

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

31 May 2023

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 8th June, 2023 **commencing at 6.30 pm.**

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

- | | | |
|----|--|--------|
| 1. | Guidance for the Conduct of Meetings | 5 - 6 |
| 2. | Terms of Reference for Planning Committees | 7 - 10 |

PART 1 - PUBLIC

3. Apologies for Absence

4. Declarations of Interest

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

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

5. Minutes 11 - 18

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 20 April 2023

6. Glossary and Supplementary Matters 19 - 26

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

7. TM/22/00113/OAEA - Development site at Bushey Wood, 27 - 86
Phase 1, Bull Lane, Eccles, Aylesford

Residential development of up to 950 dwellings, provision of a mixed-use local centre (including Class E, F and C3 with potential for retirement homes) provision of land to accommodate a new primary school, replacement sports pitches with changing facilities; associated green infrastructure including landscaping, public open space, allotments, sustainable urban drainage systems, biodiversity enhancements; new accesses from Bull Lane; new access and road/cycleway/footpath link to New Court Road

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

87 - 88

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 Thornewell (Chair)
Cllr R W Dalton (Vice-Chair)

Cllr Mrs S Bell
Cllr A G Bennison
Cllr T Bishop
Cllr R I B Cannon
Cllr D A S Davis
Cllr S M Hammond

Cllr P M Hickmott
Cllr D Keers
Cllr W J Mallard
Cllr A McDermott
Cllr Mrs A S Oakley
Cllr C J Williams

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

1.	Area Planning Committees
Size and Membership:	
Area 1 Planning Committee	<p>To consist of the members elected for the following wards:</p> <p>Cage Green & Angel; Higham; Hildenborough; Judd; Trench; and Vauxhall</p> <p>(Total – 14 members)</p>
Area 2 Planning Committee	<p>To consist of the members elected for the following wards:</p> <p>Birling, Leybourne & Ryarsh; Borough Green & Platt; Bourne; East Peckham, West Peckham, Mereworth and Watringbury; Kings Hill; East Malling, West Malling & Offham; Pilgrims with Ightham</p> <p>(Total – 16 members)</p>
Area 3 Planning Committee	<p>To consist of the members elected for the following wards:</p> <p>Aylesford North & North Downs; Aylesford South & Ditton; Larkfield; Snodland East & Ham Hill; Snodland West & Holborough Lakes; and Walderslade</p> <p>(Total – 14 members)</p>
<p>For the avoidance of doubt, a member of the Executive may serve on an area planning committee if eligible to do so as a councillor</p> <p>(Quorum: 4 Members of the individual Planning Committee)</p>	
Terms of Reference:	
<p>Each Area Planning Committee has been appointed to make decisions on planning applications and related matters and exercise all functions of the Council as the Local Planning Authority relating to their respective wards as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except where recommended for approval in fundamental conflict with the plans and strategies which together comprise the Development Plan.</p>	
<p>Where a Committee rejects a recommendation to approve, or is minded to refuse, an application which is recommended for approval by the Director of Planning, Housing and Environmental Health on grounds which the Director does not consider can be substantiated at appeal, the matter shall be deferred to the next meeting of the Committee to enable the Director of Central Services & Deputy Chief Executive</p>	

to submit an independent report to the Committee on the possibility of costs being awarded against the Council. If the Director of Central Services & Deputy Chief Executives report indicates that there is likely to be a significant risk of costs being awarded against the Borough Council and the Committee resolves to refuse the application that decision will be a recommendation only and the matter shall be submitted to Council for resolution.

These functions shall include (but are not restricted to):

1.	Applications for planning permission under the Town and Country Planning Act 1990 ("the 1990 Act")	
2.	Applications for consent to the cutting down, topping, lopping or destruction of trees.	
3.	Applications for determination under Sections 191 and 192 of the 1990 Act.	
4.	Applications for listed building and conservation area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
5.	Applications for consent under regulations Sections 220 and 221 of the 1990 Act to display advertisements.	
6.	Applications for consent under regulations under Sections 220 and 221 of the 1990 Act to display advertisements.	
7.	Applications for approvals required by a development order or by conditions imposed on the grant of planning permission and applications for determination as to whether prior approvals are required.	
8.	To authorise the issue of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Except in cases where the Director of Planning, Housing and Environmental Health and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation

9.	To exercise powers in relation to the service of enforcement notices under Parts VII and VIII of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
10.	To exercise powers in relation to the service of Planning Contravention Notices under section 171C of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
11.	To exercise powers in relation to the service of Breach of Condition Notices under section 187A of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
12.	To exercise powers in relation to the service of Stop Notices under Parts VII and VIII of the Town and Country Planning Act 1990	Except in cases where the Director of Planning, Housing and Environmental Health and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation
13.	To exercise powers in relation to the service of Listed Building Enforcement Notices under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to take all further steps up to and including prosecution.	
14.	Orders for modification or revocation of planning permissions.	Where served with the agreement of the owner
15.	To authorise the issue of Completion Notices under Section 94 Town and Country Planning Act 1990.	
16.	To resolve to serve Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995.	
17.	To confirm Directions made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995	Where objections are received

18.	To deal with objections to tree preservation orders and to determine whether orders shall be confirmed.	
19.	The approval or disapproval of plans for the laying-out of new streets and erection of buildings under the Building Act 1984 and the Building Regulations 1991.	
20.	To exercise the Council's powers under Section 36 of the Building Act 1984 (power to require the removal or alteration of work not in conformity with the building regulations or executed notwithstanding the rejection of plans)	
21.	To make recommendations on Local Plans and Development Briefs and to approve Development Briefs where they are produced pursuant to the requirements of a planning permission.	
22.	To submit views on behalf of the District Planning Authority in relation to the consultations under the Pastoral Measure 1968.	
23.	To consider and approve for consultation purposes Draft Conservation Areas	Formal designation of Conservation Areas reserved to Council
24.	Under the Hedgerows Regulations 1997:	
(a)	to deal with notifications under Section 75 of the Environment Act 1995 and the Regulations and to authorise the service of Hedgerow Retention Notices; and	
(b)	to exercise powers in relation to the service of notices requiring the replanting of important hedgerows under Section 75 of the Environment Act 1995 and the Regulations.	
Highways Use and Regulation		
25.	Each Area Planning Committee shall also exercise the functions of the Council relating to the regulation of the use of highways, as set out in Schedule 1 to the Functions Regulations	

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

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GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

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)

B

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

C

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
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)

D

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

E

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
EP	Environmental Protection

F

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

G

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)

H

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

I

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

K

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
KGT Kent Garden Trust
KWT Kent Wildlife Trust

L

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)
LEMP Landscape and Ecology Management Plan
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)

M

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

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

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)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

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

R

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

S

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

T

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

U

UCO Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB Upper Medway Internal Drainage Board

W

WAS Waste Disposal Planning Application (KCC determined)
WTS Waste Transfer Station

(Version 2/2021)

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Aylesford
Aylesford North and
North Downs

19 January 2022

TM/22/00113/OAEA

Proposal: Residential development of up to 950 dwellings, provision of a mixed-use local centre (including Class E, F and C3 with potential for retirement homes) provision of land to accommodate a new primary school, replacement sports pitches with changing facilities; associated green infrastructure including landscaping, public open space, allotments, sustainable urban drainage systems, biodiversity enhancements; new accesses from Bull Lane; new access and road/cycleway/footpath link to New Court Road

Location: Development Site Bushey Wood Phase 1 Bull Lane Eccles Aylesford Kent

Go to: [Recommendation](#)

1. Description:

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

- Residential development of up to 950 dwellings;
- 30% Affordable housing, including first homes;
- A new mixed use Local Centre;
- New sports hub and pavilion/changing facilities;
- Childrens playspace throughout the development;
- Amenity and semi-natural public space;
- Landscaping, including area required for sustainable drainage systems and biodiversity enhancements;
- Cycleway and footpath linkages throughout the development;
- Site accesses and associated highway improvements including a new link to New Court Road and closure of Bull Lane at its junction with Pilgrims Way, improvement works to Rochester Road, New Court Road and Pilgrims Way;
- Rear access provision to existing properties on Cork Street that adjoins the development;
- Additional areas of parking for existing residents;

- Part retention and part new allotments; and
 - Provision of site for new 2FE school to replace the existing St Marks Primary School and allow room for expansion at an appropriate time in the development phasing.
- 1.2 The new access arrangements are to be from New Court Road/Pilgrims Way and Bull Lane, with a new access to the south of Bull Lane/Eccles providing the southern end of the spine road and access into the new school. The highway works include for partial closure of Bull Lane to traffic, north of Eccles village to Pilgrims Way/Rochester Road junction (excluding emergency vehicles). In addition to the above, several pedestrian and cycle links will be established using existing PROW's and new routes through the development.
- 1.3 As the application is in outline form essentially this report is dealing with the principle of the development with all details, except for the general quantum of development and the means of access reserved for future consideration.
- 1.4 Whilst all other matters have been reserved for subsequent reserved matters applications the developer has submitted a number of plans and a Design Code to assist with the determination of the application. Some of the submitted plans identify key development parameters against which future reserved matters applications will be considered and as such they would constitute approved plans should consent be issued, whereas other plans are submitted purely for informative purposes to illustrate how a scheme could be developed in accordance with the formal parameter plans. These plans include the following:
(Text in **Bold**, Formal Parameter plan)
- Application Site Boundary
 - Aerial image of application site
 - District and Regional Context Plan
 - **Proposed Land Use Parameter Plan**
 - Green Infrastructure Plan
 - Master Plan
 - Phasing plan
 - Agriculture
 - **Movement Parameter Plan**
 - **Density Parameter Plan**

- **Building Heights Parameter Plan**
- **Green Infrastructure Parameter Plan**
- Heritage and Scheduled Ancient Monuments
- Air Quality
- Ground Condition and Contamination
- **Drainage Strategy Parameter Plan**
- Minerals
- Flood Risk and Drainage
- Climate Change and Energy

1.5 Whilst the scale and details of the proposed development is to be reserved for future reserved matters applications; as shown on the Building Heights Parameter plan (for approval) it is anticipated that the development would provide for a mix of 2 – 2 ½ storey dwellings. There would be 2 ½ storey dwellings closest to the village and 2 storey dwellings near the external boundary, abutting the more rural area. The parameter plan also indicates two zones where buildings would be up to 3 storeys as well as specific locations where taller 3 storey buildings may be deemed appropriate. The indicative housing mix set out within the application submission is below:

1 bed units	2 bed units	3 bed units	4 bed units
134	278	380	158

1.6 The proposed development is subject of an Environmental Statement following consideration of a scoping request submitted to the council in 2021 to establish the main environmental issues associated with the proposals.

1.7 The contents and conclusions contained within the ES are considered throughout the detailed assessment of the scheme which follows. In addition, a number of other supporting plans and documents have been submitted as part of the application.

- Proposed site access plan
- Environmental Statement volume 1 (Main Statement)
- Environmental Statement volume 2 (Appendices) to include :
 - Off site Ecological Compensation plan
 - Illustrative Masterplan

- Development Parameters plan
- Landscape Strategy plan
- Ecological Impact Assessment
- Built Heritage Assessment
- LVIA Assessment
- Archaeological Evaluation
- Transport Assessment
- Air Quality Assessment
- Noise and Vibration Assessment
- Flood Risk Assessment
- Environmental Statement Volume 3 (Figures)
- Environmental Statement Volume 4 (Non-Technical Summary)
- Planning Design and Access Statement
- Ecological Corridor
- Open Space Note and Measurements Plan
- Illustrative Housing Schedule
- Sequential Assessment and Exceptions Test
- Tree Survey and Tree Constraints Plan
- Financial Viability Assessments

1.8 Each topic assessment within the ES 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. The ES that accompanies the application is now considered to address all of the statutory requirements.

2. Reason for reporting to Committee:

- 2.1 The reason for reporting the application to committee is due to the application being a major site on an unallocated area of land forming a departure from the extant TMBC development plan.
- 2.2 That there is a need for the Council to consider its position in response to the applicant's submission of a non-determination appeal under The Town and Country Planning Act 1990: Appeal under Section 78 and to set out what Members consideration of the application would have been had they had an opportunity to determine the submission.
- 2.3 Councillors Dave Davies and Andrew Kennedy (former councillor) called in the application to Area 3 due to the size of development.

3. The Site:

- 3.1 This is a major planning application seeking outline approval for a residential led development on land adjoining the village of Eccles, see **Fig: 1**. The area of land incorporated within the application boundary is approximately 63.5ha (156.86 acres) of principally tenanted farmland located to the north, south and west of the village of Eccles. There are however some non-agricultural uses within the site boundary comprising areas of woodland, allotments bordering the village of Eccles, sports pitches west of Bull Lane, and the current St Mark's C.E. Primary School.
- 3.2 The application site surrounds the village of Eccles with the remainder of the site bounded by a mix of agricultural land and woodland with New Court Road forming the northern boundary.
- 3.3 A number of existing Public Rights of Way cross the site linking the existing settlement of Eccles with the wider countryside. There are currently no vehicular access routes through the site.

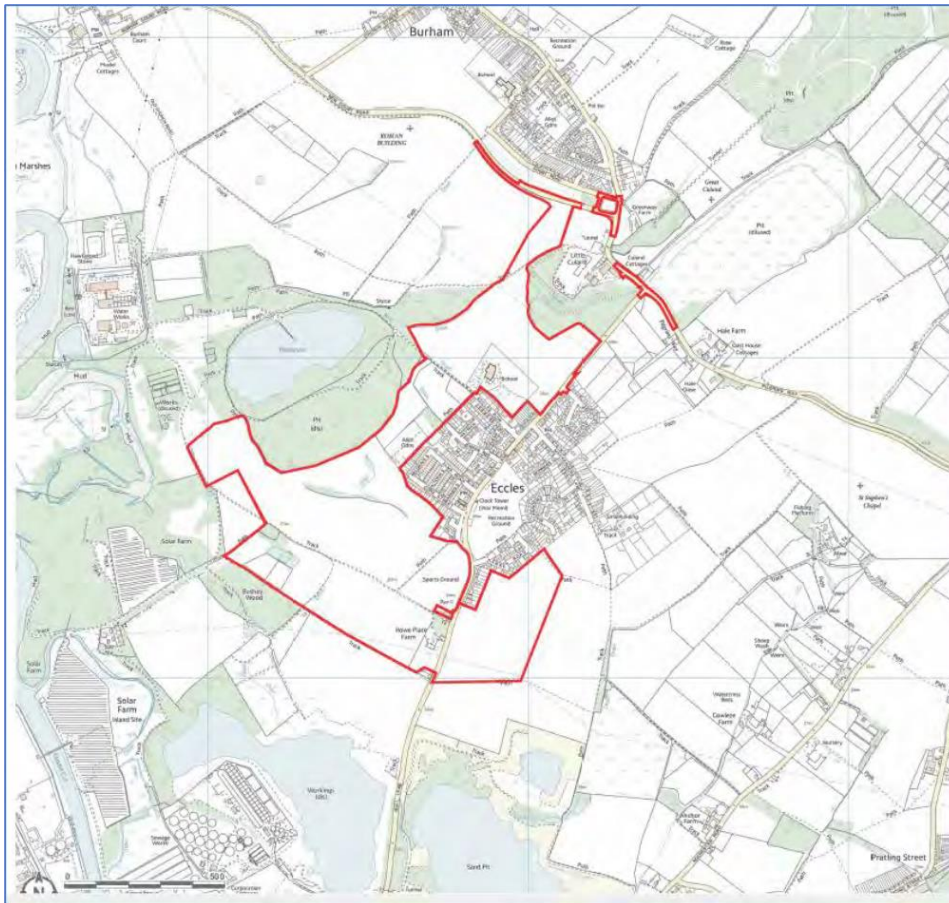


Fig 1: Application Site Boundary - (shown edged red)

Historical context

- 3.4 The existing village of Eccles adjoins the application site; Eccles was originally developed as a result of the opening of Thomas Cubitt's brickworks and cement manufacturing facilities close to the river, north of the present-day Old Eccles Pit reservoir in around 1850.
- 3.5 The first streets were constructed to the South of the village in the late 1900s and further development extended the village to the north and more laterally to the east of Bull Lane, see **Fig 2**.
- 3.6 The village offers local amenities including a village store, post office, a church, a doctor's surgery, a public house, and a primary school, as well as allotments and sports pitches, a recreation ground is also located centrally within the village.

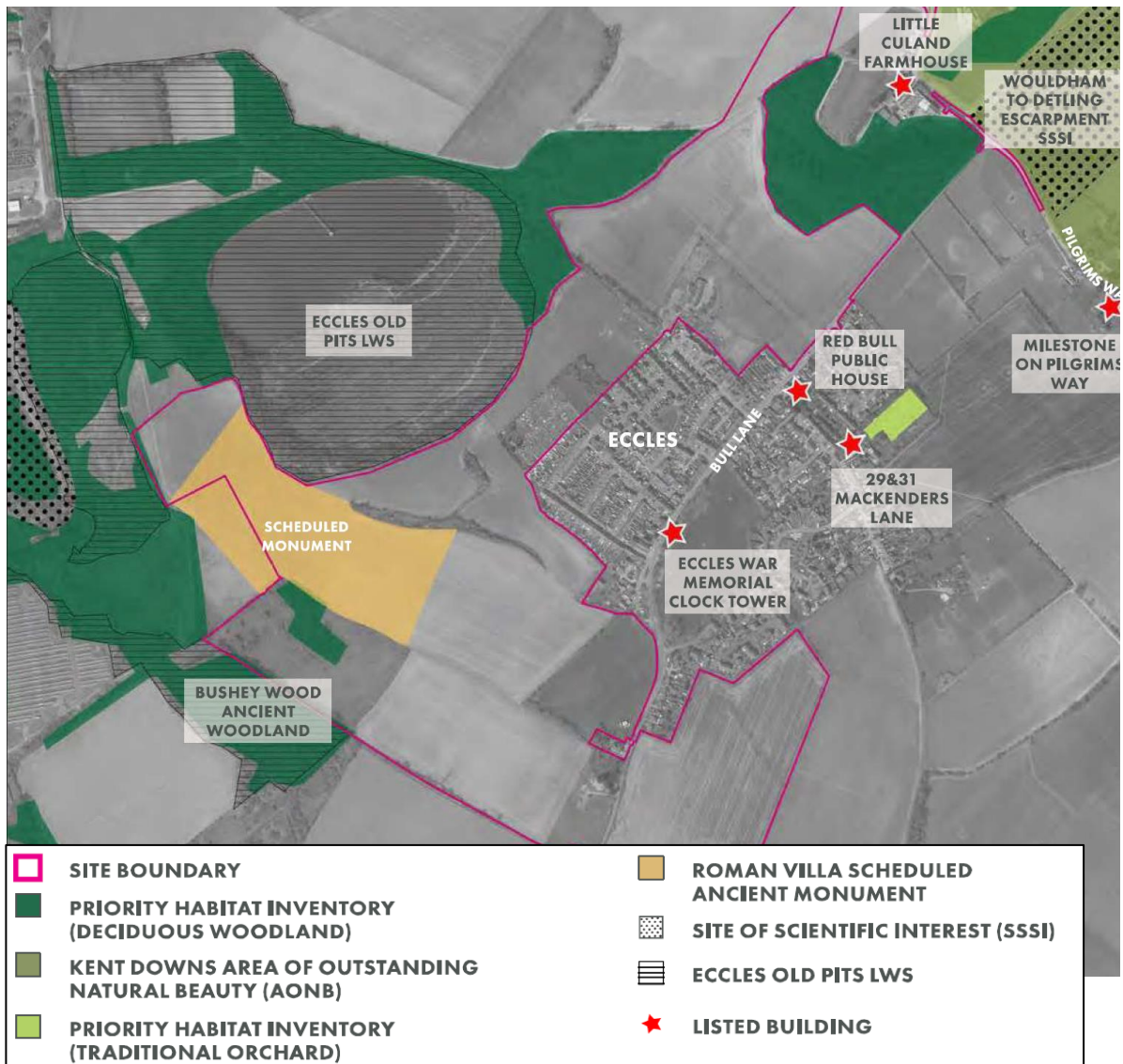


Fig 2: Historic Monuments, Listed Assets, AONB and SSSI

Highways and Transport

3.7 The application site has a frontage to Bull Lane, which routes through the centre of Eccles. Bull Lane has a 30 mile per hour speed limit within the village, which increases to the 40 mph and national speed limit beyond the northern and southern extents of the village. It connects with Rochester Rd/Pilgrim's Way to the north of Eccles and Aylesford to the South. Rochester Rd/Pilgrims way is a single carriageway road which routes north from Bull Lane through Burham towards Wouldham and the south east connecting via A229, see **Fig 3**.

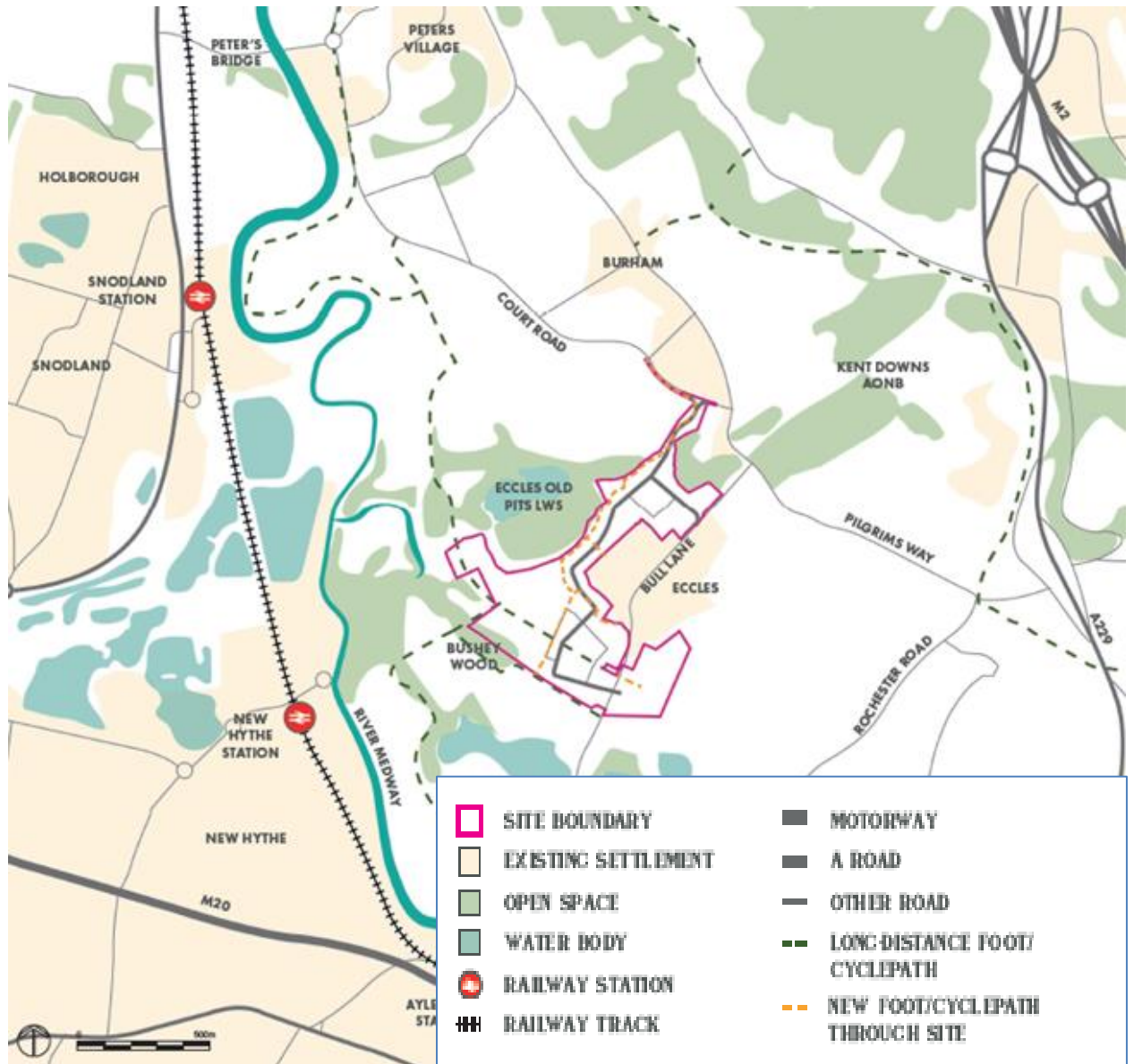


Fig 3. Overview of application site and general area - (showing railways, roads etc.)

3.8 There have been a series of improvements to the road network recently associated with the development of Peters Village. New Court Road provides a new road link to the northwest of Eccles connecting to Peters Village and then Peters bridge providing an important crossing linking the east and west Bank of the river Medway, enhancing the accessibility between the existing settlements.

4. Planning History (most relevant):

21/02024/EASP

20 September 2021

Request for a Scoping Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Environmental Impact Assessment of development on Land at Eccles, Kent, pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

TM/01/00646/CR3

21 July 2001

New seven classroom primary school (to be built in two phases) with hard surfaced play area, netball court, playing field, new car parking and vehicular and pedestrian circulation and fencing and landscaping

5. Consultees:

- 5.1 Consultation responses are summarised below. The full text is available on the Councils website viewable at <https://publicaccess2.tbmc.gov.uk/online-applications/>
- 5.2 *Wouldham Parish Council:* Updated comments were received following further revisions made to the scheme. The concerns relate to lack of parking provision and the timely delivery of the additional infrastructure referred to as part of the application (leisure provision, GP surgery, School). Concerns also remain over general traffic distribution as a result of the proposed development.
- 5.3 *Aylesford Parish Council:* No objection in principle to the development noting the safeguarding of the site for development post 2021 and the current position on five-year housing supply. However, has indicated that development should be restricted to that land identified in policy CP16 and nothing beyond and raised specific concerns over detailed elements of the scheme. However, on the basis that an appeal has been lodged without addressing the detailed concerns with the proposal the parish council object to the proposal as submitted.
- 5.4 *Burham Parish Council:* Objects to the proposals on the basis of specific highway related concerns, implications arising from the cancellation of a local bus service, air quality impacts and noise during construction, impacts on heritage assets, impacts on ecology, concerns with the delivery of GP surgery facilities noting the issues arising with Peters Village provision, the need to provide 40% affordable housing and the future delivery of the additional infrastructure included as part of the description of development (particular issue over lack of control of current school site).
- 5.5 *Tracey Crouch CBE MP:* Objects to the proposals on the basis of the highways impact, overdevelopment of the site, impact on existing health care provision and that the proposals are premature to the new Local Plan.
- 5.6 *National Highways:* Requested a holding objection on the application until 15 May 2023 to allow for further information to be provided to demonstrate the full impacts of the proposals on the SRN. Further comments provided dated 12 May confirming that whilst working in accordance with the Memorandum of Understanding there were still outstanding matters to be resolved and therefore the holding objections ought to be extended until 15 August 2023.

- 5.7 *Natural England*: Initial objection to the scheme on the basis of the need for further information, including an HRA to be submitted by the Council. This information was submitted but no formal response was included within the subsequent response issued December 2022. Objection remains in respect of AONB, air quality, water quality and agricultural land but confirmed that further landscape advice should be sought from AONB unit as unable to advise further.
- 5.8 *Historic England*: Raise specific concerns with the proposals concluding that the proposals result in less than substantial harm to the designated heritage assets with that harm being in the middle of the range. Concluded that if consent were recommended on the basis of the benefits outweighing the identified less than substantial harm that they are secured through appropriately robust conditions.
- 5.9 *NHS PCT*: No objection subject to the applicant agreeing to developer contributions towards expansion of Phoenix Medical Practice and/or refurbishment/reconfiguration/extension or new premises for Wateringbury Surgery.
- 5.10 *Environment Agency*: No objection subject to the imposition of suitably worded planning conditions.
- 5.11 *Southern Water*: No objection although have recommended that a fully detailed odour assessment is conducted given the potential risks of receptor encroachment into an area where sewage works type odours are shown to be pervasive frequent and established. Requested a suitably worded condition.
- 5.12 *Kent Police*: Specific comments were raised regarding compliance with Secured by Design principles but no objection in principle.
- 5.13 *KCC Ecology*: Initial comments identified the need for additional information relating to mitigation strategy for protected species, greater protection for surrounding designated sites and also the biodiversity net-gain assessment calculations. Subsequent information addresses the majority of concerns save for the BNG matters.
- 5.14 *KCC Economic Development*: No objections subject to the applicant agreeing to developer contributions relating to Education,
- 5.15 *KCC Flood and Water*: Further confirmation that alterations made to the scheme have minimal impacts from a surface water aspect and no objection is raised.
- 5.16 *KCC Heritage*: Stated that the applicant's consideration of archaeology does not reflect the importance, significance and range of heritage of the development site. Considers that the Design Code does not sufficiently address historic environment issues.

- 5.17 *KCC Highways*: No objections subject to the imposition of suitable worded planning conditions and securing of highways improvements through a section 278 Agreement and by way of s106 Developer Contributions
- 5.18 *KCC Minerals and Waste*: No objection
- 5.19 *KCC PROW*: No objection subject to the imposition of suitably worded planning conditions.
- 5.20 *Environmental Health (contamination)*: No objection subject to the imposition of suitably worded planning conditions.
- 5.21 *Environmental Health (noise)*: No objection subject to the imposition of suitably worded planning conditions.
- 5.22 *Environmental Health (air quality)*: No objection subject to provision for EV charging points for all houses.
- 5.23 *Housing services*: Initially objected to the application on insufficient information provided on affordable housing but now accept the most recent offer of proposed affordable housing provision of 30% with mix as set out below which was informed by viability considerations. They also request reference to a local lettings plan to be included in the S106, giving priority to households with a local connection to the wards immediate to the development for all tenures.

Type	First Homes (25%)	Affordable Rent (52.5%)	Shared Ownership (22.5%)
1 bed flat	18	74	0
2 bed flat	18	16	9
2 bed house	18	14	18
3 bed house	17	31	30
4 bed house	0	8	7
5 bed house	0	7	0
TOTAL	71	150*	64

*10% of rented provision to be suitable for wheelchair users to occupy in line with Part M4 of the Building Regulations, 15 units to be agreed with the Council in due course.

- 5.24 *Leisure Services*: Supports the provision of pitches but requests additional financial contribution due to the shortfall in provision based on size of scheme, to be secured through a s106 Agreement. New provision must meet FA guidance and cater for all 3 pitches to be used at the same time. Parks and garden provision to be secured by way of financial contribution secured through s106 Agreement.
- 5.25 *CPRE*: Object to the proposals on the basis that they will not result in sustainable development/community, results in the loss of best and most versatile agricultural land, results in the loss of intrinsically dark landscapes, results in the loss of tranquillity, has an impact on the setting of the Kent Downs AONB, and provides insufficient detail on the provision of affordable housing.

- 5.26 *Kent Downs AONB*: Recognises that the site has been safeguarded for development in the current Core Strategy and within Local Plan to which no objection was raised by the AONB unit. The submission of the Design Code was welcomed to address specific concerns initially raised, albeit noting that some measures identified on the parameter plans are not entirely reflected in the Design Code.
- 5.27 *Kent Wildlife Trust*: No objection in principle but concerns over maintaining at least a 15m buffer to the ancient woodland and Eccles Old Pits LWS. There is also a request that a management plan is secured by condition for the Eccles Old Pit LWS as part of the opportunity to secure biodiversity net gain.
- 5.28 *Geoconservation Kent*: Raise concerns that heritage mitigation makes no reference to geological heritage. Request a commitment to including geological and palaeontological heritage highlighting the RIGS designation in the interpretation plan and look to securing the freehold of Culand Chalk Pit SSI and part of the Wagon's Pit RIGS for the local community of suitable charity.
- 5.29 *Sport England*: No objection subject to the imposition of suitably worded planning conditions.
- 5.30 Third Party Representations: 738 individual objection responses. Objections are summarised as follows:-
- Loss of wildlife area, wildlife corridors and natural habitat, which should be protected for educational value and mental wellbeing of residents.
 - Need to be reducing carbon footprint which is not possible if plants and trees are destroyed, and there is less habitat for animals being pushed out of their natural environment.
 - Enough houses in the area, proposed houses are not needed, Eccles will no longer be a village.
 - Should be more green parks and better community spaces.
 - Insufficient infrastructure in place for more development.
 - Primary school is already full, Station car park is full by 8am, insufficient GP surgery places, inadequate shop provision, all of which should be rectified before adding more houses.
 - The only secondary school residents' children can get into has a poor rating, another one is needed.
 - Existing highway hazard due to cars speeding on New Court Road more houses will make it worse.

- Inadequate road infrastructure, rural lanes and proposed access point cannot accommodate increased traffic, impacts on Wouldham Village will exacerbate the current traffic problems, rat running and road rage.
- Existing traffic problems in Wouldham due to incidents on either the M20 or M2 will become worse, pressure and damage to this single-track road will worsen.
- Harm to views of the AONB.
- Traffic data submitted is based on out-of-date information and fails to mention the increase in sewage/waste lorries.
- Current sewage network is failing.
- Confusing number of documents updated and submitted so unclear what is proposed.
- Buildings should be no more than 2 stores in keeping with the village.
- Harmful impact to wildlife, flora and fauna and birds on site, including orchids, bats, Great Crested Newts, Little Owl, Turtle Doves and swans.
- Harmful noise and disturbance, traffic and mess during construction.
- Harmful impact from light pollution caused by streetlighting and air pollution resulting from traffic.
- Impact on setting of adjacent existing dwellings.
- Property devaluation.
- Inadequate parking provision.
- Trenport have used bribery and there are already court cases against them for not delivering what was promised to existing residents. They have failed to deliver what is necessary for the existing communities they have already built on.
- Approving puts profit before the impact upon local communities.
- Loss of countryside setting and green space, the countryside should be protected for future generations.
- Current new build housing remains unsold.
- Increased pollution due to vehicles.

- No benefit to anyone in the community or surrounding area.
- Overdevelopment putting pressure on already overloaded roads and infrastructure.
- Previous objections should be carried over to this application.
- Increased anti-social behaviour and crime.
- Impact of development on the SSSI, SAC and LWS will harm biodiversity net gain. There should be greater mitigation for legally protected species.
- Lack of comments from Wildlife Trust.
- Lack of local plan is not justification to allow this, to approve would be irresponsible when current infrastructure is at breaking point.
- Eccles will be detrimentally affected.
- With hybrid working these days people should be encouraged to move north to reduce the need to build here.
- Kent will no longer be the "Garden of England" with no farmland left.

Comments in support (3) are summarised as follows: -

- The amendment to the means of access removing it from the Culand Chalk Pit SSSI and RIGS is welcomed.
- Suggestion that the freehold of the Culand Chalk Pit SSSI and RIGS is given to the local community as a "Community Asset" or donated to a suitable charity in order to protect it for future generations as a geological site of national importance.

6. Determining Issues:

Introduction

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). The stated housing land supply position as of 31 March 2022 is 3.22 years. This means that the presumption in favour of sustainable development as set out at paragraph 11 of the Framework (2021) 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, 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 Framework. The consequence of this in these circumstances is that consideration must be given to the extent of conformity between development plan policies and the policies contained within the Framework as a whole.

6.3 The most important policies for the determination of this application are listed below together with an indication of the level of weight that ought to be afforded to each of them based on various recent appeals and the council's own assessment:

Core Strategy

- Policy CP1 Sustainable Development – whilst parts of this policy have diminished weight or no weight, the policy overall is still to be afforded weight in the determination of applications.
- Policy CP2 Sustainable Transport – This policy is deemed to be consistent with the Framework and therefore afforded full weight.
- Policy CP5 Strategic Gap – This policy is deemed to be out of date and therefore afforded very limited weight since the abolition of the Regional Spatial Strategies that supported such a designation, as confirmed by various subsequent appeal decisions locally.
- Policy CP7 Areas of Outstanding Natural Beauty – There are certain discrepancies over precise wording and requirements diminishing the amount of weight to be afforded, such that the Framework requirements take precedence where any conflicts are identified, and parts of the policy afforded some weight.

- Policy CP14 Development in the Countryside – This policy has been accepted as being inconsistent with the Framework and therefore afforded limited weight in the determination of this application.
- Policy CP16 Bushey Wood Area of Opportunity – This policy can only be read in conjunction with paragraph 73 of the Framework and is considered to be consistent. The weighting is tempered by the failure to have delivered on the Area Action Plan, however overall the policy is compliant and therefore capable of being afforded significant weight.
- Policy CP17 Affordable Housing – Generally consistent with the Framework and therefore capable of being afforded full weight.
- Policy CP24 Achieving a High Quality Environment – This is to be read in conjunction with section 12 of the Framework and considered to be afforded full weight still.
- Policy CP25 Mitigation of Development Impacts - This is to be read in conjunction with paragraphs 55-58 and 194-208 of the Framework and considered to be afforded full weight.

6.4 Other relevant policies for consideration include:

Managing Development and the Environment Development Plan Document

- Policy SQ1 Landscape and Townscape Protection and Enhancement
- Policy OS3 Open Space Standards
- Policy OS4 Provision of Open Space
- Policy NE4 Trees, hedgerows and woodland
- Policy SQ1 Landscape and Townscape Protection and Enhancement
- Policy SQ8 Road Safety

6.5 With regard to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed.

6.6 In this case, it is to be noted that the site abuts a SSSI to the north and south, is directly opposite the Kent Downs Area of Outstanding Natural Beauty and within 50m of the Eccles Old Pit Local Wildlife Site. These are not designations that wash over the application site itself though so as to come within the scope of footnote 7 of the NPPF.

- 6.7 The site contains a designated heritage asset in the form of a SAM (that being the Romano-British villa, Anglo-Saxon cemetery and associated remains) and the proposals are considered to result in less than substantial harm overall, set at the medium level of harm, such that footnote 7 is engaged on this matter. The requisite test is therefore to consider whether the public benefits of the proposals outweigh the harm.

Impact on heritage assets and archaeological matters

- 6.8 Paragraph 197 of the Framework states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.9 Paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.10 Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, such as SAMs, should be wholly exceptional.
- 6.11 Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, etc.
- 6.12 Paragraph 202 requires that when a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.13 Annex 2 of the Framework defines the setting of a heritage asset as being: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and

may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

- 6.14 Historic England have submitted revised comments following the submission of the Design Code by the applicant. Whilst welcoming the principles of the Design Code concerns still remain over the proposed vegetation cover for the setting of the scheduled ancient monument along its eastern boundary, despite a commitment to a 5m buffer set out in the Design Code. The impacts are considered to be less than substantial and at the middle level of that harm as per the definition in paragraph 202 of the Framework. Historic England have concluded that there is no objection to the proposal on heritage grounds subject to the imposition of suitably worded planning conditions.
- 6.15 KCC Heritage have updated their comments following further engagement with the applicant’s heritage consultant. Whilst welcoming the further discussions they still note that “the applicant is not setting out proposals or measures to conserve or enhance the historic environment” and go on to comment that “the Design Code does not sufficiently address historic environment issues.”
- 6.16 KCC Heritage note that the gathering of information on the historic environment has been “reasonable” but consider that “the proposed mitigation for the remarkable heritage resource is limited.” Whilst noting these concerns, and the offer to discuss the comments further, no specific objection to the proposals on heritage grounds has been raised by reference to the development plan policies.
- 6.17 It is therefore accepted that the proposals will give rise to less than substantial harm to the setting of a designated heritage asset (the SAM) and it is necessary to weigh the public benefits arising from the scheme as part of the planning balance.

Nature of development

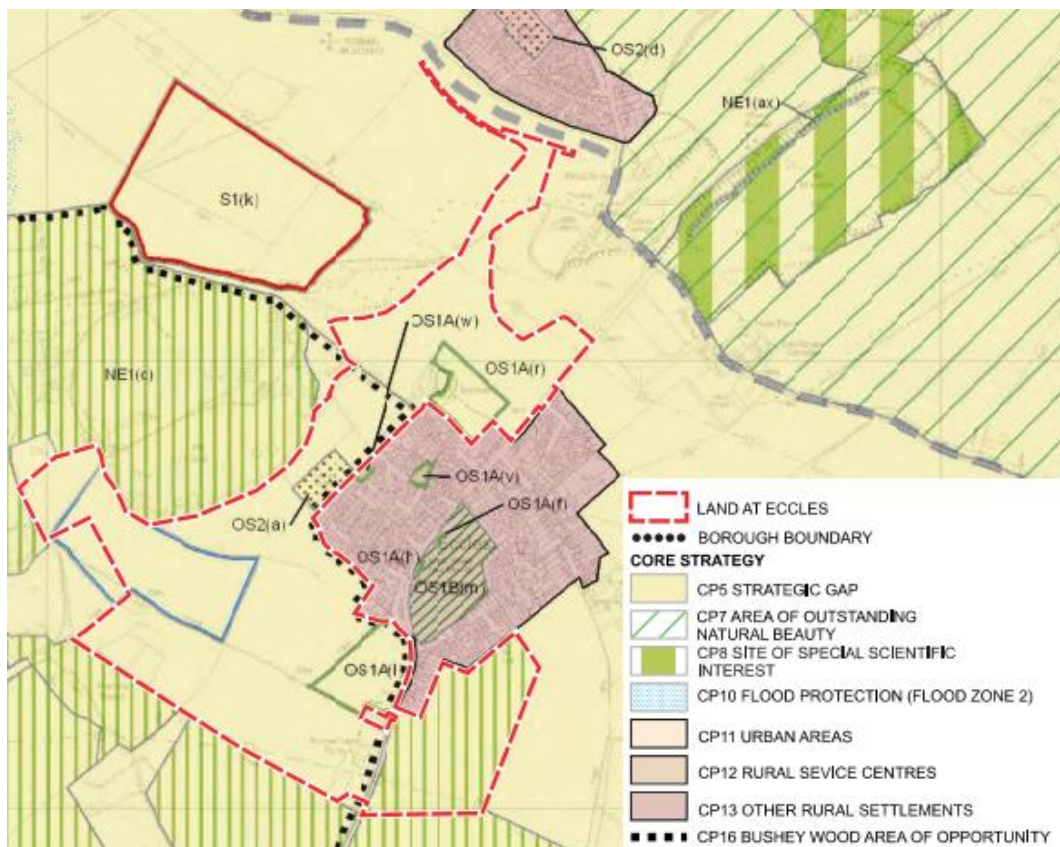
- 6.18 The application seeks to create a new settlement of up to 950 dwellings comprising a mix of house types and sizes. The scheme will deliver a range of affordable homes across tenure and sizes, with the specifics of the affordable housing discussed in more detail below.
- 6.19 The scheme will also deliver a new mixed use local centre along with new sports facility provision in terms of pitches and sports hub/pavilion.
- 6.20 The provision of up to 950 new dwellings would contribute to the overall housing requirement for the borough through both providing new market and affordable dwellings.

6.21 The scheme also makes provision of a site for new 2FE school to replace the existing St Marks Primary School and allow room for expansion at an appropriate time in the development phasing.

Locational characteristics and associated impacts

6.22 Paragraph 79 of the Framework states that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Whilst the site is located within the designated countryside, it is located immediately adjacent to the defined settlement of Eccles and cannot be reasonably said to be isolated in any way. The development would therefore meet the requirements of paragraph 79 of the Framework.

6.23 The site is broadly located within the area of opportunity as defined under policy CP16 of the Core Strategy suitable for future development. The northern most part of the application site does not however fall within this wider opportunity area as identified on the extract plan below. This additional area is referenced as being the “Island Site” and minerals workings to the west of Bull Lane, Eccles. The benefit of including this area is that it will enable the future of the entire area, including the restoration of the mineral workings and long-term access to the Island Site, to be considered comprehensively and prevent any prejudicial development in the meantime. It also provides a larger area within which new development can be planned, but this does not necessarily mean that more development will be proposed.



- 6.24 The supporting text noted at paragraph 6.3.17 of the Core Strategy in relation to policy CP16 states that “Since there is unlikely to be a need for further housing land to meet strategic requirements up to 2021, there is no need to firmly allocate any land for this purpose. It is therefore carried forward as an area safeguarded for long-term development beyond the time horizon of the LDF.”
- 6.25 This is then further expanded upon at paragraph 6.3.20 where it notes that “Although it is unlikely that any development will be justified at Bushey Wood within the current plan period it is important that the principle of development is reaffirmed, and the broad area safeguarded for the following reasons:
- to make clear the Borough Council’s longer-term intentions for the area and to provide guidance on the broad extent of the area;
 - to provide a context to resist any proposals made in the short-term which might prejudice the longer-term potential of the area;
 - to provide a context for detailed planning work that will be needed in order for development to commence in the longer-term, in particular, to ensure a viable comprehensive transportation strategy for the whole of the East Bank that has regard to the longer term possibility of development in the area;
 - to indicate a clear direction for longer-term growth in the Borough to protect the Green Belt and other areas of importance for countryside conservation.”
- 6.26 The adopted policy noted that “Land will only be released for housing development within the Area of Opportunity through the preparation of an Area Action Plan.” However, the supporting text clarified this noting that “the Area Action Plan would need to be in place before the approval of the first review of the South East Plan.” The lack of an Area Action Plan as part of the LDF is not therefore considered to be a matter of principle preventing compliance with policy CP16 for this scheme given that its timing was linked to the review of the South East Plan which has long since been abolished. In any case requirements for Area Action Plans are no longer referenced as being part of the development plan. Furthermore, the present position regarding the five-year housing supply position (3.22 years as of 31.03.22) confirms the need for suitable sites to come forward now to meet the development needs, as recognised by the Core Strategy for the period from 2021.
- 6.27 Although now withdrawn, it is also to be noted that the application site was identified as a strategic site allocation under draft policy LP27 in the Tonbridge and Malling Local Plan. The supporting text noted at paragraph 5.1.9 that “Phase 1 will deliver approximately 900 dwellings and these are expected to be completed by 2031.” The draft policy itself identified a set of key requirements for any application, including that it provides for:
- primary school – 2 form entry

- secondary education – proportionate contribution to provision of a new school in the north-east part of the borough
- road links to Bull Lane (north and south) and Court Road and other mitigation and improvement measures on the local network arising from the Transport Assessment
- healthcare provision to meet the needs of the development
- allotments & playing fields – replacement provision

6.28 Given the status of the withdrawn Local Plan, draft policy LP27 can be afforded no weight, albeit that the evidence base supporting it can be a material consideration. However, it is further evidence of the identification of Bushey Wood as being suitable for future development to meet the identified needs of the Borough.

6.29 When assessed against the requirements of policy CP16, and indeed the aspirations of the withdrawn policy LP27, it is evident that the proposed development subject of this application delivers on the wider aims of the plan. There is an identified lack of five-year housing supply post 2021 when the site was envisaged to come forward pursuant to policy CP16 and has been designed to deliver the necessary infrastructure identified through the more recent policy LP27.

6.30 It should also be noted that alongside the provisions of policy CP16 it is relevant to consider the requirements of the other designations covering the site under the terms of the Core Strategy and Managing Development and the Environment DPD. As the map extract above identifies, parts of the site are also designated as Open Spaces to be Protected (policy OS1A), Allotments (OS2) and Regionally Important Geological Site (NE1).

6.31 Policy OS1 seeks to safeguard existing open spaces and prevent their loss unless “a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility.” In this instance the land use parameter plan identifies built development in the location of the two identified existing open spaces protected under the terms of the policy. However, the land use parameter plan and green infrastructure plan identify key areas of amenity open space, recreation grounds and landscape buffers of suitable amounts to demonstrate compliance with the requirements of the policy on the basis of replacement provision.

6.32 Policy OS2 relates to provision of allotments and in the same manner as open spaces and policy OS1 seeks to retain provision unless alternative provision is included as part of development proposals. The green infrastructure plan identifies part retention of the existing allotments as well as new provision to the north of the site to demonstrate compliance with the requirements of the policy.

6.33 Policy NE1 states that development adversely affecting RIGS will not be permitted unless it can be demonstrated that either the benefits of development override the need to safeguard the site, or that any adverse impacts can be adequately mitigated. In this instance whilst adverse impacts are mitigated where possible it is the case that the wider benefits arising from the proposed development override the need to safeguard the site thereby deeming the proposals to be appropriate.

6.34 The proposed development is therefore considered to comply with the aims of policy CP16 as well as policies OS1, OS2 and NE1 such as to be acceptable in principle.

Character and pattern of development and impact upon visual amenities

6.35 Policy CP24 of the Core Strategy 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.

6.36 In particular, paragraph 130 seeks to 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.

- 6.37 Furthermore, paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
- 6.38 The application is supported by a comprehensive Design Code that sits alongside the parameter plans to be determined as part of the application. Whilst the detailed design of street layouts, sense of space and overall building qualities are matters for the subsequent RM stages, the Design Code establishes the Framework against which all future submissions would be assessed. The Design Code addresses matters of Land use; Access and Movement; Green Infrastructure; Building Heights; Density; and Character Areas to demonstrate how a successful scheme could be delivered on the site to respond to the issues raised over detailed design appearance.
- 6.39 The Design Code was prepared in response to initial comments that raised concerns regarding the nature of the outline proposals and how they failed to deliver a sense of place and ensure high quality design is achieved. The supporting parameter plans (notably the land use, access and movement, and green infrastructure parameter plans) demonstrate the approach to hierarchy of streets, legibility within the site, access to open space from all development parcels and overall ease of movement. These are illustrated in more detail on the indicative layout to demonstrate how a scheme can be delivered in accordance with those parameters to comply with the relevant national and local design policy criteria.
- 6.40 Given the sites position in relation to the Kent Downs AONB it is also necessary to consider the relevant policy. Paragraph 177 of the Framework does not apply in that the application site is not within the AONB itself. TMBCS Policy CP7 requires 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.

Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.”

- 6.41 It is however important to note that supporting text at paragraph 6.2.17 which makes reference to situations “within AONBs” and as such the policy itself has limited weight in the context of assessing applications on sites falling outside of the AONB.
- 6.42 The assessment therefore falls to be considered against the terms of paragraph 176 in that “development within their [AONB] setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
- 6.43 The application is supported by a detailed Landscape and Visual Impact Assessment which forms part of the ES information. The LVIA considers the two individual aspects that are required when assessing landscape and visual effects of a development, which are:
- Assessment of landscape effects – assessing the effects on the landscape as a resource in its own right, and
 - Assessment of visual effects: assessing the effects on specific views and on the general visual amenity experienced by people.
- 6.44 The LVIA establishes that the proposed development will inevitably have an impact on the surrounding landscape significantly changing the landscape character of the area and creating more of a mixed suburban and rural setting. The ES further states that the condition of the landscape of the site when taking account of all the factors considered to contribute towards landscape value, is of low to medium value, and a medium to low sensitivity to change of the type proposed. Scenic quality was assessed to be of medium value.
- 6.45 The building heights parameter plan indicates that buildings will be predominantly 2 to 2.5 storeys in height, with certain central locations considered suitable for up to 3 storeys. The taller buildings are focussed around the edges of the existing built up area, reducing to 2 storeys towards the edges of the site in order to reduce intervisibility from beyond. This is further enhanced with reference to the Green Infrastructure parameter plan which sets out the various landscape buffers to be adopted as minimums.
- 6.46 The LVIA has assessed the impacts upon the site and the associated surroundings in detail and concludes that there will be inevitable change within the site and adjacent to the boundary. However, the viewpoints assessed

located some distance from the site would be separated by intervening landscape so would experience a negligible or no significant effects.

- 6.47 The green infrastructure parameter plan for the site when combined with the building heights parameter plan ensure that the proposed scheme, albeit only shown as illustrative for the purpose of the masterplan, is compliant with the relevant landscape policies of the development plan.
- 6.48 It is also pertinent to note that the scheme has evolved through the submission of the Design Code and through discussions with the applicant to address concerns raised. Notably, the Kent Downs AONB unit initially objected to the scheme on the basis of the perceived impacts to the setting of the AONB. Through the subsequent amendments secured during the course of the consideration of this scheme the AONB unit now no longer object to the proposals subject to details being secured through condition and subsequent RM applications.
- 6.49 Overall, on this basis it is considered that the proposed development is in accordance with CP7 and CP24 of the Core Strategy, SQ1 of the MDE DPD and the Framework.

Ecology and biodiversity

- 6.50 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.
- 6.51 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.
- 6.52 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.
- 6.53 These policies broadly accord with the policies of the Framework. In particular, paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 6.54 The site and surrounding area are subject to a number of ecological designations. The site is subject of a non-statutory designation for geological interest forming part of the Wagon's Pit, Aylesford RIGS. Statutory designated sites for ecological interest include the wetland habitats of Holborough to Burham Marshes SSSI to the west and the chalk downland of the Wouldham to Detling Escarpment SSSI to the north-west. In addition, there is also the Eccles Old Pits Local Wildlife Site.
- 6.55 Following initial comments from Natural England in respect of Regulation 63 of the Conservation of Habitats Regulations 2017 (as amended), a shadow HRA was submitted by the Council referencing air quality and water runoff. Natural England gave no response to the HRA but discussion with KCC ecology did not reveal any issues which would cause significant ecological issues. KCC Ecology confirmed their agreement with the findings of the HRA carried out under stage 4 of the Habitat Regulations Assessment and are of the view that the proposal will not result in any Adverse Effect on Site Integrity (AESI) of the Old Peters Pit Local Wildlife Site.
- 6.56 The Ecological Impact Assessment submitted with the application considered the impact of the proposals upon important bird habitats and populations, concluding that as a result of the development the impacts would be minor negative. Regarding all other assessed species the predicted impacts would be minor negative with the majority of instances where post mitigation is taken into account being neutral or positive.
- 6.57 During the course of the application Biodiversity net gain was also detailed in accordance with the use of the DEFRA Biodiversity Metric Calculator 2.0. This confirmed that the proposed development would deliver a 10% net gain in biodiversity. KCC Ecology commented on this and have advised that the matter of BNG and offsite offsetting are appropriate matters to be addressed in the course of future RM submissions subject to control by way of suitable planning conditions.
- 6.58 The proposed mitigation and compensation measures, and consideration of the on-site biodiversity are considered to accord with the aims of paras 174 and 180 of the Framework, and local plan policies NE1, NE2 and NE3.

Affordable Housing

- 6.59 The Affordable Housing Protocol November (2021) lays out in detail the Council's position on Affordable Housing Delivery in the interim period before a new Local Plan is adopted. This protocol is used for Development Management decisions. In addition, policy CP17 sets out a 40% affordable housing requirement, with a 70/30 split between affordable housing for rent and other affordable housing tenures. This site is therefore required to provide 40% affordable housing in accordance with council policy, along with the provision of First Homes that is now also a policy requirement.

- 6.60 The supporting text set out at paragraph 6.3.26 notes that the policy aim for 40% provision is a starting point for negotiations and that regard will be had to amongst other things the overall viability of a development.
- 6.61 A Financial Viability Statement (FVA) was prepared by Pioneer on behalf of the applicant in September 2022. Since this submission there have been ongoing negotiations between the Council, its appointed viability consultant Bruton Knowles and the applicant. Reviews have also been undertaken together with the appointment of external cost consultants to review notably the costs associated with infrastructure provision. There have been a number of areas where agreement has been reached regarding inputs between the parties. Such areas include residential base build costs, S106 contribution costs, external costs, garage costs, abnormal costs, professional fees etc, however, there have also been areas where inputs have not been agreed between the parties. These include acquisition costs, Infrastructure costs, Benchmark Land Value, Sales and Marketing etc.
- 6.62 Both the applicants and the Council’s viability consultants agree that a policy compliant development which delivers 40% affordable housing in line with policy CP17 and the Affordable Housing Protocol is an unviable form of development. The Council’s viability consultant considers that a 30% Affordable housing provision is a viable form of development.
- 6.63 Whilst there are still areas of disagreement between the consultants to which agreement cannot be reached due to varying opinions on inputs on viability grounds, the Council and the applicant have reached a position on the level of affordable housing including the mix and tenure that the development can viably deliver.
- 6.64 The Council’s Housing Manager in her latest comments confirms the following for an agreed level of affordable housing based on the viability discussions which have been on-going for eight months. These are summarised in the table below.
- 6.65 30% affordable housing comprising the following tenure split and indicative mix:

Type	First Homes (25%)	Affordable Rent (52.5%)	Shared Ownership (22.5%)
1 bed flat	18	74	0
2 bed flat	18	16	9
2 bed house	18	14	18
3 bed house	17	31	30
4 bed house	0	8	7
5 bed house	0	7	0
TOTAL	71	150*	64

*10% of rented provision to be suitable for wheelchair users to occupy in line with Part M4 of the Building Regulations, 15 units to be agreed with the Council.

- 6.66 The Heads of terms for the draft S106 would also seek to include reference to a local lettings plan, giving priority to households with a local connection to the wards immediate to the development for all tenures and the table would be included within the negotiated S106 agreement.
- 6.67 Based on the viability appraisals conducted and following an eight-month review by the perspective consultants, it is considered that the development can viably deliver 30% affordable housing, based on the above tenure split and indicative mix. A 40% level of affordable housing would be unviable. As such the affordable housing provision would accord with policy CP17 of the Core Strategy.

Access and Highways

- 6.68 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.
- 6.69 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.
- 6.70 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.
- 6.71 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.72 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.
- 6.73 Paragraph 111 of the Framework 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 112 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.

6.74 Paragraph 113 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.

6.75 The application proposes three access points into the site as shown on the Access and Movement Parameter plan ref: D 3041-FAB-00-XX-DR-Y-028. These relate to the following arrangements:

- A compact roundabout with New Court Road;
- A compact roundabout with Bull Lane (south of Eccles); and
- A connection to Bull Lane (north of Eccles).

6.76 In addition, the proposals require partial closure of Bull Lane north of Eccles to the Pilgrims Way/Rochester Road junction to all but emergency vehicles. The Access and Movement Parameter plan identifies the pedestrian and cycle links through the site to existing infrastructure.

6.77 The proposals, as a result of the partial closure of Bull Lane, would have resulted in the rerouting of the 155 bus service into the proposed development whilst still maintaining the same route and service for existing residents of Eccles. However, that service no longer exists following withdrawal of funding and the applicant has agreed to provide £1,995,000.00 additional funding for bus service provision as part of the agreed s106 agreement contributions.

6.78 The supporting Transport Assessment identifies a potential 526 two-way trips in the AM peak and 502 two-way trips in the PM peak from the proposed development. The assessment considers that the reprovision of sports pitches will not generate additional trips, whilst the new junior pitches would generate very few additional weekday trips due to the use being more associated with

weekend activities. For the school provision the assessment has concluded that the increase of 1FE provision could result in an additional 156 two-way movements in AM peak, having taken into account trip generation from the existing 1FE provision already impacting on local traffic levels.

- 6.79 The proposals seek to provide dedicated parking for the proposed new allotments as well as retention of parking for the existing allotments. An amended provision of parking to the north of Belgrave Street is proposed with the provision of at least the same number of spaces to be detailed in future proposals. In addition, the scheme would allow for provision of rear parking access for those properties onto Cork Street, subject to the necessary consents for dropped kerb or crossover access. This could assist to reduce on-street parking pressures locally.
- 6.80 KCC highways have confirmed that they have no objection to the proposals subject to improvements to the Pilgrims Way/Rochester Way junction being secured through a Section 278 Agreement and a contribution of £1,955,000 towards a Monday through to Saturday bus service between the Development, Maidstone Town Centre, Burham, and Peters Village (with a peak time extension to Snodland Station).
- 6.81 In addition, KCC Highways have requested that conditions be imposed requiring the submission and approval of a Construction Management Plan and the adoption of a Travel Plan to reduce reliance on the private car, as advocated by paragraph 113 of the Framework.
- 6.82 National Highways registered a holding objection which has subsequently been renewed in their latest comments to the application in their correspondence relating to the application on the basis of requiring more information to fully assess the proposals. Whilst a Reg25 was served on the applicants following this submission, the Council has confirmed that it would have withdrawn the request before being able to determine the application had the appeal not been submitted. The applicant has been working with National Highways to address the matters raised and have entered into a Memorandum of Understanding as of April 2023. Whilst National Highways originally raised nine matters requiring further information this has since been reduced to four outstanding matters as identified below from the extract of the Memorandum of Understanding.

Topic	Comment	Status
1. Department for Transport Circular 01/2022	Note of Transport Vision with signposting to submission documents	Agreed
2. Trip Assignment	Full detail analysis referred to in TA	Agreed
3. Existing Traffic Flows	- M20 Junction 6 (2022) - M2 Junction 3 (2019) - M2 Junction 2 (2023) - M20 Junction 4 (2023)	In progress
4. Committed Development	Provide list based on recent agreed applications	In progress
5. Assessment Scenarios	Agreed 'Core' and 'Vision' scenario	Agreed
6. Junction Assessment	- M20 Junction 6 - M2 Junction 3 - M2 Junction 2 - M20 Junction 4	In progress
7. Collision Analysis	Agreed time period and area for analysis	In Progress
8. Travel Plan	Condition	Agreed
9. Construction Management Plan	Condition	Agreed

6.83 Discussions remain ongoing and it is anticipated that all outstanding matters will be resolved during the appeal process so that National Highways will withdraw the holding objection and confirm that subject to specific conditions/s106 requirements there are no objections to the proposals. Such matters will then be agreed through the Inquiry process. Given this on-going work and commitment between the parties as set out in the Memorandum of Understanding to address the concerns raised by National Highways, it is not therefore considered that a ground of refusal on a lack of supporting information to address National Highways concerns could be sustained at appeal.

6.84 In light of the above, notably the lack of objection from KCC Highways and ongoing works to resolve matters with National Highways, and taking into account the necessary contributions from the developer I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 111-113 of the Framework.

Flood risk and drainage

6.85 Policy CP10 states that:

1. Within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development.

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

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

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

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

6.86 Paragraph 166 of the Framework 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.

6.87 The FRA submitted with the application confirms that the site is within flood zone 1 and therefore has a low risk of surface water flooding. The submitted FRA indicates that it is proposed to manage surface water flows into detention basins/ponds or cellular storage tanks, dependent upon the catchment in question and then discharged into the existing ordinary water courses/ditches at an agreed rate. Several surface water catchments have been identified on site, and the current drainage strategy has been designed to accommodate land within the existing school (as part of catchment 1B) should it come forward for development at a later stage. This method of discharge is deemed acceptable subject to further details to be secured by way of planning condition.

6.88 With regard to foul water drainage it is proposed that this will connect into Southern Water’s existing foul water network, which runs in a Southerly direction through the site boundary from New Court Road, going through the existing school site which currently sits outside of the site boundary and serving the properties within the existing Eccles village. The final details are proposed to be secured by way of planning condition.

6.89 Subject to the proposed planning conditions the development would therefore accord with the requirements of policy CP10 and the Framework.

Contamination

6.90 Paragraph 183 of the Framework 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.

6.91 Paragraph 184 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.

6.92 The application is supported by a Phase 1 Ground Conditions Assessment including a Tier 1 Preliminary Risk Assessment, which are considered to adequately review the history and environmental setting of the site. The Phase 1 report adequately reviews the history and environmental setting of the site.

6.93 Potential sources of contamination have been identified in relation to the site's agricultural use and have therefore identified a site-ode potential contamination hazard. Localised small-scale potential hazards include areas of made ground and fly-tipping of waste and an offsite landfill shown on mapping to extend into the application site. Natural geology of the site also identifies the presence of Radon and potentially elevated Lead concentrations associated with the allotment area.

6.94 As a result of the potential contamination hazards the report concludes that an intrusive investigation is recommended utilising machine excavated trial pits and boreholes. These are considered satisfactory and conditions are proposed requiring appropriate site investigation and (where necessary) appropriate remediation measures to take place. These conclusions have been agreed by the Council's Environmental Protection officer and accordingly a number of conditions have therefore been recommended to be imposed on any permission granted.

Climate Change and Renewable Technologies

- 6.95 Adopted policies CC1 and CC2 within the MDE DPD are considered to be out-of-date following the Housing Standards Review in 2014 which removed the voluntary Code for Sustainable Homes and made it clear that local plans should not be setting any additional local technical standards or requirements relating to energy performance of new dwellings. These matters are within the remit of the national Building Regulations. Notwithstanding that, paragraphs 152 to 154 of the Framework are relevant and demonstrate that the Council's Climate Change Strategy can be considered a material consideration.
- 6.96 The planning application demonstrates a range of sustainable design considerations which will be incorporated within the scheme, including:
- Reducing greenhouse gas emissions from energy use (Fabric First);
 - Provision of renewable energy (10% energy demand met by renewables);
 - Sustainable transport measures, including electric vehicle charging provision;
 - Efficient use of materials;
 - Reduction in water consumption; and
 - Provision of green infrastructure and ecological protection and enhancement measures.
- 6.97 In addition, the scheme also intends to exceed Part L of the Building Regulations which contains requirements relating to the conservation of fuel and power. In particular:
- External walls 20% improvement;
 - Floors 40% improvement;
 - Roof 50% improvement;
 - Windows 35% improvement; and
 - Air tightness 50% improvement.

Agricultural land

- 6.98 Guidance for assessing the quality of agricultural land in England and Wales is set out in the Ministry of Agriculture, Fisheries and Food (MAFF) revised guidelines and criteria for grading the quality of agricultural land (1988) and summarised in Natural England's Technical Information - Note 0492.

- 6.99 Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. The principal physical factors influencing grading are climate, site and soil which, together with interactions between them, form the basis for classifying land into one of the five grades.
- 6.100 Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use, and Grade 5 is very poor-quality land, with severe limitations due to adverse soil, relief, climate or a combination of these. Grade 3 land is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Land classified as Grades 1, 2 and 3a in the ALC system is defined in Annex 2 of the Framework as the best and most versatile agricultural land.
- 6.101 The Provisional ALC map shows this application site as Grade 2 land with a small portion of undifferentiated Grade 3 land. However, TIN049 explains that:
- Approximately 37ha within the site (to the south and west of Eccles) was subject to a detailed ALC survey carried out by MAFF in 1998 and by RAC in 2000. Both surveys found similar results, with the land to the south of Eccles, classified mostly as Grade 2, with the land to the west of Eccles as Subgrade 3b, with some Subgrade 3a classified to the south-west.
- 6.102 Whilst the proposed development will therefore result in the loss of some BMV land this must be balanced in the context of the current position regarding the lack of a five-year supply of housing land, as well as the identification of the site as an opportunity area for development in the adopted Core Strategy and now withdrawn Local Plan. The loss of BMV is therefore outweighed by the wider benefits attributable to the proposed development such as not to conflict with the aims of policy CP9.

Lighting

- 6.103 The Applicant has submitted a Lighting Assessment prepared by their Consultant, Tetra Tech (their ref 784-B030784, dated December 2021). The Assessments predicts a low level of impact when the proposed lighting (which has adopted a worst-case scenario) is compared with relevant documents. The Council's EHO confirms the need for a condition to address lighting for the Sports pitches and a suitably worded condition has been recommended to address this.

Developer Contributions

- 6.104 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.

6.105 Paragraph 57 of the Framework reflects this statutory requirement. Policy CP25 of the TMBCS states that:

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

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

6.106 The scheme proposes to provide 30% of the total number of dwellings as affordable housing as justified by a viability appraisal and therefore accords with Policy CP17 of the TMBCS and the affordable housing protocol. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement in line with the table set out below to ensure that the provision comes forward in a manner that reflects and meets local need.

Type	First Homes (25%)	Affordable Rent (52.5%)	Shared Ownership (22.5%)
1 bed flat	18	74	0
2 bed flat	18	16	9
2 bed house	18	14	18
3 bed house	17	31	30
4 bed house	0	8	7
5 bed house	0	7	0
TOTAL	71	150*	64

6.107 The S106 will also seek 10% of the rented provision to be suitable for wheelchair users to occupy in line with Part 4 of the Building Regulations and reference will be included giving priority to households with a local connection to the wards immediate to the development for all tenures. The detailed drafting of the provisions to be contained within the legal agreement in this respect will be

worked up in liaison with the Council's Housing Services team to ensure the provision acceptably meets identified need within this part of the Borough.

- 6.108 KCC has advised that in order to mitigate the additional impact that the development would have on delivery of its community services, the payment of appropriate financial contributions is required, as follows (noting that this is based on the illustrative mix for the proposals):
- Primary Education contribution - £6,460,000.00
 - Special Education contribution - £1,157,993.00
 - Secondary Education contribution - £4,917,200.00
 - Land for Secondary Education contribution - £3,964,578.00
 - Community Learning contribution - £15,599.00
 - Youth Service contribution - £62,225.00
 - Libraries contribution - £52,677.50
 - Social Care contribution - £139,536.00
 - Waste contribution - £174,486.50
- 6.109 KCC Highways seek a total of £1,995,000 towards a Monday through to Saturday bus service between the Development, Maidstone Town Centre, Burham, and Peters Village. A contribution of £1,422 towards the monitoring of the submitted travel plan is also sought.
- 6.110 Leisure/open space seek contributions of £1,053,510 towards off site parks and gardens and a further £1,558,084 towards off site outdoor sports facilities.
- 6.111 The NHS seek a contribution of £820,800 towards expansion of Phoenix Medical Practice and/or refurbishment, reconfiguration, extension or new premises for Wateringbury Surgery.
- 6.112 Sufficient detail has been provided in all these respects to ensure the relevant statutory and policy tests have been met, and the contributions should be secured through the legal agreement, which KCC would also be a party to given the size of the development.
- 6.113 There was a request by KWT and KCC Ecology, and supported by the AONB unit, over the future of Eccles Pit LWS to be secured via a management plan, however this falls outside of the applicant's red line ownership boundary and it therefore cannot be covered as a condition or as part of a s106 agreement.

Planning balance and conclusions

- 6.114 Since the Council cannot demonstrate a 5yr housing land supply, the presumption in favour of sustainable development as set out at paragraph 11 (d) of the Framework applies in this instance (the tilted balance). That means that permission should be granted unless the application of policies relating to designated heritage assets provide a clear reason for refusing the development; or there are adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.115 It has been demonstrated that the proposals would result in less than substantial harm to setting of a designated heritage asset (the SAM), with a medium level of harm. This has to be weighed against the benefits of the proposal.
- 6.116 Whilst there would be some change in character from the loss of previously open fields, the parameters of this outline scheme provide sufficient confidence that the development would be acceptably landscaped, such that the impacts are not deemed to be significantly harmful or adverse.
- 6.117 The loss of best and most versatile agricultural land, whilst a clear harm that weighs against the scheme, is limited by the extent of the land which would be lost, and lack of connectivity with wider agricultural parcels, reducing the value this land has for agriculture. In addition, in the analysis of the land quality it has been shown that the land is not of the best quality.
- 6.118 In terms of benefits it is accepted that the proposal would provide 950 new dwellings (including a policy compliant affordable housing provision when considering the viability evidence) at a time when the Borough Council cannot demonstrate a five-year housing supply (3.22 years). Additional key benefits listed in the supporting planning statement can also be summarised as follows:
- Significant investment in the Borough and beyond, through construction and other job creation, spending in local shops and services from future occupants.
 - The use of land not subject to more sensitive designations like Green Belt, AONB, land subject to flooding or close to Conservation Areas or other Heritage assets.
 - The provision of 10% biodiversity net gain, new open and play space, linked footpaths and increased accessibility through the development.
 - New funding for community infrastructure, off site open space, sports infrastructure, social and education infrastructure including a new school.

- 6.119 Taken together it is considered that these benefits must be attributed very substantial weight in favour of granting permission, particularly the provision of up to 950 dwellings, a significant amount that would make a strong contribution towards existing housing shortfall, as well as delivering urgently needed affordable homes. These new homes would strengthen the Council's housing supply position and help it resist inappropriate schemes in more sensitive areas.
- 6.120 Furthermore, the development is considered to be policy compliant in almost every respect, including in regard to ecology, flooding / drainage, neighbouring amenity, air quality, land contamination, minerals and noise, conservation and heritage aspects. The only issue which has not at this stage been resolved is that of the strategic road network on the M2/M20. Despite the further holding objection issued by National Highways, it is considered that the outstanding National Highways issues are likely to be resolved as part of the appeal process and are therefore not considered to be sustainable grounds to object to this application.
- 6.121 Overall, and for the reasons set out throughout this report, it is concluded that that the less than substantial heritage harm does not provide a clear reason for refusing permission. Further, there are no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 6.122 It is therefore recommended that, had the Council been able to determine the application, outline planning permission would have been 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 Had the Council been able to determine the application, that outline planning permission would have been granted subject to the finalisation of a legal agreement securing various planning obligations as set out above and the conditions attached (which are subject to agreement with the Appellant as the appeal progresses).

The current draft list of conditions are included as **Appendix 1**, together with the appropriate informatives, with the final wording to be agreed as part of the appeal process.

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Conditions / Reasons

1. Approval of details of the siting, design and external appearance of the building(s), and the landscaping of the site, for any phase or sub-phase of the development of the site, (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: No such approval has been given

2. Application for approval of the reserved matters in the first phase or first sub-phase of the development shall be made to the Local Planning Authority not later than 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 hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved for the first phase or first sub-phase of the development, whichever is the later.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- D3041-FAB-00-XXDR-Y-1001_P12 – Site Boundary Plan
- D3041-FAB-00-XXDR-Y-025-DI08 - Land Use Parameter Plan
- D3041-FAB-00-XXDR-Y-026-DI09 – Building Heights Parameter Plan
- D3041-FAB-00-XXDR-Y-027-DI10 – Density Parameter Plan
- D3041-FAB-00-XXDR-Y-029-DI11 – Green Infrastructure Parameter Plan
- D3041-FAB-00-XXDR-Y-028-DI12 – Access and Movement Parameter Plan
- D3041-FAB-00-XX-DR-Y-069-DI03 – Phasing Plan
- ITB9400-GA-019C – Site Access
- ITB9400-GA-020B - Proposed Site Access with New Court Road
- ITB9400-GA-021C - Proposed Site Access with Bull Lane and Greenfield Close
- ITB9400-GA-022C - New Court Road/ Rochester Road Improvement
- ITB9400-GA-023B - Proposed Southern Site Access Roundabout from Bull Lane
- ITB9400-GA-030D - Proposed Closure of Bull Lane Junction Along with Speed Remediation Measures
- ITB9400-GA-037 - Proposed Interim Phase 1 Site Access with Bull Lane

Reason: For the avoidance of doubt and in the interests of proper planning

Access

5. Prior to the development commencing, details of the junction between the proposed service road and the highway must be submitted to and approved in writing by the Local Planning Authority. The occupation of the properties on the site shall not commence until that junction has been constructed in accordance with the approved details and is to be retained thereafter.

Reason: To ensure the safe and free flow of traffic.

6. The improvement to Pilgrims Way/Rochester Way junction as shown on drawing number ITB9400-GA-031 shall be constructed in full prior to occupation of the x dwelling.
(An update will be provided to members via Supplementary papers as this is currently under review)

Reason: In the interests of highway safety and to ensure sufficient capacity exists on the highway network.

7. Prior to the commencement of any phase or sub-phase of development which includes erection of buildings, details in accordance with the Kent Design Guide shall be submitted to and approved in writing by the Local Planning Authority showing:
 - i. vehicular and pedestrian access to that part of the development;
 - ii. engineering details of, and materials to be used in, the construction of the vehicular and pedestrian access to that part of the development; and
 - iii. swept path analyses for refuse collection, service and emergency vehicles for that part of the development.

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

Reason: Development without provision of adequate and appropriately constructed vehicular and pedestrian access would be detrimental to highway safety and detrimental to amenity.

Site Levels

8. No development on any new building shall commence until detailed topographical plans and cross sectional 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.

Parking

9. Prior to the commencement of any phase or sub-phase of the development which includes erection of buildings, details in accordance with the Kent

Design Guide IGN3 shall be submitted to and approved in writing by the Local Planning Authority showing adequate resident and visitor parking, loading, off-loading and turning space for vehicles likely to be generated by that phase or sub-phase of the development. The approved areas of land shall be provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the buildings constructed within that phase or sub-phase are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development with provision of adequate accommodation for the parking or garaging of vehicles is less likely to lead to parking inconvenient to other road users and detrimental to amenity.

Travel Plan

10. The development/new school shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To encourage sustainable travel modes in accordance with local and national policy.

Landscaping

11. No development above existing ground level in any phase or sub-phase of development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for that phase or sub-phase. The submitted scheme of landscaping shall be in conformity to the Landscape and Visual Appraisal prepared by David Jarvis Associates and shall include biodiversity enhancement measures and, where applicable to any phase or sub-phase of development, the creation of a public realm. The landscaping details shall include an implementation programme for all planting, seeding and turfing. The approved hard landscaping The hard and soft landscaping works shall be carried out in strict accordance with the approved details including that approved implementation programme.

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

Biodiversity

12. A detailed Mitigation Strategy: with the first detailed application, and prior to the commencement of works (including site clearance), shall be submitted to, and approved by, the local planning authority. The plan will be based on 'Appendix 9.3 - Outline Ecological Mitigation & Management Strategy' (BioScan January 2022) and include the following:
- Objectives of the proposed works
 - Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
 - Extent and location of proposed works, including the identification of suitable receptor sites, shown on appropriate scale maps and plans;
 - 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/supervise works;
 - Use of protective fences, exclusion barriers and warning signs, and;
 - Disposal of any wastes for implementing work.

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

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.

13. An Ecological Design Strategy (EDS) with the first detailed application, for the site shall be submitted to, and approved by, the local planning authority. The EDS will be based on 'Appendix 1 - Biodiversity Net Gain (BNG) Strategy' (BioScan January 2022) and will include the following:
- Defined conservation objectives of the proposed works.
 - Review of site potential and constraints.
 - Detailed design(s) and/or working method(s) to achieve stated objectives.
 - Extent and location/area of proposed works on appropriate scale maps and plans.
 - Type and source of materials to be used where appropriate, e.g., native species of local provenance.
 - Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - Details of those responsible for implementing the works.
 - Details of initial aftercare and long-term maintenance, and.
 - Details for monitoring and remedial measures.

The EDS will be updated with each subsequent application, implemented in accordance with the approved details and retained in that manner thereafter.

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

LEMP

14. A Landscape and Ecological Management Plan (LEMP) to include the 15m easement area: with the first detailed application, shall be submitted to, and be approved by the local planning authority prior commencement. The content of the LEMP will include the following:
- Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Objectives of management.
 - Appropriate management prescriptions for achieving aims and objectives.
 - Prescriptions for management actions, together with a plan of management compartments.
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - Details of the body or organisation responsible for implementation of the plan;
 - Ongoing monitoring and remedial measures.

The LEMP will be updated with each subsequent application (if necessary) and include 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. The approved plan will be implemented in accordance with the approved details.

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

Trees

15. The details submitted in pursuance of condition 1 shall be accompanied by 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.

16. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or

other planting to be retained as part of the landscaping scheme by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
- (b) No fires shall be lit within the spread of the branches of the trees.
- (c) No materials or equipment shall be stored within the spread of the branches of the trees.
- (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
- (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

Materials

- 17. No development within any phase or sub-phase above ground level shall commence until details and samples of all materials to be used externally within that phase or sub-phase 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 and appearance of the area or the visual amenity of the locality.

Boundary treatment

- 18. No phase or sub-phase of the development hereby permitted shall be occupied until details of all fencing, walling and other boundary treatments 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 protect the character and appearance of the area, to safeguard residential amenity and to control access.

Construction Management Plan

19. No development hereby permitted shall commence until a Construction Transport Management Plan for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Transport Management Plan shall include details of:
- a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) measures to prevent the deposit of materials on the highway
 - f) on-site turning for construction vehicles
 - g) measures to ensure protection of protected species and habitats during construction access arrangements.
- The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of parking, highway safety, neighbouring residential amenity and the character of the area.

Construction Environmental Management Plan

20. No development shall commence until a Construction Environmental Management Plan detailing how 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.

Foul Drainage

21. Development hereby approved shall not commence for any phase of development until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer (in a phased manner if necessary), has been submitted to and approved by the LPA in consultation with Southern Water and the LPA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place for any phase of development until the installed scheme is confirmed as meeting the agreed specifications.

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 174 of the NPPF.

Sustainable Drainage

22. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy (Stantec dated December 2021) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
 - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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

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

24. Where infiltration is to be used to manage the surface water from any phase or sub-phase of the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated that there is no

resultant unacceptable risk to controlled waters and/or ground stability. The development of that phase or sub-phase shall only then be carried out in strict accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

Lighting

25. No phase or sub-phase of the development above foundation level shall take place until details of any lighting to be provided within public areas of that phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority. The development of that phase or sub-phase shall then be carried out in strict accordance with the approved lighting scheme.

Reason: To protect the visual amenity and ecology of the rural locality.

26. Details of any light fittings/floodlights or other forms of illumination to be installed in and around the sports pitches shall be submitted to and approved in writing. All proposed lighting shall be recessed or otherwise screened to limit the emission of stray light.

Reason: In the interests of visual and rural amenity.

Refuse/ Waste

27. No phase or sub-phase of the development involving the erection of buildings shall be occupied until a scheme for the collection and storage of refuse for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided in strict accordance with the approval details prior to occupation of that phase or sub-phase of the development.

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

Land Contamination

28. No phase or sub-phase of development shall take place 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 (LPA). 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 LPA. The scheme shall be implemented as approved.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

Verification

29. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved. Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

30. 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 LPA) 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 LPA. 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 174 of the NPPF.

Foundations

31. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, 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 174 of the NPPF.

Security

32. Prior to the commencement of any development above ground level, details of measures to minimize the risk of crime for the completed development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be in broad compliance with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED). The approved measures shall be complete and operational prior to first occupation of the relevant dwelling with the approved measures retained for the lifetime of the development.

Reason: To secure crime prevention and safety of the area.

Archaeology

33. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavation and record items of interest and finds. The developer will inform the Local Planning Authority of the start date of construction works on site not less than two weeks before the commencement of such works.

Reason: In the interests of archaeological research.

Heritage

34. No development above slab level shall take place until details and timetables for the implementation of the historic mitigation measures as outlined within the mitigation sections of the Heritage Mitigation Strategy (December 2021), and details of the heritage trail as identified in section 6 of the Heritage Mitigation Strategy, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the approved timetable and maintained thereafter.

Reason: To ensure that history of the site is recorded.

Noise

35. Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall

be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAmax) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 50dB (LAeq,T).

All works, which form part of the approved scheme, shall be completed before any part of the development to which the approved measures relate is occupied and shall thereafter be maintained in accordance with the approved details

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

PROW

36. A full PROW management scheme shall be agreed prior to the occupation of the first dwelling including enhancements and improvements to path alignment, surfacing, widths and signage (as detailed below). Details of PROW management during construction if any temporary closures or diversions are required, as well as on and off-site funding should be included. Delivery of this agreed scheme at reserved matters stage/ before permission is granted.

Reason: In the interests of improving and enhancing the PROW network in and surrounding the site.

Playing pitches and Sports Hub

37. No development affecting the existing football pitches shall be commenced before two senior football pitches with ancillary change/ toilet facilities have first been completed and made available for use at the Sports Hub as shown indicatively on drawing no. FAB-00-XX-DR-Y-101.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

38. The Sports Hub pitches and pavilion facilities hereby permitted shall not be constructed other than substantially in accordance with Sport England and Football Technical Design Guidance Notes.

Reason: To ensure the development is fit for purpose and sustainable.

39. No development of the Sports Hub pitches shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

40. No development on the Sports hub shall commence until details of the design and layout of pitches, pavilion and all other facilities where further approval of detail is needed, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Sports Hub shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose

41. Before the Sports Hub is brought into use, a Management and Maintenance Scheme for the pitches and the pavilion including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the pitches.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

42. Use of the Sports Hub shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to playing pitches, pavilion and other ancillary facilities including car parking and include details of pricing policy, hours of use, access by Eccles Football Club and non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe access to the sports facility by the football club and wider community and to ensure sufficient benefit to the development of sport.

3G AGP pitch

43. The school 3G AGP hereby permitted shall not be constructed other than substantially in accordance with Sport England and Football Technical Design Guidance Notes.

Reason: To ensure the development is fit for purpose and sustainable.

44. No development on the School 3G AGP shall commence until details of the design and layout of the pitch and any ancillary facilities where further approval of detail is needed, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England, and these details shall be accompanied by a business and usage plan. The 3G AGP shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable.

45. Before the School 3G AGP is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme should include measures to ensure the replacement of the AGP within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G AGP.

Reason: To ensure that the facility is capable of being managed and maintained to deliver a facility which is fit for purpose and sustainable and to ensure sufficient benefit of the development to sport.

46. Use of the 3G AGP shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the 3G AGP and ancillary facilities including toilet / change and car parking and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

Informatives

1. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCG) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highwayland/highwayboundary-enquiries>.
3. The following points should be considered wherever soakaways are proposed at a site:
 - Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater. Only clean uncontaminated water should drain to the proposed soakaway. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
 - No soakaway should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaway and the water table.
 - A series of shallow soakaways are preferable to deep bored systems, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
4. The applicant is advised to follow the following guidance. The Environment Agency's approach to groundwater protection when designing drainage systems/strategies which are to discharge to ground. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. Included

are a series of position statements that should be followed when designing any drainage system which is to discharge to ground. This guidance document can be found at:

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

5. The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
6. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
7. 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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
8. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
9. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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. Guidance for applicants, including

information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 10.** The applicant is advised that any development within the Scheduled Monument (footpaths, fingerposts, information boards) would require Scheduled Ancient Monument Consent and that the best approach in the monument would be through a "no-dig methodology for the implementation of the footpaths. Additionally, archaeological observation would be required for the installation of fingerposts and information boards.

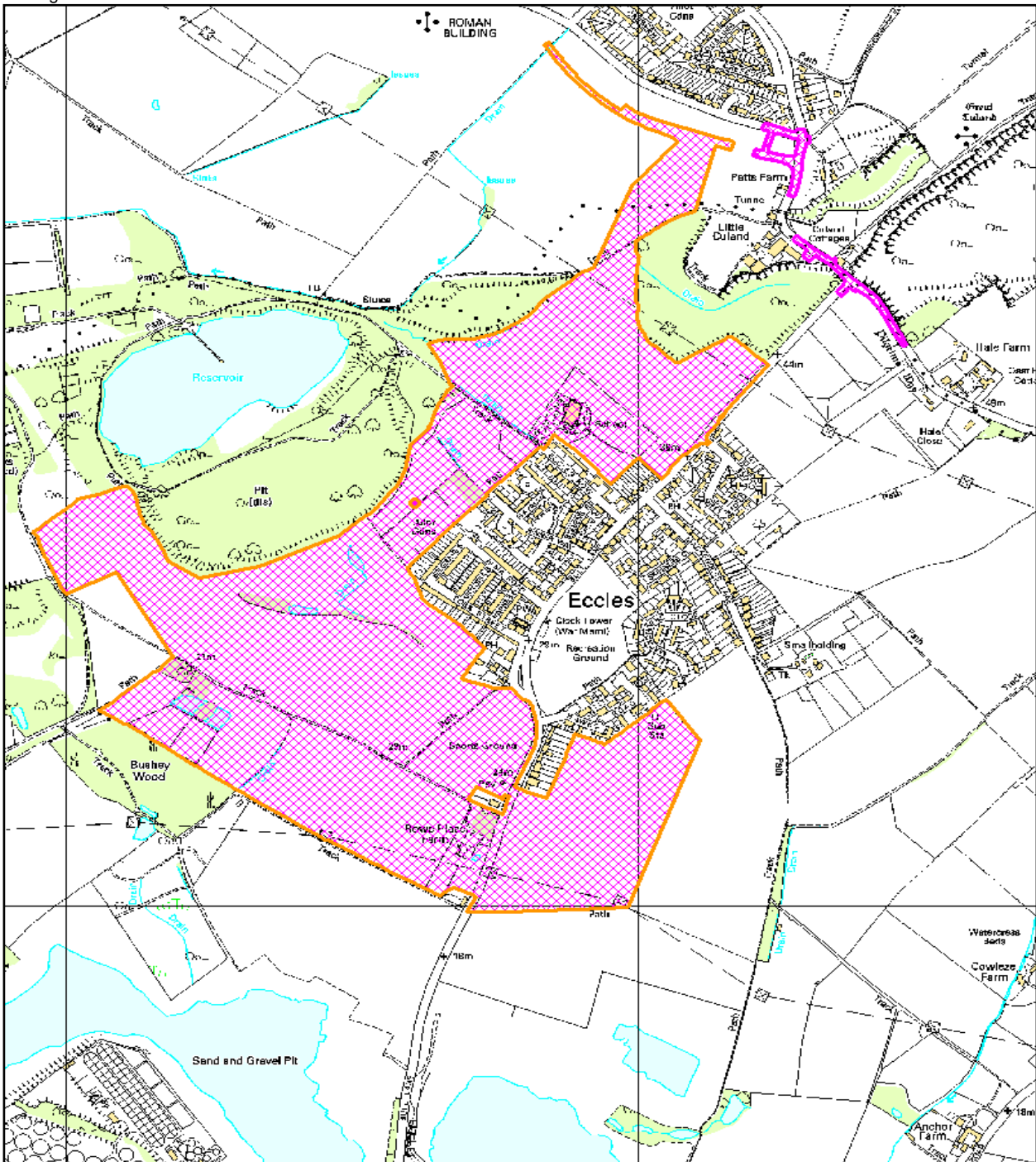
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TM/22/00113/OAEA

Development Site Bushey Wood Phase 1 Bull Lane Eccles Aylesford Kent

Residential development of up to 950 dwellings, provision of a mixed-use local centre (including Class E, F and C3 with potential for retirement homes) provision of land to accommodate a new primary school, replacement sports pitches with changing facilities; associated green infrastructure including landscaping, public open space, allotments, sustainable urban drainage systems, biodiversity enhancements; new accesses from Bull Lane; new access and road/cycleway/footpath link to New Court Road

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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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