

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

MINUTES

Thursday, 20th April, 2023

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

Virtual: Councillor V M C Branson participated via MS Teams in accordance with Access to Information Rule No 23.

Apologies for absence were received from Councillors A P J Keeley, D Keers and Mrs R F Lettington.

PART 1 - PUBLIC

AP3 23/1 DECLARATIONS OF INTEREST

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

AP3 23/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 10 November 2022 be approved as a correct record and signed by the Chairman.

AP3 23/3 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 tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

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

**AP3 23/4 TM/22/01909/OA - DEVELOPMENT SITE SOUTHERN PART OF
FORMER AYLESFORD QUARRY, ROCHESTER ROAD,
AYLESFORD**

Outline Application: A later living community comprising up to 250 age-restricted dwellings (Class C3), up to 191 extra care houses and apartments (Class C2) with associated community facilities within a central hub building, an 80 bed care home (Class C2), a new facility for the local Scouts and parking, associated green infrastructure including landscaping, public open space, allotments, biodiversity enhancements and associated accesses to Rochester Road and Bull Lane.

There was detailed discussion on the S106 contributions where members expressed concern regarding the prioritisation of residents with local connections in the consideration of applications for affordable housing to be provided by the proposed development and felt that a Local Lettings Plan would be beneficial.

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

- (1) The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and contributions towards off-site provision, and contributions towards healthcare provision;
- (2) The applicant entering into a planning obligation with Kent County Council to make financial contributions towards public transport provision, adult education facilities, monitoring of the travel plan, libraries and community services;

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 20 October 2023, 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 Chair and Ward Members;

- (3) The potential negotiation for a Local Lettings Plan in respect of prioritisation of residents with local connections in the consideration of applications for elements of the affordable housing to be pursued in consultation with the Borough Council and the applicant. The Director of Planning, Housing and Environmental Health to be given delegated authority, in consultation with the Chair and Ward Members, to agree the Local Lettings Plan if negotiations between the Borough Council and applicant were successful;
- (4) Additional Conditions:

33. With the submission of each phase, a biodiversity gain plan shall be submitted to and approved in writing by the local planning authority. The biodiversity gain plan shall include the following:

- A review and where necessary an update of the Defra Biodiversity Metric 3.1 submitted as part of TM/22/01909/OA (Aspect Ecology (February 2023) Supplementary Ecology Information), demonstrating the site will achieve a biodiversity net gain;
- Biodiversity net gain calculations for the site based upon an ecological baseline that takes into consideration the approved restoration scheme, protected and priority species and habitats recorded within baseline data collected for the outline application submission, as well as any necessary further survey data collected to support the associated reserved matters applications;
- Habitats as well as features beneficial to wildlife (such as reptile and amphibian hibernacula/log piles, bird and bat boxes, and hedgehog highways);
- Detailed planting specification(s) to include the use of native species in soft landscaping and the avoidance of known non-native invasive species; and
- The scheme shall also include details of the timing of the respective elements forming the plan.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to enhance the Biodiversity of the area in accordance with Paragraph 170 of the NPPF 2021 and Policies NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document.

34. With the submission of each phase, in the case of communal/publicly accessible areas/off site enhancement areas,

a biodiversity management and monitoring plan shall be submitted to and approved in writing by the local planning authority. The plan shall include the following:

- Description and evaluation of the relevant habitats and species requiring monitoring and management as identified in the biodiversity gain plan;
- Constraints on-site that might influence management;
- Aims and objectives of the management;
- Proposed management/ maintenance, monitoring and remedial arrangements for the detailed planting specifications and habitat features agreed as part of condition 33 to achieve the aims and objectives. It should be noted that the monitoring arrangements will need to include reference to any ecological monitoring carried out for other purposes (e.g., as required as part of relevant great crested newt licensing), monitoring of the success of habitat establishment and its condition as per the Defra Metric 3.1, populations of individual/groups of species (e.g., reptiles, invertebrates etc.), the recreational and lighting impacts and where relevant remedial measures needed/taken;
- Preparation of a work schedule (capable of being rolled forward); and
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed/taken.

The approved scheme shall be fully implemented prior to the occupation of the dwelling(s) and thereafter maintained.

Reason: To secure a measurable biodiversity net gain in line with paragraph 180 of the National Planning Policy Framework 2021.

35. With the submission of the first reserved matters application or prior to the commencement of works (including site clearance) (whichever is soonest), a biodiversity method statement will be submitted to, and approved by, the local

planning authority. The content of the method statement will be based upon the measures proposed within Chapter 11 of the Environmental Statement (DHA (August 2022)) Environmental Statement Chapter 11: Biodiversity. Aylesford Later Living Community – Land at East Lake, Aylesford Quarry, Aylesford, Kent. Ref: TS/16808 and Aspect Ecology Supplementary Ecology Information (February 2023). The method statement will also need to include any measures recommended as a result of updated habitat/species surveys undertaken where existing survey data is out of date (as advised by a suitably qualified and experienced ecologist) in line with Chartered Institute of Ecology and Environmental Management (CIEEM) guidance. The method statement will include the:

- Purpose and objectives for the proposed works;
- Methodology necessary to achieve stated objectives;
- Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans;
- Reference to the details of any necessary protected species licences required for works to be undertaken on-site (e.g., great crested newt);
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
- Use of protective fences, exclusion barriers and warning signs;
- Initial aftercare and long-term maintenance (where relevant), and;
- Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

36. With the submission of each reserved matters application a review of the biodiversity method statement submitted as part of condition 35 must be carried out. An updated biodiversity method statement or a letter demonstrating that the biodiversity method

statement is still valid must be submitted to the LPA for written approval. The biodiversity method statement must be implemented as approved.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

37. With each reserved matters application, a lighting design strategy for biodiversity will be submitted to and approved in writing by the local planning authority. The strategy shall consider the recommendations contained within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (or subsequent updates). The strategy shall also demonstrate compliance with the Recreational Zoning and Lighting Principles Plan (5946/SUP1) and include the following:

- The identification of areas/features on-site where disturbance could occur to bat breeding/roosting sites and/or foraging/commuting routes;
- The provision of an appropriate plan(s) to show how and where external lighting will be installed;
- The provision of technical specifications for the external lighting along with an explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (and/or subsequent updates) has been considered during the lighting selection process;
- A demonstration that internal lighting with the potential to produce light spill upon 'important bat habitat' has been selected and positioned in accordance with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' (and/or subsequent updates); and
- The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes, so that it can be clearly demonstrated that areas to be lit will not disturb bat activity. Sufficient information should be included on plans to enable non-lighting professionals to understand the avoidance and mitigation measures proposed, as indicated within Step 5: Demonstrate compliance with illuminance limits and buffers within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

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 strategy.

Reason: To mitigate for the potential effects of the development upon legally protected roosting, commuting and foraging bats.

38. No phase or sub-phase of the development shall be occupied until a scheme is submitted to and approved in writing by the Local Planning Authority to secure public access to the wider site from Aylesford Village. The approved scheme shall be provided in strict accordance with the approved details prior to occupation of that phase or sub-phase of the development and retained for the lifetime of the development.

Reason: In the interests of ensuring access to the public areas of the development for the benefit of the wider community.

In accordance with Council Procedure Rule 8. 6, Part 4 (Rules) of the Constitution, Councillor Dalton requested that it be recorded in the Minutes that he had voted against approval of the planning application.

[Speakers: Mr J Green (on behalf of Mrs S Green), Mrs A Rillie and Dr T Johnson – members of the public and Mr H Buttle on behalf of the applicant addressed the Committee in person]

PART 2 - PRIVATE

AP3 23/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.44 pm