the proposed development. In light of this, it is anticipated that should planning permission be granted for the development before your Council, these complaints are very likely to continue and may increase in number. **The County Council as Mineral Planning Authority are powerless to act on such complaints all the time that the operator is not exceeding the limits imposed within their planning permission.** Therefore, such complaints would fall to Tonbridge and Malling Borough Council action as the local Environmental Health Authority. It is advised that the Brough Council takes this into account when determining the application.

- 5.8 KCC (SUDS): We have recently made comment upon the same application for Maidstone Borough Council (20/502412/OUT) and as such our comments shall mirror those given to MBC.

- 5.8.1 Having reviewed the information submitted we are satisfied that the proposed design at this stage will not increase the risk of flooding on or off site and would recommend the granting of approval for the application on a flood risk basis.
- 5.8.2 We note that the design submitted has utilised the FEH 1999 dataset and would advise that for the detailed design submission we will require this to be updated to the 2013 version.
- 5.8.3 The submitted design is based on a 5l/s assumed infiltration rate, we would emphasize that ground investigation will be required and a confirmed infiltration rate be submitted to support the use of infiltration as part of the detailed design. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.
- 5.8.4 Some of 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. As part of the ground investigation works referred to above it should be demonstrated that the position of soakaways are appropriate and do not increase potential instability risks associated with infiltration drainage into these deposits.
- 5.8.5 Given the site is located within Zone 3 Groundwater Source Protection Zone. We would recommend consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within the submission.
- 5.8.6 Should you as LPA be minded to grant planning permission we would recommend conditions be used [to ensure a suitable SUDS scheme is incorporated into the development and to ensure protection of the groundwater].
- 5.8.7 KCC (Archaeology): The site lies in an area of potential associated with Multi Period activity, especially Late Iron Age/Early Romano-British. In view of this potential, I recommend a condition is placed on any forthcoming consent for any potential archaeological remains to be evaluated].
- 5.9 KCC (Ecology): The submitted information has detailed the following have been recorded within the site:
- At least 7 species of foraging/commuting bats – particularly in the north of the site
 - Dormouse – within the northern boundary
 - 34 species of birds – with at least 25 species considered to be breeding
 - Presence of slow worm, common lizards and grass snakes

- 293 species of invertebrates

5.9.2 The detailed surveys were largely carried out in 2017 and therefore a lot of the data is now approximately 3 years old. We are satisfied that there has been no significant change in the habitats within the site since the original surveys were carried out in 2017. Therefore we are satisfied that the conclusions of the surveys are valid.

5.9.3 The submitted surveys have highlighted that the greatest ecological interest are the site boundaries and in particular the northern boundary. The submitted plans have confirmed that the site boundaries will be retained and not incorporated into the curtilage of the dwellings.

Ancient Woodland

5.9.4 There are areas of ancient woodland to the northeast and south west of the site but the proposed development is not within 15 meters of the ancient woodland so we accept that a specific ancient woodland buffer is not required within the site boundary.

5.9.5 However we would encourage additional planting to be located along the western boundary to try and reduce light spill from the proposed development into the area of ancient woodland.

Bats

5.9.6 Bats have been recorded foraging/commuting within the site particularly along the northern boundary – this is largely due to the adjacent area of ancient woodland and wide woodland belt to the north of the site.

5.9.7 The application is proposing to retain the site boundaries and therefore the greatest impact on bat usage of the site is the increase in lighting – particularly from any street or security lighting.

5.9.8 We highlight that additional scrub/hedgerow planting has not been proposed along the northern boundary and to try and reduce light spill into the north of the site we would encourage additional scrub planting along this boundary – as this is an outline application we would recommend that the reserved matters application demonstrate additional planting within the site boundaries.

5.9.9 We recommend that no or minimal street lighting is included but instead security lighting is installed on the houses – the security lighting installed to minimise light spill to the adjacent boundary. It's likely that even if street lighting is present residents will still install security lighting.

Dormouse

- 5.9.10 Dormouse have been recorded within the site and as the hedgerows will largely retained we are satisfied that suitable habitat will be retained on site and enhanced through the creation of the AW buffer area. We are satisfied that the proposed mitigation is appropriate.
- 5.9.11 We highlight that the comments we made about lighting in the bat section also applies to dormouse.

Breeding birds

- 5.9.12 The mitigation strategy states the following: Although the semi-improved grassland on-Site is regularly used by dogwalkers, so subject to a high level of disturbance and unlikely to be used by nesting birds, it does offer foraging opportunities. However the breeding bird survey states that a skylark territory was recorded within the grassland (although it was not included within the breeding bird plan) which suggests that the above statement is incorrect.
- 5.9.13 However we accept that the breeding bird survey did state that only 1 territory was recorded and due to the high recreational use of the site we accept that it's unlikely that significant numbers of skylarks will use the site. Therefore we agree with the conclusions that no specific skylark mitigation is required but the management of Mote Park for the reptile population is likely to increase foraging and nesting opportunities within the Maidstone area.
- 5.9.14 We are satisfied that the retention of the hedgerows and the proposed planting will retain suitable breeding bird habitat on site – however we highlight that there is risk that numbers will decline due to proposed development.
- 5.9.15 Therefore, as detailed above, we do encourage the increase in buffer planting along the norther boundary to further reduce disturbance to the habitats to the north of the site.
- 5.9.16 We highlight that the comments we made about lighting in the bat section also applies to breeding birds.

Hedgehogs/badger/invertebrates

- 5.9.17 The proposed development will result in the reduction of habitats for these species/species groups. The proposed development is proposing to retain suitable habitat for these species/species groups – particularly around the site boundaries and therefore we are satisfied that if these habitats are managed appropriately suitable habitat for these species and species groups can be retained.
- 5.9.18 With regard to hedgehogs there is a need to ensure that hedgehog highways are included within all fences within the site – we advise that this must be demonstrated within the reserved matters application.

- 5.9.19 We note that the management of the proposed off site reptile receptor area will provide benefit to these species/species groups within the Maidstone area.

Reptiles

- 5.9.20 Slow worms, common lizards and grass snake have been recorded within the wider site and it has been proposed to translocate the common lizards and slow worms to an offsite receptor site in Mote Park and the grass snakes to be retained on site. While we do prefer the reptile population to be retained on site or in the immediate area we accept that the proposed receptor site is acceptable for this application.
- 5.9.21 We advise that if the translocation is to commence significantly in advance of any construction works commencing there is a need to ensure that, following completion of the reptile mitigation, the site is regularly cut and the reptile fencing maintained. This is to ensure that that reptiles will not re-establish on site between translocation and construction commencing (if granted).
- 5.9.22 We highlight that we are not supportive of Mote Park being used regularly as an off site receptor site. We recommend that, following on from this and the adjacent development, no future developments propose to use it for a number of years until monitoring has been implemented and it understood what the population is. There is a need to ensure that carrying capacity of Mote Park is not exceeded for reptiles or it is used as the receptor site for all developments within the Maidstone.

Biodiversity mitigation and enhancement plan

- 5.9.23 A biodiversity mitigation and enhancement plan has been submitted and it provides details of the mitigation and enhancement features – this includes bat, bird and dormouse boxes. We note that other than confirming that hedgehog highways will be included within the gardens no enhancement features are to be included within the residential curtilage. We recommend that integrated bat and bird boxes are included within the dwellings – particularly those adjacent to the site boundaries/green space and recommend that this is demonstrated on the reserved matters application.
- 5.9.24 We advise that if planning permission is granted the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020 must be implemented as a condition of planning permission and details of the enhancements must be demonstrated on the detailed landscaping and site layout plans to be submitted as part of the reserved matters application.
- 5.10 KCC (PROW): This response is in regard to the majority of the development site which falls within the borough of Tonbridge and Malling, with means of access through adjacent land administered by Maidstone Borough Council. The PROW

and Access Service have provided comments regarding the means of access in the Borough of Maidstone in a separate response direct to MBC.

- 5.10.1 Attention is drawn to the existence of Public Byway MR496, which runs along the western boundary of the site. Public Footpath MR108 is a continuation of Public Footpath KM11 running along the southern boundary of the development site. The location of these routes can be found on the attached extract of the Network Map of Kent. The existence of these rights of way is a material consideration.
- 5.10.2 Concerns are raised with the impacts of the access route out of the site on the western boundary as shown on the Development Framework Plan – 4923608. KCC PROW require confirmation if this access in the northwest corner is for walking and cycling. We would draw attention to the visibility necessary for both users of the new access and Public Byway MR496 which carries vehicular rights. Appropriate infrastructure would need to be provided by the applicant, to safeguard the access point along with appropriate visibility splays, to assist all use from and to the development and along the Byway.
- 5.10.3 Public Footpath MR108 /KM11 runs along the southern boundary and again the Development Framework Plan 4923608 shows a new access point from the development in the southwestern corner onto the Public Right of Way at its junction with MR496.
- 5.10.4 KCC PROW require details of the access to ensure safety of all users at this point. The Development Framework Plan also shows this southwestern corner of the development as the location for a “potential foul pumping station”. We request details of this pumping station and its impact (both during construction and thereafter) on the quality of use of the PROW in the vicinity.
- 5.10.5 The applicant should be aware that the PROW network provides valuable opportunities for outdoor recreation and active travel. With this in mind, it is expected that use of the PROW network in the vicinity of this site will increase as a result of the new development. In anticipation of this increased use, a S106 financial contribution is requested to enhance the environment of Public Byway MR496 – localised surface improvements with full surface scrape and clearance. Our request would be for a total sum of £24,000 (calculated per dwelling). MR496 provides an important Active Travel link through the PROW network to East Malling Station and facilities; the network in this area is benefitting from central government Active Travel funding and these enhancements to MR496 would give this further reach.

Summary

- 5.10.6 On balance, we have no objection to the application, provided that our considerations are taken into account and the Public Rights of Way network is not obstructed by the development.

- 5.11 Natural England: No objection
- 5.12 Kent Wildlife Trust: Object to the application for the following (summarised) reasons:
- Development does not provide net gains in line with the NPPF or Environment Bill.
 - It is likely that this development will result in losses for biodiversity of 75%.
 - Does not provide ecological links between woodlands.
 - More green infrastructure and useable space should be provided.
 - Likely to be negative impacts upon Ancient Woodland and 15m buffer is not sufficient.
- 5.13 Woodland Trust: Raises objections for the following (summarised) reasons:
- Potential damage and deterioration of Fullingpits Ancient Woodland from direct and in-direct impacts. Buffer should be at least 30m.
 - Consider there are two Veteran Trees on site what may be affected and should have adequate buffers.
- 5.14 NHS (CCG): Summary: No objection subject to financial contribution of £101,952 to refurbish/enhance the existing facilities at Blackthorn Medical Centre, The Vine Medical Centre and College Practice.
- 5.15 Environment Agency: We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Non planning consents

- 5.15.1 Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.
- 5.16 TMBC (Environmental Protection):

Contamination:

- 5.16.1 The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. The identified potential sources of contamination are classed as low risk, however it is recommended that an intrusive investigation be undertaken to confirm this assessment. I agree

with the proposals and recommend the following conditions

Noise:

- 5.16.2 The Applicant has submitted a Noise and Vibration Assessment carried out by their Consultant, WSP (their ref 70068982-ACOUSTICS-R03, dated April 2020). The Assessment details measurements carried out of both noise and vibration associated with the nearby Hermitage Quarry. Noise from traffic on the highways has not been considered, as it was believed that this was not a significant contributor; I would agree with that assumption.
- 5.16.3 The measured noise levels have been compared with modelled noise using an appropriate noise program, taking inputs from plant/equipment locations and noise outputs. This showed a high degree of correlation, differing by only 1dB.
- 5.16.4 The noise levels have then been modelled across the proposed development to determine the likely noise levels to be experienced at the nearest noise sensitive receptors, namely those closest to the Quarry.
- 5.16.5 With some fairly standard attenuation measures (1.8m high acoustic fence & some enhanced trickle ventilators) appropriate noise levels are predicted both inside and outside the proposed dwellings. I would concur with these findings. It should also be noted that the proposed site benefits from an existing 4-6m high earth bund at the South of the Quarry.
- 5.16.6 Vibration measurements from blasting have been taken at two locations and found to be comfortably within the limits for the Quarry – measured levels of up to 0.6mm/s against a limit of 6mm/s.
- 5.16.7 Air overpressure has also been considered in the Assessment, but this can be difficult to predict. The Assessment expects air overpressure to be low, following a similar trend to vibration. I do have some concerns over this particular matter and am aware that Kent County Council receive a number of complaints about this (and vibration) from distances considerably further than the proposed site. However, I am unaware of how this can be attenuated, given that air overpressure does not respond to noise mitigation techniques in the same way as 'normal' sound.

Air Quality

- 5.16.8 With the bulk of the traffic either going North up hermitage lane and to the M20 or South and into Maidstone there is not much traffic predicted to go into Aylesford AQMA or Watlington AQMA. Along Hermitage Lane there are only a few houses on the lane opposite Hermitage Court but these are set back from the road and have shown low readings for consecutive years since they were put up. I don't predict this development will have significant air quality effects on the borough.

- 5.17 TMBC (Housing): Planning statement includes provision of 40% of total homes to be affordable housing, with a tenure split of 70/30 (70 rented and 30 intermediate tenure), in line CP17.
- 5.17.1 Housing Services need to be consulted on the proposed mix of the affordable housing when a breakdown is worked on at reserved matters stage, and provision of wheelchair accessible units needs to be included.
- 5.18 TMBC (Leisure): For housing of this size we would expect a LAP and a LEAP in the TMBC area and the same for the other area. I believe there is only the LEAP. Perhaps something like wooden play sculptures running through the middle green space could be added.
- 5.18.1 Further details on the LEAP equipment should be provided suggest targeted towards Toddler to Junior.
- 5.18.2 Based on the masterplan, I would suspect that natural green, amenity and play space (if above is included) is provided therefore Parks and Gardens and outdoor sport we would seek a contribution. As no defined house/unit size is given, a rough idea of finance is provided on the attached.
- 5.18.3 Future maintenance of open spaces would need to be confirmed (assume management company).
- 5.19 Southern Water (summarised): 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.
 - 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 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:

southernwater.co.uk/developing-building/connection-charging-arrangements

- Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.
- Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities in perpetuity.

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

5.20 Private reps (site and press notices only): 0S/0X/114R: The reasons for objecting are:

- Increased traffic and congestion.
- Local roads and junctions are at/beyond capacity.
- Secondary access route/roads are not suitable for the levels of traffic and will create a rat run.
- Broomshaw Road was only supposed to be for emergency access and its use does not comply with policy.
- Traffic will be dangerous.
- Traffic will affect access to Hospital.
- Journey times supporting case that Broomshaw Road will not be used as a rat run are inaccurate.
- Transport Assessment is not accurate.
- Junction improvements have not taken place.
- Fullingpits junction is not suitable.

- Public transport is poor.
- Poor cycle routes in the locality.
- Construction traffic will cause problems.
- Access to site is not wide enough.
- Increase in home delivery traffic since Covid has not been factored in.
- Lack of parking.
- Barming station should be upgraded.
- Pedestrian safety on rights of way.
- Footpaths should be widened.
- Should not be considered in isolation from the TMBC application.
- Loss of valuable open space that is used by local community for many years particularly during lockdown.
- Paths on the field have been used for over 20 years.
- Harm to wildlife/ecology/loss of habitat.
- Lack of green space proposed.
- Should be biodiversity net gain.
- Rare and endangered species on site.
- TMBC land should be safeguarded as a nature area.
- Will increase pollution from car fumes.
- Air quality standards exceeded.
- Lack of car charging.
- Dust pollution.
- Light pollution.
- Noise and dust from quarry.
- Noise from future residents/use.

- Quarry is dangerous.
- Harm to quality of life from construction.
- Loss of privacy and overlooking.
- Density is too high.
- Overdevelopment.
- Sink hole recently occurred on Broomshaw Road and in the local area.
- Ground is unstable.
- Contamination.
- Drainage.
- Flood risk.
- Lack of surveys in FRA.
- Cumulative impact of multiple developments.
- Local infrastructure cannot cope or be expanded.
- Houses are not needed.
- No community facilities proposed.

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, policy CP14 is 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 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.*

- 6.5 This policy seeks to limit development within the countryside including housing. As such the Borough Council has accepted on numerous occasions when dealing with other planning applications for residential developments within the countryside that this policy is out of date with the NPPF and can, therefore, be attributed only limited weight.
- 6.6 The application site lies within the area designated on the proposals map accompanying the current Development Plan as the Strategic Gap to which to policy CP5 of TMBCS applies. This policy 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.
- 6.7 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:

- 6.8 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”.
- 6.9 Given that the site lies within the countryside as designated – and notwithstanding my earlier comments concerning the application of policy CP14 of the TMBCS – an assessment of the development on this basis must take place.
- 6.10 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)

- 6.11 The site is immediately adjacent to the urban area of Maidstone. I consider that the development would provide a spatial expansion of this urban area. 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.
- 6.12 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:

- 6.13 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.
- 6.14 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.
- 6.15 The Landscape and Visual assessment comments on how the site relates to the wider locality. It considers it to be artificially separated by the borough, well enclosed by the woodland to the west, north and northeast and the large quarry to the north, and the built edge of Maidstone to the south and east. The built edge of Maidstone is dominant in views from the site. It further considers the site to be extremely well contained as a result of the strong woodland belt and woodland to the west and north, in combination with the built up areas to the south and east of the site. This means that views of the site are limited to the boundaries of the site with very few opportunities for middle or long distance views. There are no middle or long distance views of the site's groundplane.

- 6.16 The site is not the subject of any specific landscape designation. Its quality is the same as the larger part of the field that the site forms part of and which has now received a resolution from MBC to grant permission for a residential development of 187 dwellings upon it. I concur with the assessment of the applicant's landscape and visual assessment in terms of the nature of the site its landscape features and visibility from outside. It is an open, grassy field surrounded by mature hedgerows to the field boundaries. The built confines of Maidstone lie immediately to the east and south of the overall field. The site is of limited scenic quality and its most notable features are the hedgerow and trees that stand along the field's boundaries.
- 6.17 Currently, the site is not accessible to the public for any lawful recreational purpose and does not contain any public rights of way. Notwithstanding this it is understood to be used informally by local people for dog walking. However, PROWs are located close to the site and lead to Ditton to the North, Oaken Wood to the West and Maidstone to the East of the site. It is noted that Oaken Wood to the East of the site is an ancient woodland. However, the development does not extend into this protected area and indeed the site has a 15 m buffer in this area to protect the root systems and understorey of the ancient woodland.
- 6.18 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 any 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.
- 6.19 The site is visible to those residential properties located to the south that back onto it (Broomshaw and Rede Wood Roads, which lies within MBC's area). Residential properties located with the existing Taylor Wimpey development to the north west of the site do not have clear views into the site due to their location and orientation. Any views of the site from this development will also be seen in the context of or beyond the consented development (by MBC for a residential development of 187 dwellings on its part of the wider field). Consequently, whilst these neighbouring properties would be sensitive to the change in the landscape, given the context, the proposed development would be seen as a completion of the already consented development of the wider field that the site forms part of.
- 6.20 Views into the site from the PROWs around the site would be limited and filtered by the existing boundary treatments which are to be supplemented under the proposed development.

- 6.21 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. A green corridor is shown to be located along the boundary of the site with the MBC section of the field and link to green corridors or buffers around the north and eastern sides of the development (and which link with similar corridors within the MBC part of the field as well. It is clear the field as a whole has been planned as a single development notwithstanding the borough boundary bisecting the site. Breaking up the expanse of the proposed built areas and additional landscaping is proposed to take place, including appropriate tree planting as the development plans take shape at the next (Reserved Matters) stage.
- 6.22 As has been highlighted above, the site lies relatively close to existing residential properties (to the east and south) and access to the site will have to come via 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.
- 6.23 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 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.
- 6.24 The development will also generate traffic that will have to travel through Fullingpits Road (primary access) to access the site from Hermitage Lane. Whilst this new through traffic will create noise from vehicles driving through, the houses are set well back and the impacts would not cause such harm to residential amenity (and taking into to account the traffic from the development on the MBC part of the site) that would warrant a recommendation to refuse permission.

6.25 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:

6.26 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.

6.27 It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

6.28 Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

6.29 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

6.30 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.31 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.32 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.

- 6.33 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.
- 6.34 The applicant has provided a Transport Assessment (TA) and carried out recent traffic surveys on local roads and assessments of key local junctions that were agreed at the pre-application stage with KCC Highways. Whilst objectors have questioned the accuracy of the traffic surveys, KCC Highways have raised no issues with them. The TA assesses the cumulative traffic impact from the application site, the adjoining proposals for 187 houses in MBC, and other approved developments including others in northwest Maidstone and the 840 houses recently approved to the east of Hermitage Lane and south of the A20 (known as Whitepost Field) all with a forecast year of 2025. Again, this was agreed with KCC Highways.
- 6.35 The TA also takes into account proposed highway improvements to the north including junction capacity improvements on the A20/Coldharbour Lane roundabout and the provision of a new link road between Hermitage Lane and the A20 London Road at the Poppy Fields roundabout in association with the approved 'Whitepost Field' housing scheme.
- 6.36 Highways England have confirmed that the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and are therefore not expected to have a significant impact on the junction. They raise no objections and do not require any mitigation. KCC Highways have also advised that the improvements to the Coldharbour roundabout mean that signalisation of M20 J5 roundabout is not required.
- 6.37 Concerning the Fountain Lane/A26 junction, at the southern end of Hermitage Lane, this junction is forecasted to operate over capacity on 3 arms with background growth in traffic and traffic from the committed schemes in 2025, and the development would make this marginally worse. Therefore, the applicant has designed an improvement scheme that could be implemented and would mitigate the impact of the proposed development and reduce queuing on all but one arm of the junction in the peaks than is predicted in 2025. KCC Highways have advised that these proposals for the junction are consistent with

those put forward in support of a residential development at Fant Farm for 225 houses in MBC's area where it did not raise objections, and so follow an established precedent. They also consider the proposals would be safe following submission of a safety audit and raise the issue of some on-street parking potentially being lost. It is considered that this is an appropriate and proportionate response that demonstrates how the proposed development can be mitigated. I understand that least £328,000 of Section 106 money has already been secured from other approved developments within MBCs area for mitigation at this junction and further contributions could be secured from the Whitepost Field development for this junction as well.

6.38 However, with regard to this junction KCC Highways state that:

“the (Member led) working group concluded that a new roundabout layout would provide the most effective means of upgrading the junction to reduce congestion and accommodate planned growth. KCC Highways is moving forward with this scheme in seeking to secure the land and funding necessary for its implementation. It would therefore be more appropriate for the applicant to provide a financial contribution towards the County Council's roundabout scheme as the means of mitigating the impact of the proposed development.”

6.39 Such a scheme will cost significantly more than the improvement the applicant has shown and would require external funding in addition to Section 106 monies and/or CIL from development. It is the Highway Authority's decision whether to pursue a greater improvement at the junction and it would need to secure sufficient funding. However, the applicant's proposal is sufficient to mitigate the proposed development and KCC Highways are not raising objections on the basis of this smaller scheme but are obviously looking to pursue a wider improvement. A financial contribution to this more comprehensive scheme of mitigation would be via a s106 planning obligation.

6.40 Other junctions where KCC Highways consider mitigation is required include the A20 London Road/Mills Road/Hall Road Junction where they advise there is a planned junction upgrade scheduled to commence in Summer 2021 and be completed by Summer 2022 which will accommodate the development.

6.41 KCC also consider that the development should contribute monies towards an improvement scheme which has been designed at the A26 Watlington Crossroads just within T&MBC. As the proposed development will only put a maximum of 12 additional movements at this junction during the peak times, I do not consider this request is justified, reasonable or necessary.

6.42 The delivery of the planned highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The Borough Council as LPA can secure improvements via s106 planning obligations (financial contributions) or planning conditions, but it is the responsibility of the relevant

Highway Authority to implement highways works which they intend to do in the near future for some of the junctions. Therefore, the LPA cannot withhold planning permission because not all the highways works have been delivered.

- 6.43 KCC Highways consider that a condition should be attached to prevent any occupation of the development until junction improvements at Coldharbour roundabout, A20 London Road/Mills Road/Hall Road Junction and Fountain Lane/A26 have been implemented. As these improvements are a requirement based on the cumulative traffic from all the committed development sites and the 'Whitepost Field' development and not solely this development it is not considered reasonable to restrict this development. Such a condition would therefore not pass the tests for planning conditions. Furthermore, as has been noted earlier in this report, the planned improvements to these junctions by KCC are scheduled to commence later this year and be completed by the end of 2022. This is of course much sooner than the planned scenario for the assessment of the proposed development on highways impacts (2025). This assumes that all of the dwellings would be occupied by this point in time. Given normal lead in times and build out timescales and that this scheme is the final part of the applicant's wider development in this area, it is highly unlikely that any dwellings within this development would be occupied prior to the completion of the planned improvements to the Coldharbour roundabout and the junction of the London Road/Mills Road/Hall Road.
- 6.44 As stated above, the applicant will pay a s106 contribution which can be used towards priority junction improvements (Fountain Lane/Hermitage Lane junction). It is also inconsistent in that KCC Highways are not requesting the same for the Wateringbury crossroads where they are satisfied for the applicant just to make a financial contribution.
- 6.45 KCC also request a condition to prevent any occupation of the development until a link road between Hermitage Lane and the Poppy Fields Roundabout junction, which is part of the approved Whitepost Field development, has been implemented. This is on the basis that without it, KCC consider that the development will result in additional queuing at the A20 London Road/Hermitage Lane/Preston Hall junction that needs to be mitigated. The development will result in additional queuing here but as the KCC Highways advice states, this would have a marginal impact on queuing and delay. The queue on the eastern London Road (A20) arm is predicted to increase in queues by 2 vehicles, which is considered to be negligible. Also, only one arm (the eastern London Road arm) would be over theoretical capacity by 0.8% which is not considered to be a severe impact upon the whole junction or the wider network. On this basis it is not considered reasonable or necessary to require any mitigation at this junction or indeed require a link road connected with a separate development that the applicant has no control over, prior to any occupation. For these reasons it is not considered necessary or reasonable to require mitigation or a condition restricting occupation as suggested by KCC.

- 6.46 Highways England has not objected to the proposed development. This is because the trips generated by the development using Junction 5 during peak hours are predicted to be minimal and therefore are not expected to have a significant impact on the junction.
- 6.47 The proposals are designed to accommodate buses, so they enter the wider housing scheme to the northeast off Hermitage Lane, through the scheme currently under construction to the east and then loop around the site and exit the same way with a bus stop provided within the development. The applicant held discussions with 'Arriva' prior to submitting the application. It has been agreed between the applicant and Arriva that the number 8 service can be diverted into the site, but this would need to be subsidised for the first 3 years. It has been agreed with Arriva that an AM and PM peak hour service into the site is appropriate and the applicant would fund this for 3 years at a cost of £246,159 which will be secured under a legal agreement. This service will benefit the whole of the new development, not just that part within TMBC. It is likely that this contribution will be secured by MBC in the first instance. Of course, if that does not happen, it will need to be secured by TMBC instead via s106 planning obligation.
- 6.48 Improvements to cycle parking facilities at Barming Train Station have been agreed by the applicant and will be secured via section 106 monies to provide a new secure cycle hub with lighting and CCTV coverage which would cost £50,000. This will promote cycle use to the station. Like the bus diversion and contribution, this is also planned to be secured by MBC in the first instance as this improvement will serve the wider development as a whole. However as with the bus contribution, if this is not delivered by MBC a mechanism will need to be provided within a s106 planning obligation between the applicant and TMBC to secure this contribution as well.
- 6.49 KCC Highways have requested monies (but has not defined the amount) towards a proposed cycle route between Hermitage Lane and the London Road Park & Ride site, which they say has no funding to date. It is considered that this route, which is somewhat distant from the site, is unlikely to be used by future residents to cycle to the shops at Allington as suggested by KCC when other shops and 'local' supermarkets are much nearer to the site. On this basis it is not considered to be necessary or directly related to this development contrary to the CIL Regulations.
- 6.50 The applicant has provided a Framework Travel Plan for the development which seeks to encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle discounts, promotion of car sharing, and notice boards. Implementation will be overseen by a Travel Plan Co-ordinator with on-going monitoring. The indicative Travel Plan targets seek to achieve a 10% reduction in single occupancy car travel, and increases in cycling, car sharing, bus and rail use. Its

aims are proportionate for this development and its location. This can be secured by condition.

- 6.51 The development would provide access onto public byway MR496 which runs along the western boundary of the site. Whilst this is to be encouraged KCC (PROW) has expressed concerns about the potential for conflicts between pedestrians and cyclists from the development with motorised vehicles using the byway at the points the site would join on to the byway. However, details of the site accesses onto the byway would be designed into the detailed layout for the development as part of the planned opens space at the reserved matters stage. Such details can be required by a condition.
- 6.52 Overall, the transport impact of the development can be mitigated where necessary (the Fountain Lane junction) or is acceptable in terms of other junctions and traffic flow more generally. Public transport (bus services) will be provided into the site, which will be subsidised by the applicant for three years in addition to the provision of cycle storage facilities at Barming railway station. The site lends itself to being connected to the local footpath/cycle path networks. The development will therefore promote and enable travelling to and from the site by means other than the private motor car. Consequently, the development accords with policy SQ 8 of the MDE DPD as well as paragraphs 109-111 of the NPPF.

Ecology:

- 6.53 The applicant's survey highlights that the greatest ecological interest are the site boundaries and in particular the northern boundary which will be retained and not incorporated into the curtilage of the dwellings. In terms of protected species, slow worms, common lizards and grass snake have been recorded. KCC Ecology have raised no objections to the proposed translocation of the reptiles to Mote Park (which is where reptiles from the MBC part of the site are being translocated to). However, KCC advises that it would not be supportive of Mote Park being used for any further translocation beyond this site until further monitoring has been carried out to ensure the carrying capacity is not exceeded for reptiles.
- 6.54 Other protected species including foraging bats, dormice, badgers, hedgehogs and breeding birds are present mainly around the edges of the site. KCC Ecology advise generally that the retention of the hedgerows and the proposed planting around the edges of the site will be sufficient to provide suitable habitat, connectivity, and mitigation. Conditions are required to secure the mitigation measures, a site wide management plan, and bat sensitive lighting.
- 6.55 There would be an AW buffer increasing from 15m at its west edge to nearly 50m with this area fenced off and planted with native woodland and thicket planting to provide further protection to the AW.

- 6.56 The Kent Wildlife Trust have commented on the application and do not consider the development provides net gains in line with the NPPF or Environment Bill. The requirements of the Environmental Bill 2019 will seek a 10% biodiversity net gain, but this legislation has not yet come into effect. As such there is currently no requirement to quantify the amount of 'biodiversity gain'.
- 6.57 In terms of enhancements, the proposals would provide new native planting around the edges of the site which would also provide green corridors, wildflower meadow planting, permeability for hedgehogs around gardens, bird, bat, hedgehog and insect boxes, and habitat piles. This is considered a proportionate response based on the ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPF/NPPG.

Best and most versatile agricultural land:

- 6.58 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will be not be proposed in the LDF unless there is an overriding need, and
- (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or
- (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.
- 6.59 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.
- 6.60 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.
- 6.61 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 relatively small area (approx. 5.7ha) in size and forms part of a larger field which has recently been granted planning permission by MBC for a residential development of 187 dwellings. It is confined on three sides by an existing working quarry (to the north) and residential development to the east and south. 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 relatively small parcel of agricultural land, in the context of being part of a field that will be developed in the short term, would have little tangible impact on agricultural yield.

- 6.62 Of course, the cumulative impacts of the loss of such agricultural land need to be considered. Last year the much larger Whitepost Field site (c.34ha) at the top end of Hermitage Lane which is grade 2-3 was 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. More recently, Members of this committee resolved to grant permission in January for a development on land immediately to the east of the Whitepost Field site for a development of up to 106 dwellings. That site measured less than 4ha and would have resulted 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.
- 6.63 Whilst the additional development would result in a further loss of 5.7ha of good quality agricultural land, this parcel would become land locked as the adjacent permitted development (within the same field) was built out and highly unlikely to revert to being actively farmed. Additionally, the harm arising from this loss of agricultural land would be outweighed by the benefit of boosting housing supply by a significant amount (and which includes a 40% provision of affordable housing).

Minerals:

- 6.64 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. KCC concurs with this position. Accordingly, it is not considered that the development would fail to comply with policy OL7 of the KMWLP.

Potential land contamination:

- 6.65 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.
- 6.66 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.
- 6.67 In terms of land contamination, the submitted Geo-Environmental Report is considered to adequately review the history and environmental setting of the site. It identifies potential sources of contamination, which are classed as low risk. The Council's Contaminated Land Officer agrees with the conclusions of the assessment and recommend that conditions be used to address potential contamination within the site.

Noise/vibration/air over pressure:

- 6.68 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.
- 6.69 A Noise Assessment has been submitted in support of the application. The report details the measurement of the noise climate present at the site, compares this with appropriate standards, and offers advice on the attenuation measures that could be implemented to secure an acceptable environment.
- 6.70 It is considered that appropriate internal and external noise levels can be achieved for the proposed development by the use of standard attenuation measures such as acoustic fences and enhanced trickle ventilation. The specific need for such measures will be dependent on the eventual layout of the

development. However, it is clear that a residential scheme of the size proposed can be accommodated on this 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.

- 6.71 Being located close to the southern end of Gallagher's quarry, the site will be subject to vibration and over pressure when blasting occurs (which is permitted within the terms of its planning permissions). However, vibrations are well within the limits prescribed by the planning permissions and air over pressure is also expected to be of a low magnitude. Environmental protection has not objected to the proposed development.

Air quality:

- 6.72 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.
- 6.73 The site lies outside of any AQMAs with the nearest ones (within TMBC) being approx. 3km to the north, along the A20 corridor at the top of Hermitage Lane and the other at Watlington crossroads located approx. 4km away.
- 6.74 An air quality assessment has been submitted which concludes that the proposed development would not result in any exceedances of the relevant Air Quality Standards at any of the receptors assessed which include within the AQMA. The Environmental Health section has reviewed the assessment and raises no objections. An emissions mitigation calculation has been used to quantify potential emissions from the development and provides a mitigation value for proportionate mitigations to be integrated into the development. These include a Travel Plan, welcome packs for residents on first occupations containing up-to-date local travel information, promotion of 'Kent Journey Share' car sharing database, and EV charging points for houses with on-plot parking. These measures which are proportionate will be secured by condition.
- 6.75 In terms of new residents, an assessment of dust impact from operations at the adjacent quarry has been carried out. This concludes that operations at the

southern and eastern sections of the quarry and the minerals processing area could have a 'moderate adverse' and 'slight adverse' effect respectively on future residents, but this assumes there are no mitigation measures in place within the quarry to reduce the potential for dust impacts. It is understood that the quarry has an active policy of dust suppression and adequate mitigation in place to reduce the potential for adverse effects on the local area. The site is also not downwind of the prevailing wind direction locally for the majority of the time and the quarry is also surrounded by a bund of trees which will act to screen dust from the proposed dwellings. The assessment concludes the impact upon future residents will not be significant and Environmental Health have confirmed they support these conclusions.

- 6.76 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.

Flooding and surface water management:

- 6.77 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.
- 6.78 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.
- 6.79 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.

Draft Local Plan:

- 6.80 It is acknowledged that this site is included within a policy for housing development in the draft local plan by policy LP 25 (f). This policy seeks to allocate the site for a total of 118 dwellings.
- 6.81 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.

- 6.82 Paragraph 49 then advises that this, when taken in the context of the NPPF and *“in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*
- 6.83 When considering the requirements of the NPPF in this respect, it must be noted that the draft local plan was submitted to the Secretary of State for examination on 23 January 2019. Following an initial phase of hearings which took place in October 2020, the examining inspectors have written to the Council expressing serious concerns regarding the Duty to Cooperate (letter received December 2020). The Council is currently considering its position in this respect. It is accepted that a significant period of time has elapsed since the Plan was originally submitted for examination. It is further accepted that, whatever the outcomes of the Inspector’s latest letter, there will be a further delay to adoption (as yet unknown). The requirements of the NPPF are clear and are not predicated on the length of time the draft plan has been with the Secretary of State/his appointed inspectors, but rather how far it has advanced successfully through the examination process.
- 6.84 It is clear at this time, on the basis of our current position and the relevant NPPF paragraphs, that the draft local plan is not at an advanced stage (notwithstanding the timeframes involved) and therefore carries only limited weight for decision making purposes, certainly until it has progressed further through the examination process. As such, the draft allocation cannot be determinative at this time.
- 6.85 The LPA is under a statutory duty to determine planning applications in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Development Plan currently in force comprises the TMBCS (September 2007), the DLA DPD (April 2008), the MDE DPD (April 2010) and the saved policies of the TMBLP. The NPPF and guidance contained within the associated NPPG are material considerations. It is on the basis of the requirements of these policies and those contained within the NPPF (including relevant to the presumption in favour of sustainable development) that the following assessment takes place.

Planning obligations:

- 6.86 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.
- 6.87 Paragraph 56 of the NPPF reflects this statutory requirement.
- 6.88 The scheme proposes to provide 40% of the total number of dwellings (118) as affordable housing, which would be 47 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
- 6.89 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 £115,900 is also being secured through a s.106 obligation for the enhancement of Leybourne Lakes Country Park.
- 6.90 The development generates a need for 33 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 maximum contribution of £802,400 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 £378,565.24 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.

- 6.91 With regard to secondary school provision, the development generates a need for 24 additional school places. KCC has advised that in this case, as no capacity currently exists in local schools, the only way to provide the necessary school places will be within the new school to be provided on the Broadwater Farm development. KCC is therefore seeking a maximum contribution of £610,768 towards the cost of building the new school. KCC is also seeking a maximum financial contribution towards securing the land for this new school to the sum of £492,442.
- 6.92 Officers have considered these requests in light of those put forward by KCC for the Whitepost Field development granted permission in August 2020 and the one for the Clarendon Homes residential scheme for up to 106 dwellings that Members resolved to grant permission for last month. In both those cases, the secondary school contributions were sought to expand existing facilities within the Malling and Maidstone selective and non-selective schools. The new secondary school planned as part of the Broadwater Farm development will provide the need for the northern part of the Borough going forward. However, that scheme is not the subject of a planning permission and a s106 agreement has not been agreed by relevant parties setting out the terms of the land transfer necessary for KCC to secure the site of the new school. As such, at this time officers are continuing to discuss the issue of contributions for secondary school places with colleagues at KCC. It is considered, however, that the development will generate a need for the 24 additional places that cannot currently be met within existing schools in the relevant catchment area. A contribution of up to the maximum amount specified for the build cost will still be sought from the applicant on behalf of KCC. However, the project(s) that this could be spent on will need to be agreed within a planning obligation (such as the range of schools specified within the committee reports for the Clarendon Homes scheme, for example).
- 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 appropriate financial contributions is required. This consists of contributions for £6,543.10 for enhancements and addition book stock for Larkfield library and £1,937.56 for additional equipment at the adult education centre in Aylesford. As with all the other contributions, these are being secured by a s.106 planning obligation.
- 6.94 NHS CCG has advised that the proposal will generate approximately 283 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 £101,952 towards the

refurbishment/reconfiguration or extension of Blackthorn Medical Centre, The Vine Medical Centre and College Practice. This is also being secured by the s106 planning obligation.

- 6.95 These obligations, along with that also required for highways and public transport 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.
- 6.96 KCC (PROW) has requested contributions of £24,000 to upgrade byway MR496 which runs north/south to the west of the application site. This is requested on the basis that the development will increase the use of this PROW. The contribution would be used for localised surface improvements with full surface scrape and clearance. However, there is no indication of how this sum has been calculated by KCC. Furthermore, whilst the opening up of the site onto this PROW will encourage the use of the PROW network, the use of the contribution appears to be to undertake maintenance works to the PROW rather than improving them as a direct consequence of the likely additional use by residents of the proposed development. As such I do not consider that this request meets Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Use of field:

- 6.97 Many representations refer to the loss of the field and it being a valuable open space to local people particularly during 'lockdown'. The site is in private ownership and so access to the land can be prevented notwithstanding the 'claimed rights of way' For this reason paragraph 97 of the NPPF, which protects open space areas, does not apply.

Planning balance and overall conclusions:

- 6.98 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 118 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 5.7ha 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.

6.99 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 submitted details: Proposed Plans 15-009-041 dated 12.06.2020, Drawing 2929_115_C dated 12.06.2020, Drawing 2929_116_D dated 12.06.2020, Landscaping 2929_123 dated 12.06.2020, Landscaping 2929_124 dated 12.06.2020, Master Plan P19-1591_03D dated 12.06.2020, Drawing P19-1591_19B dated 12.06.2020, Drawing P19-1591_29A dated 12.06.2020, Location Plan P19-1591_24 dated 12.06.2020, Letter dated 12.06.2020, Design and Access Statement dated 12.06.2020, Schedule documents dated 12.06.2020, Notice dated 12.06.2020, Planning Statement dated 12.06.2020, Other s106 heads of terms dated 12.06.2020, Statement Community involvement dated 12.06.2020, Noise Assessment dated 12.06.2020, Air Quality Assessment dated 12.06.2020, Archaeological Assessment dated 12.06.2020, Ecological Assessment Biodiversity mitigation dated 12.06.2020, Desk Study Assessment dated 12.06.2020, Ecological Assessment Ecological impact assessment dated 12.06.2020, Flood Risk Assessment dated 12.06.2020, Visual Impact Assessment dated 12.06.2020, Transport Assessment dated 12.06.2020, Travel Plan dated 12.06.2020, Appraisal Minerals safeguarding dated 12.06.2020, Tree Report dated 12.06.2020, Transport Assessment Addendum dated 19.08.2020, subject to:

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision and enhancement and health provision;
- The applicant entering into a planning obligation with the Borough Council to make financial contributions for the diversion of the no.8 bus service into the site and the provision of cycle storage and associated lighting and CCTV cameras at Barming Railway Station in the event that such contributions and not first secured by Maidstone Borough Council through a s106 planning obligation; and

- The applicant entering into a planning obligation with Kent County Council to 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; as well as for improvements to the Fountain Lane junction with the A26.

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. 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.

5. No development shall take place above ground on any of the dwellings hereby approved until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality in accordance with policy CP 24 of the Tonbridge and Malling Core Strategy 2007.

6. 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.

7. 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: In the interests of highway safety and the amenity of the locality.

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 be based upon the Flood Risk Assessment ref: CCE/Y381/FRA-05 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- 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. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. (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.

12. 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.

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

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

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

- Procedures for notifying 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.

15. 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.

16. 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.

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

Reason: In order to provide an acceptable aural environment for the residential properties.

18. 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.

19. 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.

20. 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.

21. The development shall be carried out in accordance with the recommendations for the Biodiversity Mitigation and Enhancement Strategy; CSA; April 2020

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

22. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

- 23 No dwellings shall be occupied until accesses between the site and PROW 496 have been provided, which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that safe and appropriate access is provided onto this public byway.

Informatives

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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/highwayland/highway-boundary-enquiries>
2. The following points should be considered wherever soakaways are proposed at a site:
 - o 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.
 - o 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).
 - o No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - o 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.

- o 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.
- 3 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. 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.
- 4 The applicant is strongly encouraged to incorporate renewable technologies within the development and undertake it in such a way as to reduce the energy consumption of each of the dwellings.

Contact: Matthew Broome

TM/20/01218/OA - Land Adjacent Ditton Common North of Rede Wood Road Oakapple Lane Barming Kent

Annex 1 – Responses from Highways England

Initial response

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

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the M20 J5.

We note that:

- the site is located within T&M but access to it will be via a new road from Oakapple Lane to be constructed and that lies within Maidstone (that is also within the site edged red)
- the number of dwellings proposed for this development is 118 dwellings,
- the 118 dwellings form part of a wider masterplan with the adjacent site for a total of 305 residential developments.
- in June 2020 we were consulted on the adjacent Maidstone site consisting of 187 dwellings (application 20/501773/FULL – HE Ref 87982 #10189) that will provide the access road. Following the receipt of further information we had no objection to the application.

We have reviewed the submitted Transport Assessment and Framework Travel Plan and offer the following comments. We note the submitted documents contain the same trip generation, trip distribution and traffic impact assessment as those submitted for application 20/501773/FULL which included combined assessment of both sites.

Transport Assessment

Trip Generation

The parameters and the trip rates generated in TRICS are acceptable for this assessment.

Based on this assessment, we note that the two-way trip generation from the TMBC site is 61 trips during the AM peak, and 69 during the PM peak. The two-way trip generation from both sites combined is 156 AM peak and 178 PM peak. This is accepted.

Trip Distribution

Highways England note that the trip distribution methodology included within Appendix G is the same as the methodology submitted with the adjacent MBC site for 187 dwellings (Appendix I). We recognise that the assessment specifically focuses on distribution of trips to/from origins and destinations to the south of the development site only, which is of limited use to Highways England, with our main concern being M20 J5, north of the site.

In our previous consultation for the MBC site we required further information be provided regarding trip distribution on the network to the north of the site, and specifically towards the M20 J5. The applicant provided network flow plots for the MBC site.

Action Required: Highways England request that an assessment of development traffic only and its distribution across the network is provided, including M20 J5. Additionally, an assessment with combined development distribution of the MBC site and committed development in the area should also be provided as a sensitivity test looking at the impact of cumulative development within the area.

Junction Capacity Assessment.

We note that the M20 J5 has been included in the junction capacity assessment and the results show that the development will have negligible impact on the junction; however, further assessment within the trip distribution may impact these figures

Framework Travel Plan

We are content with the proposed Framework Travel Plan and offer no further comments.

Summary

Therefore, given the need for additional information and/or clarification we are not quite yet in a position to be able to determine whether the proposals will materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/13 particularly para 9 and 10, and MHCLG NPPF particularly para 109). Consequently, we would be grateful if both authority's refrain from determining the application (other than a refusal), ahead of us receiving and responding to the required/requested information. In the event that an authority wishes to permit their

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.

Subsequent response

On 31 July we received an email from Steve Whittaker acting on behalf of the applicant responding to our initial representation (dated 2 July) with regards the above application.. We were then consulted on the application by TMBC on 20 August. We have therefore taken a little longer than envisaged to assess the application due to the need to check there were no differences in the latest consultation. Our apologies for any inconvenience caused to Maidstone.

Mr Whittaker provided the additional information requested in our initial representation regarding the development only trip distribution and an assessment with combined development distribution with committed development.

Having reviewed the trip distribution information provided, the trips generated by the development utilising the SRN via M20 Junction 5 during peak hours are predicted to be minimal and therefore not expected to have a significant impact on the junction. Likewise, the cumulative assessment shows a negligible increase in trips over the junction which are not expected to have a significant impact. We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF particularly paragraph 109) in this location and its vicinity.

Accordingly, I attach our formal HEPR response of No Objection.

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TM/20/01218/OA - Land Adjacent Ditton Common North of Rede Wood Road Oakapple Lane Barming Kent

Comments from KCC (Highways and Transportation)

Initial response

Introduction

Thank you for your consultation in relation to the above planning application.

It is noted that this application seeks outline planning permission for the erection of up to 118 dwellings, together with associated works for Access, Open space, Infrastructure, Earthworks, Surface Water Drainage Systems and Landscaping. In addition, it is acknowledged that this application is a duplicate of one submitted to Maidstone Borough Council (*MBC*), which the developments access road falls within the administrative area of meaning that they also have to determine the application.

The application includes a Transport Assessment (*TA*) and Travel Plan (*both dated April 2020*) which have been produced by C and A Consultants.

It is noted that a full application for a further 187 residential dwellings has also been submitted to Maidstone Borough Council (*MBC*) on land immediately west of the site. Both the *TA* and Travel Plan account for the potential development of both sites, which would realise a total of 305 residential dwellings. This response should be read in conjunction with this authority's initial consultation response (*dated 26th June 2020*) to the adjacent proposals as many of the comments are also pertinent and valid to this application.

I have the following comments with regard to highway matters:

Proposed Site Access

The applicant has proposed that the 118 dwellings will be served by one primary vehicular access. This is to be provided via a connection with the estate road serving the development that is proposed adjacent to the site. An additional emergency access is also proposed immediately south of the '*LEAP Natural Play Area*,' which will also double as a sustainable connection point but be protected by collapsible bollards, in order to preclude its use by general traffic.

In accordance with the guidance for a Major Access Road (*MAR*) contained in the Kent Design Guide (*KDG*) the estate road which the proposals will be accessed from will be served by two points of access. The primary route of access involves a southwards extension to Broke Wood Way (*part of the Orchard Fields development*) that has been proposed as part of planning permission 18/506068 for 80 residential dwellings. This extension facilitates the creation of two roads with a typical carriageway width of 5.5m that will lead up to the eastern site boundary.

The proposal is to extend both roads into the site to create a loop within the development layout. Broke Wood Way provides onward connectivity to the B2246 (*Hermitage Lane*) via Fullingpits Avenue. It is noted that the entirety of the road connection to Hermitage Lane has been included in the application boundary. This importantly confirms that the proposed development is not dependent on permission 18/506068 being implemented. Secondary access is proposed via Broomshaw Road, a cul-de-sac that currently terminates to the south of the site. The layout of permission 18/506068 includes an emergency road link to Broomshaw Road that the applicant is now proposing to modify to achieve a 5.5m wide

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all-purpose carriageway. This link is also included in the application boundary. The proposals accord with Policy H1 (4) of Maidstone Borough Council's adopted Local Plan, which requires that primary access is taken from Hermitage Lane via the Orchards Field development site and secondary access is taken from Broomshaw Road/Rede Wood Road. KCC Highways regard the inclusion of a secondary access to be appropriate in view of the substantive scale of development that could otherwise be served via a single access onto Hermitage Lane. This could total 517 dwellings when this proposed development of 118 dwellings is added to the 330 dwellings already consented and could rise further to 635 dwellings if the full application for 187 dwellings on adjacent land to the east is also approved.

The Kent Design Guide recommends that an access road such as Fullingpits Avenue/Broke Wood Way, which conforms to a 'Major Access Road' specification, should serve 50 to 300 dwellings. The proposed development would result in this route serving significantly more than 300 dwellings and it is therefore evident that a secondary access is justifiable in this instance.

It should be noted that these circumstances differ from those at the '*East of Hermitage Lane*' site (*Hermitage Park*), where it was possible to achieve a 6.75m wide 'Local Distributor Road' access directly from Hermitage Lane to serve the proposed 500 dwellings. The Orchard Fields development encompassing Fullingpits Avenue and Broke Wood Way, together with permission 18/506068 and the proposed development site, form part of the '*north west strategic development location*' in the adopted Local Plan. This has ensured that the road layouts have been designed with future extension in mind.

The TA does not comment on the suitability of Broomshaw Road and Rede Wood Road as existing cul-de-sac roads that will be required to perform a new function in providing a route of access to the proposed development. No modifications to these roads have been proposed by the applicant.

KCC Highways notes that both Broomshaw Road and Rede Wood Road currently accommodate two-way traffic flow and incorporate dedicated footways for pedestrians. Although on-street parking is unrestricted, the vast majority of properties with frontage access onto these roads have off-street car parking. This helps to limit the levels of on-street parking that could be obstructive to two-way traffic flow. There is therefore no technical basis on which KCC Highways could sustain an objection to the principle of these roads being used as a route of access to the development.

It is noted that the swept path analysis in Appendix F does not include tracking for large vehicles that may use the secondary access to move to/from the site. This should be included to ensure the modified design can accommodate all vehicles that could use it.

Sustainable Travel

Walking and Cycling

The TA highlights how the site is well placed in relation to several key local facilities. These include Barming Primary School, Maidstone Hospital and both the Marlborough Parade and Hermitage Walk shopping areas, which fall within the 'preferred maximum' walking distances of 2km (*commuting/schools*) and 1.2km (*elsewhere*) quoted in 'Providing for Journeys on Foot' (*Institution of Highways & Transportation, 2000*).

The indicative masterplan confirms that the main streets within the development will be provided with footways on both sides. These are understood to be 1.8m wide in conformity with the MAR specification within the Kent Design Guide. The footways will importantly

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connect to those on Broke Wood Way, thereby enabling pedestrians to make onward journeys to/from Hermitage Lane.

Appendix D of the TA confirms that the secondary access road connection to Broomshaw Road will also include 1.8m wide footways on both sides. This is appropriate in view of the 'Major Access Road' design of this access. Dropped kerbs and signage will be required for the users of public footpath KM11, which runs across this access.

The TA identifies the Public Rights of Way network and it is noted that the layout includes footway links to public footpath KM12. This footpath runs along the eastern site boundary and extends southwards to provide a direct route towards the Primary School and Marlborough Parade shops. The applicant should therefore be required to make provisions for the upgrading of the surfacing of this footpath, as recommended by the County Council's Public Rights of Way Access Service.

The indicative masterplan indicates that there will be two pedestrian linkages to public footpath KM11, which runs alongside the southern site boundary. This also requires upgrading as it links to KM12 and will therefore also be used for local trips on foot. The site does not benefit from immediate access to the cycle network. Byway KM13, which leads towards East Malling, runs to the west of the site and is currently accessible via North Pole Road. The indicative masterplan shows that direct connectivity to KM13 can be achieved via the land which forms part of the application that is now being considered.

Confirmation is required on whether this connection will be suitable for use by cyclists. The TA highlights the County Council's proposed cycle route between Hermitage Lane and the London Road Park & Ride site. This route would assist residents of the proposed development in cycling to/from schools and shops in the Allington area. There is currently no secured funding for this scheme and, in the event that this planning application is approved, a financial contribution towards its implementation would be appropriate.

Public Transport

The TA highlights how there are currently bus stops on Heath Road, North Street and Hermitage Lane. These all lie well beyond a 400m walking distance from the site. This would be likely to limit the attractiveness of bus services as a convenient travel option. The applicant is proposing to enhance accessibility by public transport by diverting the no.8 bus service into the site. This service currently runs along part of Hermitage Lane and Heath Road in making its hourly journeys between Maidstone Hospital and the town centre (Monday to Friday). The duration of operation is largely confined to the morning period and a more limited service also operates on a Saturday.

The diversion is understood to involve services routing via Fullingpits Avenue, Broke Wood Way and clockwise around the looped road arrangement within the site. The TA also indicates that the frequency of service would be improved in both the peak and off-peak periods.

Although full details are not provided, the applicant has indicated that an hourly off-peak frequency would be achieved.

The applicant has discussed the diversion with the service operator, Arriva. The meeting minutes appended to the TA indicate that this dialogue has primarily focused on the practicalities of the route diversion rather than the details of a modified timetable. A single bus stop location alongside the defined 'focal point' area within the site is proposed. This importantly ensures that all dwellings are within a convenient walking distance, including those within the adjacent outline planning application area.

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As Fullingpits Avenue and Broke Wood Way do not conform to the design specification that is ordinarily required to accommodate a bus route, the applicant has undertaken swept path analysis to determine their suitability. This has identified the need to remove the build out features on Broke Wood Way that are positioned close to the Fullingpits Avenue junction. Such works will require a Section 278 Agreement with the County Council as Local Highway Authority.

The swept path analysis also identified a further constraint on the section of the access road that forms part of the approved layout for permission 18/506068. This will require the omission of a build out feature near the southern end of that site. As this road is not yet built, the applicant will need to amend the associated Section 38 Agreement to cover a scenario whereby 18/506068 is implemented prior to the proposed development.

The swept path analysis illustrates how bus movements will, in places, require the full width of the carriageway. This could result in conflicts with other road users, although the infrequent nature and low speeds ensure any risk is low.

The applicant has acknowledged how on-street parking could inhibit the efficient movement of buses. No measures are proposed that would address the parking that already occurs on Fullingpits Avenue. Within the site, the applicant has taken reasonable steps to minimise on-street parking through the inclusion of on-street parking bays and dedicated off-street parking provision for all dwellings.

KCC Highways is supportive of the applicants' proposals to enable a bus service to be diverted and thereby provide residents with more convenient public transport access. The diversion is likely to require funding via a Section 106 Agreement and it is therefore recommended that any obligation provides flexibility to enable further dialogue to take place on the specific service operation arrangements.

The TA does not investigate the potential for rail travel, despite Barming rail station being accessible via Hermitage Lane. KCC Highways considers there is potential to encourage cycling to the rail station in view of the cycle route provision already planned along Hermitage Lane in support of the Hermitage Park development. The South Eastern request for funding to create a cycling hub at the station would therefore be appropriate in encouraging residents of the new development to access the station by bicycle.

Travel Plan

In accordance with the aims and objectives of the National Planning Policy Framework (paragraph 111), all developments which generate significant amounts of transport movement are required to provide a travel plan.

A Framework Travel Plan has been submitted to provide an ongoing basis for encouraging sustainable travel patterns and reducing vehicle trips.

The potential measures and initiatives put forward in the Travel Plan include the provision of resident travel information packs, cycle parking, bicycle purchase discounts, promotion of car sharing, notice boards and the distribution of newsletters. Implementation will be overseen by a Travel Plan Co-ordinator.

The indicative Travel Plan targets seek to achieve a 10% reduction in single occupancy car trip by achieving mode share increases in travel by walking, cycling, bus, rail and car sharing.

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Prior to commencement of development the applicant shall submit for written approval of the Local Planning Authority a Travel Plan and register the plan with KCC Jambusters website (www.jambusterstpms.co.uk). The applicant shall implement and monitor the approved travel plan, and for each subsequent occupation of the development thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the travel plan.

Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period. A fee of £948 is required, prior to first occupation of the development, to fund KCC's Travel Plan Advisor to review monitoring reports and work with the Travel Plan Coordinators to achieve the objectives.

Traffic Generation and Distribution

The trip generation forecasts in the TA indicate that the proposed development will generate 61 vehicle trips in the AM peak hour (08:00 – 09:00) and 69 vehicle trips in the PM peak hour (17:00 – 18:00). This increases to 156 vehicle trips in the AM peak hour and 178 vehicle trips when the proposed 187 dwellings on adjacent land to the north west are also included.

The vehicle trip rates underpinning the forecasts have been derived through reference to comparable sites within the TRICS database. They are broadly in line with those applied in the TAs supporting other nearby sites on Hermitage Lane and are therefore acceptable. For the purposes of assigning vehicle trips across the network, section 5.3 of the TA refers to 2011 Census Travel to Work data as the means of determining a north/south split of trips. It does not confirm what north/south split has been assumed or provide supporting evidence to demonstrate how the split has been derived. This must be clarified.

The TA also lacks clarity on how trips to/from the north have been assigned to each of the two points of access. Confirmation on what has been assumed and how that is justified is required.

The forecast traffic flows indicate that most development trips are expected to use the Broke Wood Way route of access to proceed to/from Hermitage Lane to the north in the AM peak. This pattern is markedly different to the observed turning flows at the Fullingpits Avenue/Hermitage Lane junction, which indicates a relatively even north/south split. The change in weighting towards travel to/from the north is understood to have been influenced by the secondary access. Clarification is required on whether this has arisen in part due to assumptions made on how trips associated with Orchard Fields may redistribute between the two routes of access.

For those development trips heading to/from the north the TA states that they have been distributed in accordance with existing turning proportions at junctions. This is not the case as the supporting figures indicate that traffic has been redistributed onto the prospective link road between Hermitage Lane and Poppy Fields roundabout. Clarification is required on what distribution assumptions have been applied and how they are justified.

The TA confirms that development trips to/from the south have been distributed through a comparison of the forecast journey times associated with various route options. The journey times have been calculated by taking account of distance, assumed travel speeds and assumed delays at junctions (informed by capacity modelling where available). The applied assumptions have then been adjusted to reflect how factors such as on-street parking and

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carriageway width may influence road users' perceptions of route attractiveness. Although journey times and route attractiveness will be heavily influenced by the prevailing conditions that can vary on a day-to-day basis, KCC Highways regards the applicants' methodology to provide a reasonable basis from which to derive route distribution assumptions.

It importantly reflects the likelihood that road users will generally choose to use the route that affords the quickest journey time.

On the basis of this analysis, the applicant has predicted that most development trips involving use of the A26 Tonbridge Road (in either direction) will route via Broke Wood Way/Fullingpits Avenue rather than via Broomshaw Road/Rede Wood Road. This further brings into question why the forecast flows at the Fullingpits Avenue/Hermitage Lane are weighted heavily towards travel to/from the north.

The applicant has also assumed that 70% of trips associated with the existing residential area to the south of the site would choose to re-route through the proposed development to/from Hermitage Lane in preference to using Heath Road. This adds an element of robustness to the network impact analysis in how it accounts for localised changes in route choice arising from the creation of a link between Broomshaw Road and Broke Wood Way. The TA does not quantify these trips and no explanation is given on how they have been calculated. Clarification is therefore required.

The TA does not comment on the likelihood that longer distance traffic may choose to re-route through the development site for journeys between Tonbridge Road and Hermitage Lane. This is a significant omission in view of the applicants' junction capacity modelling results, which confirm how queuing and delay on the Tonbridge Road and Fountain Lane/Hermitage Lane corridors will be extensive even when accounting for the applicants' mitigation proposals.

KCC Highways remain mindful that road users are highly likely to seek alternative routes when confronted with congestion. Such behaviours could have implications on highway safety in the absence of intervention, as the volume and composition of traffic routing via the development site may not be commensurate with the intended function of the individual roads that comprise the alternative route. This issue is pertinent to both existing and future residents and should be addressed by the applicant.

It should be noted that the above comments on trip distribution and the propensity for road users to re-route have a critical bearing on the conclusions that can currently be drawn from the applicants' junction capacity modelling analysis within the TA.

Traffic Impact

The assessment of traffic impact has been founded on an extensive set of link and turning count surveys undertaken in June 2019. These are primarily focused on the Hermitage Lane (B2246), Tonbridge Road (A26), London Road (A20) and Heath Road corridors.

The TA has included a review of road crash incidents in the vicinity of the site over a five-year period (2014-18). This has identified a total of 66 crash incidents. No detailed analysis of causation factors has been included, although the TA notes that around a quarter of the crashes involved pedestrians.

One of the crashes resulted in a fatality at the northern end of Hermitage Lane. A further six crashes resulted in serious injury, of which four occurred at the southern end of Hermitage Lane. The TA also notes that clusters of crashes are evident at the A20/Hermitage Lane and A26 Tonbridge Road/Fountain Lane/Farleigh Lane junctions.

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Background traffic growth over the period to 2025 has been added to the base flows (2030 in the case of M20 J5). Importantly, the traffic associated with the various prospective developments on the Hermitage Lane and North Street corridors has been included to provide a robust representation of future conditions. No breakdown of the traffic flows from each of the committed developments has been provided so KCC Highways is unable to check whether these have been correctly extracted from the respective TAs.

Capacity modelling of key junctions has been undertaken for 2025 (2030 in the case of M20 J5) to reflect when the development is expected to be fully occupied. Model scenarios that account for the outline application for 118 dwellings on adjacent land to the west have also been included.

The key modelling findings are summarised below:

Hermitage Lane/Fullingpits Avenue/Tarragon Road

The modelling indicates that the staggered signalised crossroads will exceed practical capacity (see note 1) as a result of the proposed development. This is due to an increase in queue length of 3 PCUs (see note 2) on the Tarragon Road arm in the PM peak. The TA concludes that the increase is negligible.

KCC Highways is concerned at the predicted deterioration in conditions at this junction, which functions as an access to Maidstone Hospital. It is nonetheless accepted that the level of impact does not enable mitigation to be justifiably required.

M20 J5

The modelling indicates that the roundabout will operate over practical capacity during both peak periods in 2030 due to queuing on the M20 westbound slip road (AM) and A20 Coldharbour Lane (PM). The proposed development is shown to have a marginal impact, with typical queue lengths remaining at 7 PCUs.

KCC Highways is mindful that conditions at this junction are affected by congestion at the nearby Coldharbour Roundabout. It will therefore benefit from the planned upgrade of Coldharbour Roundabout that is due to commence in Autumn 2020. On this basis KCC Highways regard it to be essential that the planned junction improvement is completed in advance of first occupation of the proposed development.

A20 Coldharbour Roundabout

The modelling has taken account of the planned junction upgrade that is scheduled to commence in Autumn 2020 and be completed by Summer 2022. This will remove the existing traffic signals and enlarge the roundabout.

The modelling demonstrates that the modified junction will satisfactorily accommodate the additional vehicle movements generated by the proposed development. On this basis KCC Highways regard it to be essential that the planned junction improvement is completed in advance of first occupation of the proposed development.

A20 Poppy Fields Roundabout

The modelling has taken account of the planned modifications to the roundabout that will facilitate the provision of a new link road connection to Hermitage Lane. This will be delivered in conjunction with the consented Whitepost Field residential development. The modelling demonstrates that the modified junction will satisfactorily accommodate the additional vehicle movements generated by the proposed development. On this basis KCC

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Highways regard it to be essential that the junction improvement and associated link road are completed in advance of first occupation of this development.

The TA has not accounted for a scenario whereby the Whitepost Fields planning permission is not implemented. This omission means that the mitigation required under such circumstances has not been identified. The applicant should therefore be required to provide further information.

It should be noted that the Whitepost Field planning permission requires provision of the link road prior to the occupation of 175 dwellings or within 5 years, whichever is earlier. Any assessment of a scenario without the link road should therefore include the traffic associated with 175 dwellings.

A20 London Road/Hermitage Lane/Preston Hall

This signal controlled staggered crossroads will benefit from improved capacity because of the planned link road between Hermitage Lane and the Poppy Fields roundabout. As noted above, the link road is to be delivered in conjunction with the consented Whitepost Field residential development.

The modelling, in taking account of the re-routing of traffic due to the link road, demonstrates that the junction will satisfactorily accommodate the additional vehicle movements generated by the proposed development.

The TA has not accounted for a scenario whereby the Whitepost Fields planning permission is not implemented. This omission means that the mitigation required under such circumstances has not been identified. The applicant should therefore be required to provide further information.

It should be noted that the Whitepost Field planning permission requires provision of the link road prior to the occupation of 175 dwellings or within 5 years, whichever is earlier. Any assessment of a scenario without the link road should therefore include the traffic associated with 175 dwellings.

A20 London Road/Mills Road/Hall Road

The modelling has taken account of the planned junction upgrade that is scheduled to commence in Summer 2021 and be completed by Summer 2022. This will convert the signalised crossroads to a roundabout form of junction.

The modelling demonstrates that the modified junction will satisfactorily accommodate the additional vehicle movements generated by the proposed development. On this basis KCC Highways regard it to be essential that the junction improvement is completed in advance of first occupation of the proposed development.

Hermitage Lane/Retail Park

The modelling demonstrates that the junction will operate satisfactorily during both peak periods.

Hermitage Lane/Chapelfield Way

The modelling demonstrates that the junction will operate satisfactorily during both peak periods.

Hermitage Lane/St Andrews Road/Fountain Lane/Heath Road

The modelling indicates that the junction is expected to operate satisfactorily during both peak periods. It should be noted that the modelling cannot replicate the way in which this junction is routinely affected by southbound queuing on Fountain Lane from the junction with

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Tonbridge Road. The results therefore have to be viewed in the context of this inter-dependency.

It should also be borne in mind that the County Council is planning to implement pedestrian crossing facilities at this junction, which will have a further bearing on traffic conditions. The addition of the proposed development is predicted to provide a marginal improvement in operating conditions. This is due to the applicants' prediction that the site access arrangements will enable some development traffic and an element of existing local traffic to route through the site and avoid having to use this junction.

KCC Highways acceptance of this conclusion is dependent on clarifications associated with the assignment and distribution of development traffic.

Tonbridge Road/Fountain Lane/Farleigh Lane

The capacity modelling indicates that the junction is expected to operate over theoretical capacity (see note 3) in both peak periods in 2025 due to extensive queuing on all arms. The proposed development is shown to result in a worsening of the levels of queuing and delay. The TA acknowledges the ongoing work that is being undertaken by KCC Highways to identify a comprehensive form of junction improvement that will relieve congestion on this part of the network. It confirms that the applicant does not want the proposed development to be dependent on KCC Highways future delivery of a junction improvement scheme. The approach taken by the applicant has therefore been to devise an interim junction improvement that could enable the proposed development to come forward in advance of a KCC Highways scheme by mitigating its impact.

The applicants' interim mitigation proposal is comprised of modified road markings for road users wishing to make right turns, extension of the two lane approaches on Fountain Lane and Tonbridge Road (*westbound*), conversion of the pedestrian crossings to a puffin specification and the installation of MOVA (*Microprocessor Optimised Vehicle Actuation*) to optimise capacity. The pedestrian refuge to the east of the junction on Tonbridge Road is also proposed to be upgraded to a signal-controlled puffin crossing.

The upgraded junction traffic signals and new pedestrian crossing will be coordinated with those at the Hermitage Lane/St. Andrews Road/Fountain Lane/Heath Road junction to optimise the operation of the network. This would require the new crossing to be cable linked and utilises the available SCOOT (*Split Cycle Offset Optimisation Technique*) capability. The proposals are consistent with those previously put forward in support of residential development at Fant Farm (15/509962). They therefore follow an established precedent, although the demands on the junction are likely to have increased further over the intervening period.

It is noted that a Stage 1 Road Safety Audit has not been provided in support of the proposals. An audit is usually required where changes to the layout or facilities on the highway are being proposed. The capacity modelling results, which cannot replicate the benefits of MOVA, highlight how the junction would continue to operate well above theoretical capacity. This limits the confidence that can be attached to the applicants' conclusion that the improvement will achieve effective mitigation as the extent to which the junction is predicted to operate over capacity is likely to have distorted the modelling outputs. KCC Highways is also concerned that the modelling does not use the maximum extendable crossing times for the intergreen periods (see note 4), as these would account for a worst-case scenario where the crossing is used by a large group of pedestrians or an individual pedestrian that is less mobile.

The modelling findings are consistent with the investigations previously undertaken by KCC

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Highways under the auspices of a Member led working group. This had reviewed a wide range of potential junction improvements that were largely found to achieve limited capacity benefits and therefore represented poor value for money.

The working group concluded that a new roundabout layout would provide the most effective means of upgrading the junction to reduce congestion and accommodate planned growth. KCC Highways is moving forward with this scheme in seeking to secure the land and funding necessary for its implementation.

It would therefore be more appropriate for the applicant to provide a financial contribution towards the County Council's roundabout scheme as the means of mitigating the impact of the proposed development.

Tonbridge Road/Queens Road

The modelling demonstrates that the junction will operate satisfactorily during both peak periods.

Tonbridge Road/North Street/South Street

The modelling demonstrates that the junction will operate satisfactorily during both peak periods.

North Street/Heath Road

The modelling demonstrates that the junction will operate satisfactorily during both peak periods.

Heath Road/Redewood Road

The modelling demonstrates that the junction will operate satisfactorily during both peak periods.

A26 Watlington Road Crossroads

The TA has not included a quantification of impact at this junction, which had been requested at scoping stage in view of the known congestion and air quality issues. This should be provided for review.

Notes

(1) A measure of the overall performance of a junction, where the ratio of flow to capacity is at or above 90% in the case of traffic signalled junctions and 85% in the case of priority junctions and roundabouts.

(2) Passenger Car Units (PCUs) are a means of translating all types of vehicle into a common traffic 'currency'.

(3) A measure of the overall performance of a junction, where the ratio of flow to capacity is at or above 100%.

(4) The clearance time between one phase losing right of way and the next phase gaining right of way.

Parking and Layout

As this application seeks outline permission only a parking plan has not been provided in support of the application, as all matters are reserved except for access. Should the proposals be granted consent then matter, including parking provision, will be determined as part future reserved matters applications.

Consistent with the proposals for the main service roads associated with the adjacent site a

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carriageway width of 5.5 meters has also been proposed for the services roads associated with this element of the site. This commensurate with the guidance in both Manual for Streets and the KDG which stipulates a minimum carriageway width of 5.5 meters in order to allow 2 larger vehicles to pass. Whilst no supporting swept path analysis has been provided it is again acknowledged that the proposals are in outline only and that the submission of such analysis at any future reserved matters stage would be reasonable.

Recommendation

KCC Highways wishes to raise a holding objection in respect of this planning application, on the

basis that the applicant should be required to address the following key issues:

- Swept path analysis to check the tracking of large vehicles using secondary access;
- Provision of route connectivity for cyclists to Byway KM13;
- A breakdown of the vehicle trips associated with the committed developments;
- Clarification on the assumptions made regarding the north/south distribution of vehicle trips;
- Clarification on the assumptions made regarding the distribution of vehicle trips between the two points of access;
- Clarification on the assumptions made regarding the re-routing of vehicle trips onto the prospective link road between Hermitage Lane and Poppy Fields roundabout;
- Quantification of the element of existing residential vehicle trips that have been redistributed and an explanation on how this has been calculated;
- An assessment of the propensity for longer distance traffic to re-route via the site and confirmation on whether this requires mitigation on the affected existing and/or proposed roads;
- Verification of the accuracy of the junction models in the absence of model runs based on existing conditions;
- Clarification on the impact of the proposed development on capacity at the Poppy Fields and A20 London Road/Hermitage Lane/Preston Hall junctions in the event that provision of the Hermitage Lane to Poppy Fields Roundabout link road is not triggered as part of the Whitepost Field planning permission and what mitigation measures will then be required and
- Quantification of the impact of additional vehicle trips at the A26 Wateringbury Crossroads.

KCC Highways would wish to be reconsulted following the submission of further information by the applicant to address the above issues.

In the event that the Borough Council is minded to grant planning approval against the advice of the Highway Authority, KCC Highways would seek agreement with the Borough Council on the level of financial contributions required for the A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction, Hermitage Lane to London Road cycle route and bus service diversion.

A planning condition should be imposed that prevents occupation of the development prior to the planned A20 Coldharbour Roundabout and A20 London Road/Mills Road/Hall Road junction improvements being completed.

In the absence of satisfactory investigation of the propensity for traffic to re-route through the

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development site to avoid congestion and the associated need for mitigation measures, a planning condition should also be imposed that prevents occupation of the development prior to the planned A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement being completed.

A planning condition is also required that prevents occupation of the development prior to the link road between Hermitage Lane and Poppy Fields roundabout being delivered. This is dependent on delivery through a third party but is justifiable as the applicants' TA has relied upon it.

A Section 278 Agreement is also required to secure the proposed highway works on Broke Wood Way. The following should be also secured via a Section 106 Agreement and planning conditions as appropriate:

- Provision of works to upgrade the surfacing of Public Rights of Way KM11 and KM12;
 - Provision of a financial contribution to facilitate the provision of a cycle hub at Barming station;
 - Provision and implementation of a site-wide Travel Plan that has been approved by the planning and highway authorities;
 - Provision of a Travel Plan monitoring fee (£948);
 - Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
 - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
 - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;
 - Provision of measures to prevent the discharge of surface water onto the highway;
- 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;
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing;
 - Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing; and
 - Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

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

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

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

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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.

Subsequent response

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

It is noted that the applicant has submitted a 'Transport Assessment Addendum' (dated August 2020), Stage 1 Road Safety Audit (dated July 2020) and Designers Response to the Stage 1 Road Safety Audit (dated August 2020) in response to KCC Highways consultation comments dated 26 June 2020.

I have the following additional comments with regard to highway matters:

Site Access

Swept path analysis has been provided to demonstrate how the turning manoeuvres of refuse vehicles and fire tenders entering the site via the secondary access can be accommodated.

The tracking shows how such vehicles will require the full width of the carriageway, although such instances can be expected to occur on an infrequent basis.

The confirmation that direct route connectivity to byway KM13 will be provided via a suitable a suitable connection point is welcomed. KCC Highways require this to be secured this via a planning condition attached to this outline application.

Traffic Generation

The applicant has provided a breakdown of the traffic flows associated with the various committed developments. These are consistent with the relevant Transport Assessments.

Traffic Distribution Assumptions

The Transport Assessment Addendum (TAA) has confirmed that the methodology for distributing trips between the two points of access is set out in Appendix I of the Transport Assessment (TA).

It should be noted that Appendix I only covers those development trips that are associated with use of the A26 to the south of the site. It does not confirm how development trips to/from the north have been distributed between the two access points. This should have

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been clarified, although the forecast traffic flows indicate that the majority have been assigned via BrokeWood Way/Fullingpits Avenue.

In the case of the existing residential area to the south of the site, Appendix I of the TA had confirmed that 70% of the trips to/from Hermitage Lane are expected to re-route through the site via Fullingpits Lane and 30% are expected to continue to route via Heath Road. This had been based on the differential in predicted journey times.

The TAA elaborates that the quantification of existing trips re-routing through the site from the residential area has been derived from existing turning flows at the Redewood Road/Heath Road junction, which have then been doubled to account for other adjacent streets. The figures quoted in Table 2.4 broadly correspond with this methodology when viewed against the observed traffic flows in the TA. The applicants' expectation is that up to 52 existing trips from the residential area to the south could re-route through the site in travelling to/from Hermitage Lane in the peak hours.

The TAA does not comment on whether trips between the existing residential area to the north of the site (Orchard Fields) and the A26 are expected to re-route through the site. As a result, this point has not been clarified.

With regard to trip distribution across the wider network, the TAA confirms that the TA was incorrect in stating that the distribution of development traffic is derived from 2011 Census data.

It clarifies that the distribution is based on observed turning flows at the Hermitage Lane/Fullingpits Avenue junction and, in the case of the wider network, observed turning flows at other existing junctions. Adjustments have been made to account for the prospective link road between Hermitage Lane and Poppy Fields roundabout through reference to the assumed distribution within the Whitepost Fields TA.

The observed pattern of turning movements at the Hermitage Lane/Fullingpits Avenue junction is a relatively even north/south split. The forecast traffic flows for 2025 at the junction, with the development trips included, differ from the observed pattern in how a higher proportion of trips are assigned to/from the north.

The TAA indicates that this change can be attributed to the route choice assumptions applied to development trips and those trips associated with the adjacent existing residential area. This is plausible as Appendix I of the TA had estimated that 40-45% of development trips associated with use of the A26 to/from the town centre would involve use of the secondary access. This would have the effect of altering the balance of traffic flows at the Hermitage Lane/Fullingpits Avenue junction in favour of movement to/from the north.

Re-Routing of Long-Distance Traffic

The applicant has undertaken journey time analysis to examine the propensity for existing longer distance traffic to re-route through the site for journeys involving the A26 (Tonbridge Road) and Hermitage Lane.

Two methodologies have been used. The first has utilised the Google on-line journey planner to estimate the journey time between Hermitage Lane and Tonbridge Road via Fountain Lane during peak periods. A similar method has then been used to estimate the journey time associated with the alternative route through the site, using an unspecified assumed travel speed for the unbuilt section of route between Broomshaw Road and Broke Wood Way. The results indicate that the route via Fountain Lane is between 1 to 5 minutes quicker in each direction in both peak periods.

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The second methodology breaks each of the routes down into their component parts of links and junctions. The Google on-line journey planner has been used to identify average speeds on links and capacity assessments have been used to identify delays at junctions.

It is noted that the route via Fountain Lane has an assumed average link speed of 30mph, which is more than double than that for the route via the site at 14mph. The applicant regards this to be justified by the different route characteristics on the road links, such as the presence of on-street parking.

The calculations used to derive the junction delays have not been provided and it is unclear how the blocking back of queues across multiple junctions, such as along Fountain Lane, has

been accounted for. It is notable that a markedly lower degree of junction delay is predicted southbound on Fountain Lane in the AM peak, although this is corroborated by the observed queuing data presented in Appendix C of the TAA.

In all cases the assumed junction delay is substantially higher on the Fountain Lane route, which is in line with expectations.

The results indicate that the route via Fountain Lane is expected to be between half a minute and two and a half minutes quicker in each direction in both peak periods.

The findings associated with the two methodologies are therefore broadly consistent.

On this basis, the applicant has concluded that the vast majority of the projected 310-350 peak hour turning movements between Tonbridge Road (west) and Fountain Lane in 2025 will continue to route via Fountain Lane. Any transfer from the parallel route via North Street and Heath Road is also expected to be minimal.

KCC Highways is mindful that the congestion already prevalent on Tonbridge Road and Fountain Lane is likely to encourage road users to use an alternative route if it offers an actual or perceived journey time saving. By creating an alternative route, the proposed development will give road users a choice of routes.

The evidence within the TAA indicates that the alternative route through the site is unlikely to offer any meaningful journey time saving. This will reduce any incentive for road users to re-route. Whilst the potential for an element of traffic to re-route through the site cannot be entirely discounted, it has been concluded that an objection on this basis is unlikely to be sustainable.

There is scope to amend and reconfigure parts of the proposed development layout to further inhibit or deter through traffic movement. Modifications of this nature are a matter for the applicant and Local Planning Authority.

Model Validation

Appendix C of the TAA has provided details of the queue length surveys that were included in the traffic surveys undertaken in June 2019. The surveyed queues have been compared against the modelled queues as a means of validating the capacity modelling findings.

This is an appropriate method of checking that there is confidence in the accuracy of the modelling. It is noted that the queues are broadly comparable in most instances, although there are more sizable differentials on the busier corridors such as Tonbridge Road and Hermitage Lane. These do not invalidate the modelling but must be factored into any interpretation of results.

Hermitage Lane – Poppy Fields Roundabout Link Road

The traffic distribution and capacity modelling within the TA was predicated on the link road proposed as part of the Whitepost Fields development having been implemented. There is a high likelihood that this scenario will materialise in view of the planning permission granted by Tonbridge & Malling Borough Council for the 840 dwelling Whitepost Fields development.

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Importantly, the planning permission requires provision of the link road prior to the occupation of 175 dwellings or within 5 years, whichever is earlier. It is therefore possible that a smaller scale of development could be implemented at Whitepost Fields without a need for the link road.

The TAA, whilst arguing that this alternative scenario is unlikely to arise, has now provided an assessment of the traffic impact of the proposed development at Oakapple Lane in the event that the link road is not provided.

Capacity modelling shows how the A20 London Road/Hermitage Lane/Preston Hall junction would operate over theoretical capacity (see note 1) in the AM peak in 2025. The TAA does not confirm whether this accounts for the traffic associated with up to 175 dwellings at Whitepost Fields.

The proposed development is shown to have a marginal impact on queuing and delay. The queue on the problematic eastern London Road (A20) arm is predicted to increase from 94 to 96 PCUs (see note 2) in the AM peak.

The TAA contends that any requirement for mitigation would be inconsistent in view of the Whitepost Fields TA having already provided an assessment of impact that accounts for the proposed development. KCC Highways nonetheless maintain the view that each planning application is required to provide evidence of cumulative impact to determine whether mitigation is necessary in the event of a planning approval.

In this case, the modelling evidence has confirmed how there will continue to be extensive congestion in the absence of a link road. This congestion will be worsened by the proposed development. It is therefore maintained that a planning condition should be attached to any consent that requires delivery of the link road prior to first occupation. Whilst it is recognised that delivery of the link is dependent on a third party, it is evident from the modelling that this infrastructure is necessary in advance of further housing growth in this locality.

A26 Wateringbury Crossroads

The TAA has confirmed that the proposed development will add up to 11 peak period vehicle movements to this junction. These will add to the congestion that is already prevalent at this location and thereby strengthen the need for the junction improvement scheme that KCC Highways is seeking to bring forward.

In order to mitigate this impact by helping to facilitate delivery of the scheme, the applicant should be required to provide a financial contribution via a Section 106 Agreement.

A20 Coldharbour Roundabout and A20 London Road/Mills Road/Hall Road Junction

The TAA contends that a planning condition preventing occupation of the development until both junction improvement schemes are completed is unreasonable. This is based on the forecast traffic flow increase of the proposed development at these locations.

KCC Highways maintain the view that these junctions have been placed under increasing pressure due to the cumulative effects of housing growth in this part of Maidstone. Those developments already consented have been required to mitigate their impact on this part of the network. The TA is predicated on the junction improvements being implemented. It is therefore reasonable that a condition is imposed preventing occupation of the proposed development until these junction improvements are completed.

A26 Tonbridge Road/Fountain Lane/Farleigh Lane Junction

The applicant has submitted a Stage 1 Road Safety Audit and Designers Response in support of the proposed 'interim' junction improvement.

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All of the audit recommendations have been addressed with one exception. In the case of recommendation 2.1, the applicant has not removed the right turn markings that are on the line of northbound movements into Fountain Lane. The Designers Response argues that this situation already exists, and that removal of the markings may cause confusion for road users right turning into Farleigh Lane. KCC Highways is of the view that there is scope to modify the markings without removing them entirely, thereby addressing the audit recommendation.

Parking restrictions in the form of double yellow lines are proposed on the southbound side of Fountain Lane to address audit recommendation 2.2, which highlighted the potential for parked vehicles to result in lane changing collisions. The restrictions will require a Traffic Regulation Order. The loss of on-street parking has implications for the residents that currently park at this location, although most properties benefit from off-street parking. Three on-street parking bays are proposed for those properties on the western side of Fountain Lane that do not have off-street parking. It is uncertain whether this is sufficient to cater for demand, as there would be no certainty that the spaces would be available for these residents to use at any one time.

It is noted that road markings and bollards have been included to address recommendations 2.3 and 2.4.

The TAA has reiterated the applicants' view that the capacity modelling should be regarded as a robust representation of future conditions and that the proposed 'interim' junction improvement provides effective mitigation. It contends that the application of maximum extendable intergreen periods, as previously requested by KCC Highways, would not be appropriate as the modelling has sought to represent 'typical' use of the pedestrian crossings.

KCC Highways, whilst noting the findings of the safety audit and the applicants' additional comments, maintains the view that the interim junction improvement proposal will provide a less effective form of mitigation than the County Council's more comprehensive roundabout scheme.

It would therefore be more appropriate for mitigation to be achieved through a financial contribution to be made towards the roundabout via a Section 106 Agreement. The TAA indicates that the applicant agrees with the principle of a contribution for this purpose. KCC Highways also maintains the view that the planned junction improvement needs to be in place ahead of further large-scale housing growth in this locality. A condition restricting occupation of the development until the improvement is in place is therefore considered reasonable.

Cycle Route Provision

It is noted that the applicant has requested further details in relation to the proposed cycle route connection between Hermitage Lane and London Road. The County Council has already secured funding to convert footpath KB18 to enable it to be used by cyclists. Further works that include the removal of a gate, signing and lining are required to complete connectivity of the route to London Road via Juniper Close. The cost is estimated at £18,000 and no funding is currently secured. KCC Highways maintain the view that completion of the route would enhance the accessibility of the proposed development and this amount should therefore be secured via a Section 106 Agreement.

Recommendation

The proposed development is situated in north west Maidstone, where the cumulative effects of housing growth have continued to contribute to worsening levels of congestion on the

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highway network. It is evident that improvements are required to mitigate these impacts and prevent further housing growth from resulting in a severe impact on queuing and delays.

KCC Highways is taking forward numerous road improvement schemes that, in alleviating congestion hotspots, will better enable the local network to accommodate the additional housing growth proposed by this planning application. These complement the important link road that is to be provided between Hermitage Lane and Poppy Fields roundabout as part of the Whitepost Fields development.

KCC Highways does not therefore raise an objection to this planning application, subject to conditions being imposed that prevent occupation of the development until the following road improvements are implemented:

- A20 Coldharbour Roundabout
- A20 London Road/Mills Road/Hall Road
- Link road between Hermitage Lane and Poppy Fields Roundabout
- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)

The recommendation of no objection is also subject to the applicant being required to enter into a Section 106 Agreement to secure financial contributions towards:

- A26 Tonbridge Road/Fountain Lane/Farleigh Lane junction improvement (KCC scheme)
- A26 Watlington Crossroads junction improvement
- Hermitage Lane to London Road cycle route
- Bus service diversion

A Section 278 Agreement is also required to secure the proposed highway works on Broke Wood Way.

The following should be also secured via a Section 106 Agreement and planning conditions as appropriate:

- Provision of works to upgrade the surfacing of Public Rights of Way KM11 and KM12;
- Provision of a financial contribution to facilitate the provision of a cycle hub at Barming station;
- Provision of direct cycle connectivity to byway KM13 via a suitable connection point;
- Provision and implementation of a site-wide Travel Plan that has been approved by the planning and highway authorities;
- Provision of a Travel Plan monitoring fee (£948);
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;
- Provision of measures to prevent the discharge of surface water onto the highway;
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development

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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.

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**TM/20/01218/OA - Land Adjacent Ditton Common North of Rede Wood Road
Oakapple Lane Barming Kent**

Annex 3: Comments from KCC (Economic Development)

Initial comments:

We refer to the above planning application which concerns proposed residential development at **Land Adjacent Ditton Common, North Of Rede Wood Road, Oakapple Lane, Barming, Kent** and comprising: **118 new households**.

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

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

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

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

Request Summary

	Per 'applicable' House	Per applicable Flat	Project
Primary Education	£6,800.00	£1,700.00	Towards the new Aylesford Primary School
Primary Land	£3,208.18	£802.05	Towards land acquisition for the new Aylesford Primary School
Secondary Education	£5,176.00	£1,294.00	Towards the new Broadwater Farm Secondary School
Secondary Land	£4,173.24	£1,043.31	Towards the land costs of the

			Broadwater Farm Secondary School
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'Applicable' excludes 1 bed units of less than 56 sqm GIA and sheltered accommodation

	Per Dwelling (x118)	Total	Project
Community Learning	£16.42	£1,937.56	Towards additional equipment for new learners at Aylesford Adult Education Centre, Teapot Lane
Youth Service	£65.50	£7,729.00	Towards additional resources for the Youth Service in Tonbridge and Malling
Library Bookstock	£55.45	6,543.10	Towards additional services and bookstock for the new borrowers at Larkfield Library
Social Care	£146.88	17,331.84	Towards Specialist care accommodation within the Tonbridge and Malling Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£221.92	£26,186.56	Towards new WTS, a MRF and new and improved HWRC's to serve Tonbridge and Malling residents
Broadband	Condition: 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.		

	Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.
Highways	<i>Kent Highway Services will respond separately</i>

Please note that these figures:

- are to be **index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (April 2020 index = 361.9)**
- 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 modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices below.

Primary Education

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

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

Land required for the school is not within this application site and is not yet within the County Council's ownership nor is the landowner of the intended school land obligated to transfer it to the County Council as part of an existing planning obligation. The intended new school, which will form mitigation for this proposal, is within site LP28 of Tonbridge and Malling's draft Local Plan, the proposed policy for which includes provision of a Two Form Entry Primary School Site. The Local Plan is at examination stage as of June 2020 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 planning obligation has not yet been finalised; should the obligation not be completed 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/20/01218/OA.

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 £6,800.00 for each 'applicable' house and £1,700.00 per 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 new **Primary School land acquisition cost at £3,208.18 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 2020-24 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

Secondary School Provision

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

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

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

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

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

The County Council requires a financial contribution towards construction of the new Broadwater Farm Secondary school at £5,176.00 for each 'applicable' house and £1,294.00 per applicable flat ('applicable' means: all dwellings except 1 bed or less than 56sqm GIA and any sheltered accommodation – please confirm if any 1 bed or sheltered accommodation is proposed).

Whilst KCC is expecting and will be using every endeavour to secure the new Broadwater Farm Secondary School site as an 'allocation' in the Local Plan at no cost to the County Council, KCC will require an undertaking for proportionate contributions up to a maximum of £4,173.24 per applicable house and £1,043.31 per applicable flat from this site towards any land acquisition costs for the Broadwater Farm Secondary School.

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

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

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 **£16.42 per dwelling** towards the cost of providing additional equipment for new learners at Aylesford Adult Education Centre, Teapot Lane.

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 bookstock in Tonbridge and Malling Borough at 1,110 items per 1,000 population is below the County average of 1,134 and both the England and total UK figures of 1,399 and 1,492 respectively.

To mitigate the impact of this development, the County Council will need to provide additional services and stock to meet the additional demand which will be generated by the people residing in these dwellings.

The County Council therefore requests **£55.45 per household** to address the direct impact of this development, and the additional services and stock will be made available at Larkfield Library, as and when the monies are received.

Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards additional resources for the Kent Youth Service locally in Tonbridge and Malling.

Social Care

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

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

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

Waste

Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste

Recycling Centres (HWRC), Material Recovery Facility (MRF) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's will be over capacity by 2020 and additional housing has a significant impact on the manageability of waste in Kent.

A proportionate contribution of **£221.92 per household** is required towards a new WTS, an MRF and new and improved HWRC's to serve Tonbridge and Malling residents to mitigate the impact from new housing growth, including this development.

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.

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 responsibility. 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, and County monitoring fee of £500 for each trigger within 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.

Subsequent response

TMBC commentary: *The subsequent response from KCC requests the same level of contributions for the same purposes set out in its initial response. Therefore, the full response is not reproduced in this annex. However, a slight change concerning*

the justification for the contributions for primary school and primary land has been provided given that permission for the development the subject of planning application TM/17/01595/OAEA had been granted since the initial response was provided. KCC's revised justification for the requested contribution is set out below..

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.

Permission has recently been granted for the new Aylesford 2FE Primary School under TM/17/01595, and site secured by s106 Agreement, often referred to as Whitepost Field.

Whitepost Field are to hand over the entire school site including: services (gas, water, electricity, drainage, broadband), build the road access, supply fencing, undertake earthworks (levelling) and remediation as well any Archaeology and protected species removal, and cover all parties land transfer costs.

Whitepost Field housing proposal generates more than 1FE of pupils. Schools are built in full FE's and KCC Education have no other capacity to accommodate those pupils in excess of 1 FE elsewhere. Hence a full 2 FE school and site are required.

In the s106 for Whitepost field, KCC are to receive the 2FE School site for £1. KCC are then to transfer to the Owner, Primary School land contributions from Contributing sites, at rates of £3,208.18 per applicable house and £802.05 per applicable flat as set out in the Whitepost Field s106 agreement.

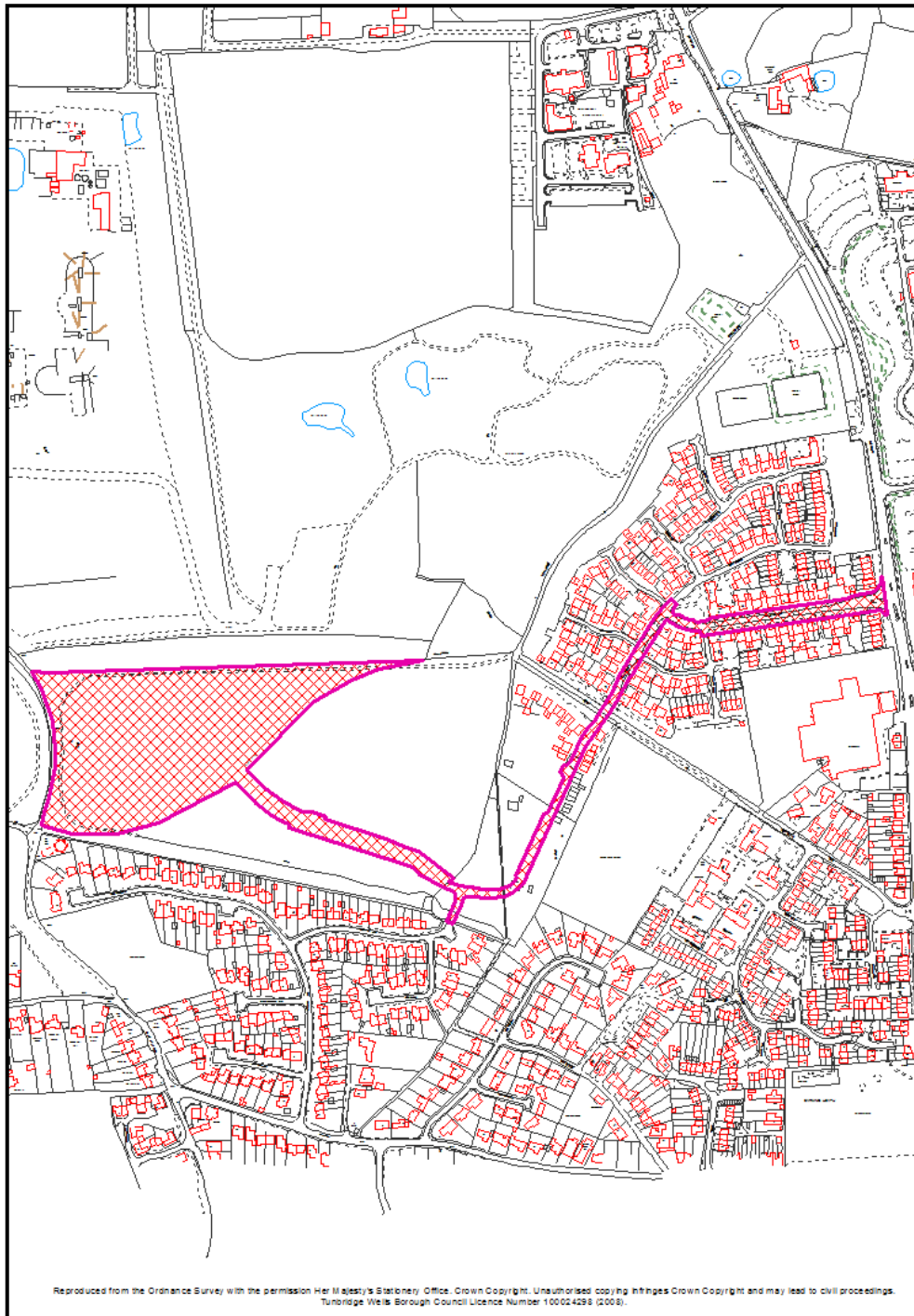
The school land calculation apportions the cost of the land on a per pupil basis.

TM/20/01218/OA

Land Adjacent Ditton Common North Of Rede Wood Road Oakapple Lane Barming Kent

Outline Application: all matters reserved except for access for the erection of up to 118 dwellings, together with associated works for access, open space, infrastructure, earthworks, surface water drainage systems and landscaping

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**East Malling And
Larkfield**
East Malling

3 November 2020

TM/20/02454/FL

Proposal: Development of 2no. detached houses with associated access, parking, and gardens
Location: Land Between 166 And 194 The Rocks Road East Malling West Malling Kent
Go to: [Recommendation](#)

1. Description:

1.1 This is a resubmission of an application previously refused by APC3 at the meeting of 20 August 2020. As with the last scheme, this latest proposal is for 2x new detached dwellings on land situated between 166 And 194 The Rocks Road. The application makes various changes in order to seek to overcome the last reason for refusal. The changes can be summarised as follows:

- House 1 moved away from neighbouring boundary at 166;
- Revised topographical survey data provides accurate ground levels;
- Streetscape assessment provided;
- Full landscape strategy; and
- Clarification of Highways land ownership

1.2 The dwellings have been designed to be reflective of the edge of village/rural setting, deploying materials and forms that are generally characteristic of properties found in the surrounding area and the Conservation Area.

1.3 The dwellings are proposed to be sited on either side of the site, fronting the road, with oak framed garages located in the middle. Parking and landscaping would be provided with a central shared access point. Gardens are laid out for each dwelling to the rear with a communal front drive.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Michelle Tatton to consider if the application has overcome previous concerns which lead to the ground of refusal.

3. The Site:

3.1 The site is a parcel of land located between two dwellings on the southern outskirts of East Malling. It lies just outside of the defined settlement boundary of East Malling, and beyond the Conservation Area, in designated open countryside as set out under policy CP14. Behind the site are new build dwellings granted

permission under reference 15/00547/FL. Although outside of the designated village boundary residential development now surrounds the site on all sides and the area is difficult to distinguish from the formally designated village limits.

3.2 Accordingly, the character of the site remains that of an edge of village location rather than purely rural. No other relevant designations exist.

4. Planning History (relevant):

TM/92/00247/OA refuse 10 December 1992

outline application for detached chalet style dwelling

TM/19/02663/FL Application Withdrawn 22 January 2020

Development of 3no. detached houses with associated gardens and parking

TM/20/00483/FL Refuse 21 August 2020

Development of 2no. detached houses with associated gardens and parking

5. Consultees:

5.1 PC: This site marks the transition from the more built-up area along The Rocks Road as it leads out of East Malling into the countryside to the south. The road here is a one track one, at a lower level than the land either side, and the extent of the carriageway is now clear after recent resurfacing. It can be described as a rural lane with hedges including along the frontage of this site. The site itself is outside the settlement boundary of East Malling.

5.1.1 The Parish Council has yet to be convinced that the extent of the limits of the public highway is correctly described. This is not a case of where the Highway Authority owns the land under the highway as is the case for new modern roads (as implied in the application) and the extent of the highway is a matter of historical evidence and the factual position on the ground. The Parish Council have noted the properties on either side claim ownership of the hedges in front of their properties and that they are not within the limits of the highway. Given this the sight lines cannot run through either of these hedges.

5.1.2 The last application was refused on the basis that visibility splays to serve the development in any event could not be achieved without causing unacceptable harm to the character and appearance of the locality. The Parish Council struggle to see how the fresh application changes the position. It is considered the appearance of the lane and rural street scene would be adversely affected.

5.1.3 It is noted the building has been moved a little from the adjoining bungalow at 166 but on that issue it is felt that it could be moved further still which would reduce the impact on 166 which it is considered would be desirable.

Additional representation received on 13 January 2021:

5.1.4 The Parish Council remains concerned about the sight lines as the letter from KCC Highways of 30th November indicated 43metres was required but the letter now received of 7th January 2021 now seems to accept a reduced figure of 29 metres. The first letter talks about trimming back hedges, but it is not specific which hedges are involved. IF the hedges are outside the plot involved but are those belonging to the properties either side it is not clear at all this would be possible.

5.1.5 If hedges involving other people are involved, it would seem the Certificate A may be incorrect and notice should be served on those adjoining owners. This needs to be tied down as suggested in the first letter from KCC before this application proceeds.

5.2 KCC (H+T): Ordinarily this type of application would be a matter, which does not require the highway authority to comment. However, a safety concern has been raised over the site access and it is deemed necessary for KCC to respond. Speed surveys were undertaken and formed the basis of a response for a previous application on this site. The survey results showed 85th percentile speed of 24mph, this equates to required visibility splays of 29 metres (32 metres including for car bonnet length), which is achievable from the proposed development.

5.2.1 The Rocks Road is single track that has low vehicle volumes and as previously mentioned recorded 85th percentile speed of 24mph. Taking these factors into consideration - The Rocks Road does not offer any safety concerns due to the low speed and the development is for two dwellings with one joint access only, therefore, I confirm that provided the following requirements are secured by condition or planning obligation, then KCC would raise no objection on behalf of the highway authority:-

5.2.2 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.

5.2.3 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.

5.2.4 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>

5.2.5 Provision and maintenance of 2 metres x 32 metres visibility splays at the access with no obstructions over 0.6 metres above carriageway level within the splays, prior to use of the site commencing.

5.3 KCC Archaeological Officer: The site of the proposed works lies in an area of potential associated with Medieval and Post Medieval agrarian activity. Remains associated with Post Medieval or earlier activity may survive on the site and as such I recommend the following condition is placed on any forthcoming consent. *(Officer note: conditions located at the end of the report)*

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

5.4.1 Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

5.5 Private Reps: 19+ site notice/0X/14R/5S:

Objections summarised as follows:

- Road too narrow
- Impact of lorries
- Nearby cottages are old and could be damaged
- Query where parking will occur
- Loss of wildlife

- Semi-rural area not suitable for further housing
- Houses are not of an acceptable design
- Loss of sunlight
- Query land ownership
- Question provision of visibility splays
- Destruction of hedgerow
- Too overbearing
- Loss of outlook
- Shown as unsuitable on TMBC call for sites
- Disagree with streetscape assessment
- Question ecology survey as site was already cleared
- Access could be blocked
- Not enough parking
- Many ponds in the area
- Request condition on lighting
- Full daylight and sunlight submission should be provided

Representations in support summarised as follows:

- Application has thought about how the houses would fit in with the surroundings
- Site abandoned for years
- Scheme is for everyday people that want to build a couple of houses
- 300 houses approved down the road
- No concerns from waste services
- No objection from Natural England
- Highways have no concerns

- House has moved away from No. 166
- Visual improvements
- NPPF states there should be a presumption in favour of development

6. Determining Issues:

- 6.1 Firstly, it should be made clear that the scope of this application is to consider whether the sole reason for refusal advanced by the Council in respect of the last scheme has been overcome (and whether in doing so any new harms/policy conflicts arise). For the avoidance of doubt, the previous reason for refusal is set out as follows:

“The Local Planning Authority is not convinced on the basis of the evidence put before it that visibility splays sufficient to serve the proposed development in a safe manner without causing unacceptable visual harm to the character and appearance of the rural locality can be provided. As such, the proposed development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.”

- 6.2 Case law has established that consistency in the decision-making process is important to ensure public confidence in the development management system. Like for like cases should be determined in a consistent manner. Aside from the noted changes set out at the beginning of this report, the proposed development is otherwise the same as previously considered, and therefore must be determined consistently insofar as most matters were considered acceptable in the last case.
- 6.3 To this end, the Council did not advance reasons for refusal with regards to neighbouring amenity/loss of daylight/sunlight, design of the dwellings, the principle of residential development on this site, its sustainability or on the grounds of harm to ecology. Furthermore, no reason for refusal was advanced on concerns over construction feasibility, damage to neighbouring properties, impact on the nearby Conservation Area or on additional car movements.
- 6.4 Accordingly, the key matters for consideration now are whether the evidence submitted demonstrates that the required visibility splays can be provided without causing unacceptable visual harm to the character and appearance of the rural locality.

Provision of sufficient visibility splays:

- 6.5 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be

severe. Paragraph 110 goes on to state that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.6 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. 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.

6.7 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. The aims of Policy SQ8 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework in respect of these matters.

6.8 Members will note the detailed response provided by KCC (H+T) in these respects. They raise no concerns with the proposed provision of splays, noting that for two dwellings the number of additional movements will be minor. They also note that the road has low recorded speed and low existing vehicle movements. Subject to the imposition of conditions securing the required splays, they do not raise any highways safety objections.

6.9 Additionally, their assessment includes consideration of whether the splays are likely to be possible within the extent of the applicant's land ownership/highways ownership and raise no concerns in this regard. This also includes the provision of

additional landscaping and planting that are now proposed to preserve the rural character, alongside the necessary visibility splays.

- 6.10 Therefore, whilst the volume of third-party objections in this regard are noted, the Council does not have any evidence before it to suggest that a highways safety issue would arise. I would reiterate that for two houses additional vehicle movements are going to be minor, and the low recorded speeds on the road mean that extensive visibility splays are not required, since approaching traffic would be mindful of the width of the road and existing driveway access points.
- 6.11 Overall, it is considered that there is simply no case to suggest that the proposed splays would result in any unacceptable highways safety impacts. This is the required test set out at paragraph 109 of the NPPF; which makes it clear that permission should only be refused on highways safety grounds if there would be an “unacceptable” impact. This represents a high bar to clear, and there is no evidence that anything approaching “unacceptable” safety impacts would occur.
- 6.12 Accordingly, the scheme is considered to wholly comply with the requirements of policy SQ8 of the MDEDPD and paragraph 109 of the NPPF.

Whether unacceptable visual harm would occur to the character and appearance of the rural locality:

- 6.13 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.
- 6.14 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be 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).
- 6.15 The revised scheme now includes provision for additional tree planting along the front boundary, and in combination with the confirmation from KCC that the required splays are acceptable, it can be seen that only a small area of hedgerow would need to be removed to provide access and splays. The site frontage would otherwise remain planted and provide effective screening from the development. The additional trees would also enhance the semi-rural/edge of village character and provide some measure of enhancement above the existing position, where the site does not contain any prominent tree specimens. Planting of these trees prior to occupation can be secured by condition.

6.16 Accordingly, in light of the ground of refusal advanced on the last scheme, it is considered that the additional planting and clarification on the extent of required splays is sufficient to ensure that no unacceptable visual harm would occur to the character and appearance of the rural locality. Since the design of the dwellings was not identified as harmful in the last application, the development is considered to be in accordance with paragraph 193 of the NPPF, CP24 of the TMBCS or SQ1 of the MDEDPD.

Other Matters:

6.17 As previously noted, no concerns were raised by the Council on the last application with regards to neighbouring amenity, ecology, or impact on the nearby Conservation Area. The location of the dwelling for plot 1 has also been moved to pull it further away from the northern boundary with neighbouring property 166, so if anything, this offers a further betterment over the previously determined application. Furthermore, the scheme in its revised form gives rise to no new issues or harms. Nonetheless, for the avoidance of doubt, the relevant policy and conclusions are addressed again below.

Principle of development/1992 appeal decision/call for sites:

6.18 A number of third-party comments have referred to the 1992 appeal decision which dismissed an application for residential development on the site. Reference is also made to the outcome of the 2017 call for sites process which found the site unsuitable for a local plan allocation. Since all these matters are relevant to whether residential development can be accepted on the site in principle, it is considered necessary to address them under this heading.

6.19 The site lies in designated countryside, where policy CP14 seeks to control new development to a closed list of exceptions, of which residential development is not one. However, Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing (whatever the specific type or nature) carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As a result of the tilted balance being engaged and the presumption in favour of new housing, conflict with policy CP14 is no longer sufficient justification to resist the delivery of housing on sites like this. This is because local plan policy designations for countryside areas do not fall within the definition of “policies in the NPPF that protect areas or assets of particular importance” and therefore the tilted balance and presumption cannot be disengaged on this basis.

6.20 Furthermore in broad policy terms the circumstances of the current application are very similar to a number of applications permitted on appeal across the borough, in edge of settlement locations close to existing dwellings. In light of this whilst the

application is contrary to CP14 the site cannot be considered inherently unsustainable and because of the Council's 5 year housing position the presumption in favour of development must apply.

- 6.21 In terms of the 1992 appeal, I note comments from the Parish Council and third parties that suggest that there have been no material changes since that decision. However, I cannot agree with this view. The adoption of the NPPF and the presumption in favour of sustainable development, the requirements to meet in full the objectively assessed housing need and maintaining a 5-year housing supply mark very significant changes in circumstances. Over 28 years have passed since that appeal decision and, given the substantial change in the policy context, the application can and must be considered afresh.
- 6.22 As to the site being found unsuitable under the "call for sites" process as part of the local plan evidence base gathering, this is an assessment to consider if land is suitable for formal allocation in the new local plan. There are different criteria that are considered under this assessment, and sites must be able to accommodate a minimum level of development. The fact that a site was excluded from this process does not preclude an application being made and neither is it any form of justification in itself to prevent permission being granted, if the proposal is considered to be compliant when assessed against adopted and national planning policy.
- 6.23 Additionally, in its reason for refusal on the last scheme, the Council did not take issue with the principle of residential development on the site.
- 6.24 Accordingly, neither conflict in principle with policy CP14, the 1992 appeal decision nor the outcome of the call for sites process provide sufficient justification to resist the principle of residential development on the site. The only means to disengage the titled balance under paragraph 11 (d) (ii) of the NPPF is if the benefits of granting permission are significantly and demonstrably outweighed by any adverse impacts.

Neighbouring amenity:

- 6.25 Each building would not extend beyond the rear building line of adjacent properties. Plot 1 is set significantly far back from the adjacent dwelling at 166; this has been increased in comparison to the previous scheme as noted earlier in the report. House 2 is almost completely in line with the neighbouring properties rear elevation. A good level of separation would be provided between the boundaries and this is not dissimilar to the relationship between other nearby dwellings and their neighbours.
- 6.26 Accordingly, it is not considered that the development would result in any harmful overbearing, overshadowing or loss of light. Neighbouring garden areas would remain largely unaffected regardless of the height and bulk of the new buildings.

- 6.27 It is noted that a neighbour has submitted a letter by surveyors Smith Marston considering the potential impact on sunlight to the adjacent dwelling at number 166. The letter suggests that there would be a loss of sunlight to one of the habitable rooms on the side of the property, and that a detailed sunlight assessment should be carried out. It is also noted that the letter does not suggest more than a single side room would actually be affected.
- 6.28 In any event, in the last application, in which the proposed dwelling was located closer to this property, the Council did not advance reasons for refusal on the grounds of harm to neighbouring amenity/loss of sunlight/daylight. In not refusing the application on these grounds, the Council formed a judgement that overall whilst there may be some change in outlook and light to the adjacent neighbour, it would not as a whole result in harm that would justify a refusal. This is a balanced judgement that the Council was entitled to make, in default, by not refusing on these grounds.
- 6.29 It may be that there is a change in sunlight to this one room as a result of the proposed development. However, the increased separation from this property would improve the position above the last scheme which, as noted, was considered to be acceptable on balance.
- 6.30 I am therefore of the view that this letter does not amount to a material consideration sufficient to alter the Council's previous stance on this matter. The loss of some light to a single side facing room, where the remainder of the dwelling and its rooms and garden are otherwise unaffected, is not considered sufficient grounds to withhold permission, all the more so in light of the Council's previous conclusions.
- 6.31 As the letter notes, *"It is at the discretion of the Council to grant planning permission despite a failure of the scheme to fully meet the targets within the BRE guide in relation to loss of daylight and sunlight."* Officers agree with this assessment and consider this to be an example of such a case.
- 6.32 The letter also suggests *"where a Council has stated that the BRE guide will be used.... there is a legal requirement for that course of action to be adhered to by the Council."* The Council does not have BRE guidance written into adopted policy nor has it ever stated that it will be used as a point of reference, informally or otherwise, to consider daylight and sunlight impacts. Therefore, it is not considered that there is any policy basis to consider this matter in any further detail, again in light of the conclusions set out above. As a result, there is no legitimate expectation by applicants or neighbours that BRE guidance would be applied, and so there would be no *"procedural failure[s] of the Council to adhere to their own laid-out standards in relation to the correct consideration of the effect of a loss of daylight and sunlight"* as suggested in the letter.
- 6.33 Ultimately BRE guidance on daylight and sunlight impacts is indeed guidance and no more than "rule of thumb" that may indicate the effects of a development on

daylight and sunlight. It is still for the Council to form an overall judgement. The letter itself does not actually amount to a full technical assessment of daylight and sunlight anyway, it is only the opinion of the author as to what the effects may be.

6.34 Drawing all these factors together, I do not consider there to be any justification for a refusal on amenity grounds. This scheme has only improved the position last time and, notwithstanding the contents of this letter, the Council is entirely justified in taking an “on balance” approach and concluding that regardless of some change in light to a single side room, the neighbouring property as a whole would be otherwise unaffected and their amenity would not be harmed.

6.35 In terms of privacy whilst rear terraces are proposed, privacy screens would be installed to prevent overlooking, and all side windows at first floor and above can be obscure glazed and non-opening by condition. As such, it is considered that the development would not have a harmful impact on neighbouring amenity.

Conservation Area:

6.36 The East Malling Conservation Area ends further to the north and there is intervening development in between. As such it is not considered that the site makes any positive contribution to its setting and neither would the development be harmful to its setting. The significance of the Conservation Area as a designated heritage asset would be preserved.

6.37 Accordingly no policy conflict with paragraph 193 of the NPPF, CP24 of the TMBCS or SQ1 of the MDEDPD is identified.

Ecology and protected species:

6.38 Paragraph 175 of the NPPF requires developments to not harm biodiversity or protected species. This is consistent with the aims of policy NE3 of the MDE DPD that seeks to avoid harm to biodiversity.

6.39 The applicants have provided a professionally prepared ecology survey which was unable to find evidence of protected species being present on the site. Whilst third party comments suggesting that the site was cleared prior to the survey are noted, this does not require planning permission and protected species are still protected under different legislative regimes from harm. The survey does not recommend further work is required and therefore notwithstanding third-party comments there is no technical evidence that protected species would be harmed by the development. The approved landscaping scheme can also incorporate measures to improve biodiversity on the site and this will be secured by condition. Accordingly, the development would comply with policy NE3 of the MDEDPD and paragraph 175 of the NPPF.

Conclusions and overall planning balance:

- 6.40 As before, the development would provide two new homes towards local shortfall. Tonbridge and Malling Borough Council cannot currently demonstrate a 5-year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing (whatever the specific type or nature) carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development. The policies referred to in the NPPF are a closed list and refer, among other things, to areas such as Green Belt, Listed buildings or AONB. None of these apply here.
- 6.41 There are no relevant policies that would provide a clear reason for refusing the proposed development. Furthermore, there is no planning harm identified in terms of character and appearance, neighbouring amenity, parking and highways or protected species. No adverse impacts would occur that would significantly and demonstrably outweigh the benefits of providing two new homes.
- 6.42 Members will be aware that only if the adverse impacts significantly and demonstrably outweighed the benefits could permission be refused. My conclusion given the preceding assessment is that there are no significant or demonstrable adverse impacts that could lead to a refusal of planning permission and as such the following recommendation is put forward.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Statement summary of changes dated 03.12.2020, Archaeological Assessment dated 04.01.2021, Block Plan 150C Proposed dated 03.11.2020, Site Layout 151E Proposed dated 03.11.2020, Proposed Plans and Elevations 152B House 1 dated 03.11.2020, Proposed Plans and Elevations 153C House 2 dated 03.11.2020, Street Scenes 154F dated 03.11.2020, Proposed Plans and Elevations 155C Car Barns dated 03.11.2020, Street Scenes 156A Comparison dated 03.11.2020, Topographical Survey 20195_01 dated 03.11.2020, Block Plan 75 dated 03.11.2020, Site Layout 76 dated 03.11.2020, Location Plan dated 03.11.2020, Assessment Section 1-2 Streetscape dated 03.11.2020, Assessment Section 3-5 Streetscape dated 03.11.2020, Planning, Design And Access Statement dated 03.11.2020, Ecological Assessment dated 03.11.2020, Landscaping 0375-20-B-21 dated 03.11.2020, Statement dated 07.12.2020, subject to the following conditions:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

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

- 3 The windows on the first and second floor side elevations marked as obscure glazed shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be affected before the building is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 4 The development hereby approved shall not be occupied until the areas shown on the submitted layout for vehicle parking spaces, turning, visibility splays and access onto the highway has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no obstruction or 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 or visibility to the site and reserved parking spaces.

Reason: To ensure that parking and access is provided safely and maintained in accordance with the Council's adopted standards.

- 5 The garages shown on the submitted plans shall be kept available at all times for the parking of private motor vehicles and not enclosed.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

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

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and 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; and

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

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

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

- 7 The scheme of landscaping and boundary treatment shown on the approved plans referenced 0375/20/B/21 and received on 3rd November 2020 shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: 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.

- 8 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.

Informatives

- 1 A formal application for connection to the public sewerage system is required in order to service this development. More information is available on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.

- b) A water course.
- c) Where neither of the above is practicable: a sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to e-mail to addresses@tmhc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

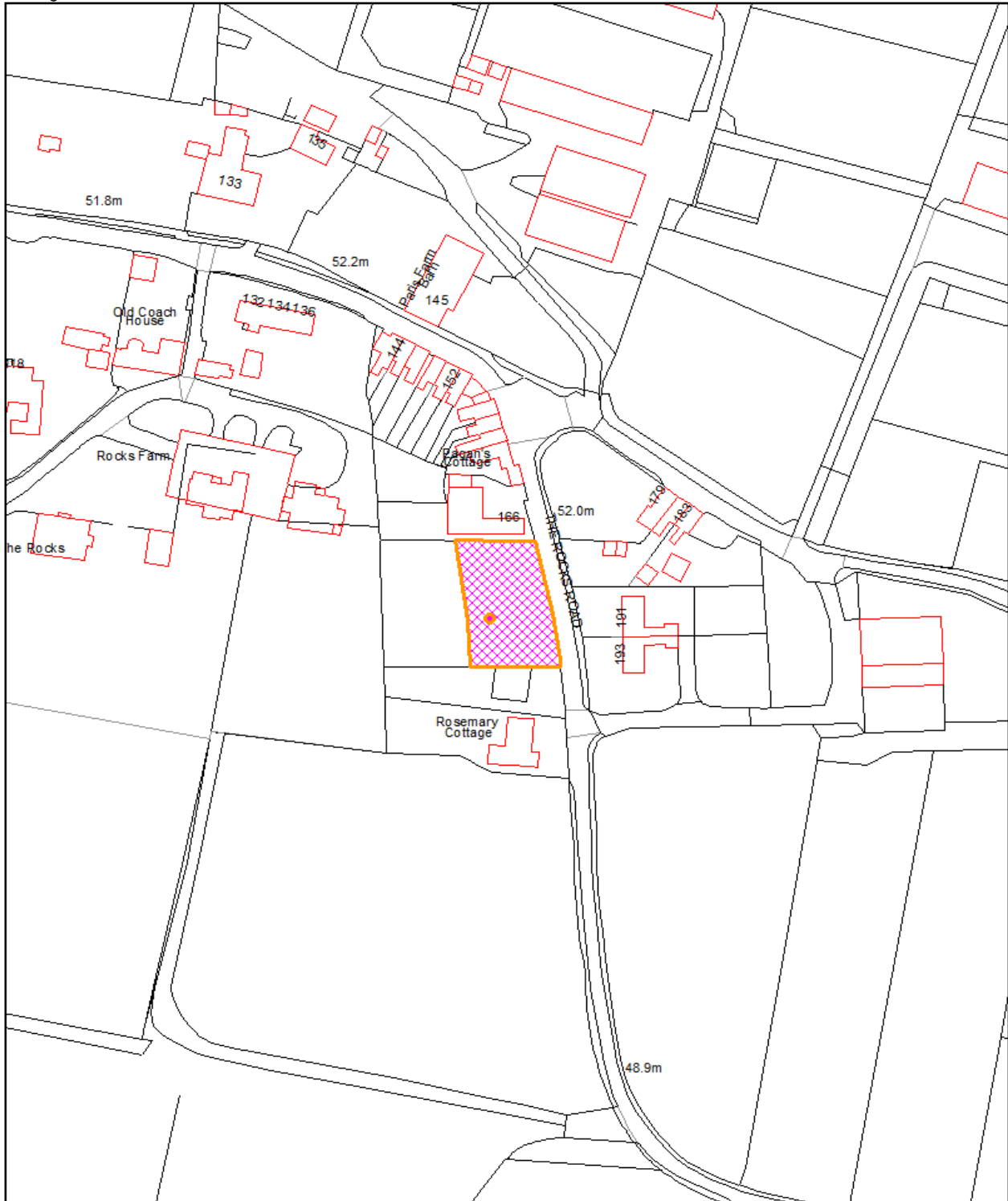
Contact: Adem Mehmet

TM/20/02454/FL

Land Between 166 And 194 The Rocks Road East Malling West Malling Kent

Development of 2no. detached houses with associated access, parking, and gardens

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Agenda Item 9

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

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

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