

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive
Damian Roberts

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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

7 January 2025

To: MEMBERS OF THE AREA 2 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 2 Planning Committee to be held in Council Chamber, Gibson Drive, Kings Hill on Wednesday, 15th January, 2025 **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. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for Absence
3. 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.

4. Minutes 9 - 16

To confirm as a correct record the Minutes of the ordinary and extraordinary meetings of Area 2 Planning Committee held on 4 and 12 December 2024 respectively.

5. Glossary and Supplementary Matters 17 - 24

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

6. TM/22/01570/OA - Land North East and South of 161 Wateringbury Road 25 - 96

Outline Application: All matters reserved except for access for the erection of up to 52 residential dwellings, including affordable housing, open space and landscaping, roads, parking, drainage and earthworks. New access to be formed from Wateringbury Road

7. TM/23/03241 - Development site West of Winterfield Lane, East Malling 97 - 114

S73 Application to vary planning condition 11 (Access plans) to TM/19/01814/OA
Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping

Matters for Information

8. Planning Appeals, Public Inquiries and Hearings 115 - 116

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

9. 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

10. Exclusion of Press and Public 117 - 118

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.

PART 2 - PRIVATE

11. Urgent Items

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

MEMBERSHIP

Cllr W E Palmer (Chair)
Cllr C Brown (Vice-Chair)

Cllr B Banks
Cllr R P Betts
Cllr M D Boughton
Cllr P Boxall
Cllr M A Coffin
Cllr S Crisp
Cllr Mrs T Dean

Cllr D Harman
Cllr S A Hudson
Cllr J R S Lark
Cllr R V Roud
Cllr K B Tanner
Cllr Mrs M Tatton
Cllr M Taylor

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<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 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 Chair, 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 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 should attend in person. However, arrangements to participate online can be considered in certain circumstances. 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.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 4th December, 2024

Present: Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr S Crisp, Cllr Mrs T Dean, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

In attendance: Councillor D Thornewell was also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors Mrs S Bell and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for in-person attendance was received from Councillor D Harman who participated via MS Teams in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 24/38 DECLARATIONS OF INTEREST

For reasons of transparency, Councillors M Tatton and R Roud made a declaration on the grounds of being Parish Councillors of the East Malling and Larkfield Parish Council, a beneficiary of the developer contributions to arise from the proposed development which however was not of their prior knowledge, regarding application TM/23/03060 (Land west of Stickens Lane, Mill Street and southwest of Clare Lane, East Malling).

AP2 24/39 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 30 October 2024 be approved as a correct record and signed by the Chairman.

AP2 24/40 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)

AP2 24/41 TM/21/00881/OA - MOD LAND SOUTH OF DISCOVERY DRIVE, KINGS HILL, WEST MALLING

The Committee were advised that this item had been withdrawn from the agenda and deferred to the extraordinary meeting of the Committee on 12 December 2024.

AP2 24/42 TM/23/03060 - LAND WEST OF STICKENS LANE, MILL STREET AND SOUTHWEST OF CLARE LANE, EAST MALLING

Outline Application: The erection of up to 150 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention given to the concerns raised by the public speakers and due consideration given to the Borough Council's latest housing land supply position (3.97 years) against the five-year housing land supply requirement set by the Government. In addition, general comments were made in respect of the NHS Integrated Care Board liaising closely with GP practices to ensure mitigation measures were put in place to address the additional pressures on local general practice services resulting from the increase in patient numbers arising from new developments.

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.

In accordance with Council Procedure Rule 8.6, Part 4 (Rules) of the Constitution, Councillors Banks, Boxall, Dean, Roud and Tatton requested that it be recorded in the Minutes that they had voted against approval of the planning application.

[Speakers: Mr P Jordan, Mr G James, Mrs K Jordan, Mr M Steward, Ms S Lang, Ms L Batty, Mr J Blount, Mr I Storr, Ms J Ostermeyer (members of the public) and Ms A Aldridge (on behalf of the Applicant) addressed the Committee in person]

AP2 24/43 TM/24/00927/PA - ROTARY HOUSE, NORMAN ROAD, WEST MALLING

The Committee were advised that this item had been withdrawn from the agenda and deferred to the extraordinary meeting of the Committee on 12 December 2024.

AP2 24/44 TM/24/00078/PA - 119 LAND SOUTH OF WINDMILL HILL, WROTHAM HEATH, SEVENOAKS

Removal of soil bund and erection of 1x 3 bedroom detached dwelling with associated parking and landscaping.

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention given to whether the financial position of the Wrotham Heath Golf Club (the Applicant) and the purpose of the development met the definition of 'very special circumstances' to demonstrate that the potential benefit of the development would outweigh the harm to the Green Belt and other harm resulting from this development.

RESOLVED: That planning permission be REFUSED for the following reasons:

1. The site lies within the Green Belt where there is a strong presumption against inappropriate development, as defined in Chapter 13 of the National Planning Policy Framework. The proposal would introduce a new building on land not previously developed and therefore would fall outside the scope of paragraph 154 g) of the NPPF relating to limited infilling and partial and complete redevelopment of previously developed land. It would constitute inappropriate development, by definition, harmful to the Green Belt and would not be permitted other than in very special circumstances. The additional bulk and massing resulting from this development would not only erode the sense of openness in both visual and spatial terms but also undermine the ability of the application site to assist in safeguarding the countryside from encroachment. There are no other considerations that could clearly and demonstrably outweigh the harm to the Green Belt and other harm arising from this development. To permit the development proposal would thus give rise to a significant conflict with Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Chapter 13 of the National Planning Policy Framework 2023.
2. The development proposal by reason of its scale and siting would result in the loss of trees forming part of an ancient woodland identified in the NPPF as an irreplaceable habitat and in the MDEDPD as a local wildlife site. The failure to retain a minimum

of 15m buffer zone as per the relevant standing advice would put further pressure on and creating conflict between the remaining habitat and the proposed development, detrimental to the biodiversity and integrity of the ancient woodland. Moreover, the supporting documents fail to give adequate consideration to the development impact on protected and priority species and consequently to formulate appropriate mitigation and compensation measures reasonably necessary to make this development policy compliant. These shortcomings would collectively give rise to a significant adverse impact on the ancient woodland and biodiversity of the site surroundings and would put protected and priority species at risk of disturbance contrary to Policies NE2, NE3 and NE4 of the Managing Development and the Environment Development Plan Document 2008 and Chapter 15 of the National Planning Policy Framework 2023.

3. The proposal would result in an overtly domestic form of development within a rural countryside location which would appear as an incongruous and intrusive built form, detrimental to the prevailing character and appearance of the countryside and the wider landscape. To permit the development would therefore be contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 180 of the National Planning Policy Framework 2023.

[Speakers: Mr N Hart (member of the public) and Mr I Sayer (Applicant) addressed the Committee in person]

AP2 24/45 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report setting out updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

AP2 24/46 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.03 pm
having commenced at 6.30 pm
with a break between 8.02 pm and 8.12 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Thursday, 12th December, 2024

Present: Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr M D Boughton, Cllr P Boxall, Cllr S Crisp, Cllr Mrs T Dean, Cllr S A Hudson, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

In attendance: Councillor D Thornevell was also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors D Keers and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for in-person attendance was received from Councillor D Harman who participated via MS Teams in accordance with Council Procedure Rule No 15.21. Apologies for absence were received from Councillors R P Betts, M A Coffin and J R S Lark.

PART 1 - PUBLIC

AP2 24/47 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor Mrs M Tatton advised that she was the Parish Clerk for Teston Parish Council who were one of the consultees on application TM/21/00881/OA (MOD Land South of Discovery Drive, Kings Hill, West Malling). However, as she had not been involved in any decision making regarding the Parish Council's response, this did not represent either a Disclosable Pecuniary or Other Significant Interest and there was no requirement for her to withdraw from the meeting or to not participate in the debate.

AP2 24/48 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)**

**AP2 24/49 TM/21/00881/OA - MOD LAND SOUTH OF DISCOVERY DRIVE,
KINGS HILL, WEST MALLING**

Outline Application: Development of up to 65 dwellings (all matters reserved other than access).

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention given to the concerns raised by the public speakers and due consideration given to the Borough Council's latest housing land supply position and the fact that the proposed development was within a designated allocated site (known as 'f – Kings Hill') as defined in Policy H1 of the Development Land Allocations DPD (April 2008). In addition, clarification was sought in respect of provision within the developer contributions, as part of the Section 106 agreement, towards the NHS Integrated Care Board.

It was proposed by Councillor K Tanner, seconded by Councillor C Brown that the application be refused on grounds relating to the size and means of access, impact on the adjacent Ancient Woodland and impact on the character and appearance of the area and visual amenity of the locality. In order to seek legal advice and on the grounds of maintaining legal professional privilege, the Committee agreed to move into Part 2 to consider exempt information in private before returning to Part 1 to resume the meeting in public. Following a formal vote, this motion was defeated.

RESOLVED: That planning permission be GRANTED subject to:

- (1) the applicant entering into a legal agreement in respect of:
 - 40% affordable housing
 - Off-site open space provision
 - Education provision, community facilities and services (Kent County Council Economic Development)
 - Off-Site BNG and monitoring
- (2) the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; and
- (3) authority being delegated to the Director of Planning, Housing and Environmental Health to further investigate and establish the provision within the developer contributions towards the NHS Integrated Care Board, as part of the Section 106 agreement.

[Speakers: Cllr A Petty (on behalf of Kings Hill Parish Council), Mr I Farrington, Mr M Jones, Mrs W Rush, Mr N Hartnup, Mr N Hart, Mr K Murphy, Ms K Bell, Mr F McLymont, Ms J Timon, Mr D Rush, (Name withheld), (Name withheld), Mrs K Cockrill, Mr P Cockrill (members of the public) and Mr D Pope (on behalf of the Applicant) addressed the Committee in person.]

AP2 24/50 TM/24/00927/PA - ROTARY HOUSE, NORMAN ROAD, WEST MALLING

The Committee were advised that this item had been withdrawn from the agenda.

AP2 24/51 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.49 pm
having commenced at 6.37 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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East Malling And Larkfield
East Malling West Malling
And Offham

15 January 2025

TM/22/01570/OA

Location: Land North East and South of 161 Wateringbury Road.

Proposal: Outline Application: All matters reserved except for access for the erection of up to 52 residential dwellings, including affordable housing, open space and landscaping, roads, parking, drainage and earthworks. New access to be formed from Wateringbury Road

Go to: [Recommendation](#)

1. Introduction:

- 1.1 Members will recall that this application was reported to APC2 on 18 September 2024. At that meeting the planning application was deferred to enable a Conservation and further Case Officer report to be prepared in order to assess the impact of the proposed development on the East Malling Conservation Area and surrounding listed buildings and non-designated heritage assets, with due regard to be given to the East Malling Village Conservation Area Appraisal.
- 1.2 The Conservation Officer and the applicant have now had an opportunity to respond to this request with the findings reported below. The applicant has also taken the opportunity to review the position of the proposed access following the Member discussion on the relationship between it and the adjacent property. As a result of this the applicant has moved the access 4m further south away from the boundary with 51 Wateringbury Road.
- 1.3 It should also be noted that since the application was reported to committee, the application to regularise the garden extension to 51 Wateringbury Road (24/01631/PA) has been approved.
- 1.4 For Members assistance the original committee report is provided as an attachment to this additional report, as well as the previous appendices.

2. Consultees:

- 2.1 East Malling and Larkfield PC: We are concerned that the applicant has proposed a 20 metre buffer from the woodland edge only. This appears not to take account of sett entrances on the site itself. We note from the West Kent Badger group report and photographic evidence submitted by members of the public that there are sett entrances within the orchard which encroach into the stated buffer zone. This means the 20-metre buffer stated by the applicant is in effect much less than stated.

Although Natural England themselves may not specify a buffer size in their guidance, we understand that it is the accepted standard by ecologists in England that 30 metres is allowed around badger setts to protect them and this is noted in the attached email from the KCC Ecologist to TMBC officers.

We note that the West Kent Badger group Report who we understand surveyed the sett in the woodland with the landowners permission have stated the following: The sett on the north-east edge of the site appears to be significant and entrance holes are both in the adjacent woodland and on the site itself (i.e. in the orchard) – approximately 6.5 metres from the site boundary. The proposed 20m ecological buffer in the north-east of the site will not be sufficient to protect the badger sett in this locality. A minimum of 30 metres is generally recommended.

Given the potential impact on the badger setts from this development, and significant loss of foraging habitat, we are not convinced that it would meet the following policies of the NPPF (2021) Paragraph 180 which states the following: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

This paragraph is additionally mirrored in Natural England's standing advice to Local Planning Authorities for badgers as part of a collection of standing advice for protected species, which also states that avoidance should be the priority over lesser mitigations. Given that this site is in effect a blank canvas, it is not clear why avoidance cannot be achieved in line with the NPPF.

We note that the planning applicant has stated in their latest submission that Natural England have raised no objections against the proposed badger mitigation plan, but we have had sight of correspondence from Natural England confirming that this is not the case.

Given that the sett on the site has been criminally interfered with and a police investigation undertaken, we would urge that if this planning application is approved that suitable conditions are set to protect the sett from further interference.

The Parish Council awaits to see any highway comments from KCC as to this change. However, as previously pointed out the orchard is at a lower level than Wateringbury Road which is about 1.5m higher. The edge of the pavement is indeed marked at its back edge with sandbags to mitigate the pavement falling into the orchard. These were placed in position by KCC Highways.

The site lines required would mean further trees along this boundary being removed. The Parish Council remains concerned due to the above difference in levels of the impact in terms of privacy and overlooking on No. 181 including their back garden. Also from headlights of vehicles using the new access shining into the windows of that property.

- 2.2 Wateringbury PC: Wateringbury PC strongly object as previously objected to by WPC, Teston PC and East Malling and Larkfield PC to build up to 52 houses for all the same reasons mentioned in the responses submitted in 2022 as they all still stand as valid objections
- 2.3 Historic England: On the basis of the further information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 2.4 Kent Highway Services: Note that a revised access plan has been submitted, which relocates the access 4 meters south of where it was previously proposed to locate it. No other amendments are proposed to the access strategy. I can therefore confirm that this authority's position remains as set out in the response of 4th July 2023.
- 2.5 Environment Agency: We have assessed this application as having a low environmental risk. We therefore have no comments to make.
- 2.6 KCC LLFA: We have no further comment to make on this proposal and would refer you to our previous response dated 11th August 2022
- 2.7 Natural England: Comments awaited.
- 2.8 Environmental Health: No objections.
- 2.9 West Kent Badger Group: Thank you very much for letting us know about the Badger Technical Note in relation to this development.

I have attached a copy of our previous comments where we asked if the access road could be moved a bit further south, should the development go ahead. This would mean the northern part of the site was not disturbed giving the badgers more protection and retaining some of their foraging habitat. It would also be beneficial for the bats recoded on site. We would still like this to be considered, rather than a licence obtained to undertake work within 20m of the sett.

The Technical Note says under the completed scheme, the sett will be retained within an ecological / landscape buffer. It would be helpful to know the size or nature of the buffer.

- 2.10 Conservation Officer: I have reviewed the application and the conservation area appraisal. I have also reviewed the heritage consultants responses to the queries raised at committee.

I would note that I in general agree with the additional submissions from the applicant's heritage consultant. Where there is a slight difference in the assessment it would not impact the overall conclusions.

The conservation area appraisal is 20 years old and the village has seen only limited change over that time. The boundary is drawn very tightly to the historic buildings

within the village, deliberately excluding more modern development. The tone of the appraisal is inward looking and deals almost exclusively with the buildings within the boundary area. There are few references to setting or views out of the conservation area. The comments regarding views tend to be long distance views of the surrounding landscape rather than more intimate views. The conservation area also concentrates on the historic structures located on the ridges along which the village originally expanded and this aspect of development is important to the character of the conservation area. In general the character appraisal does not give any reasonable assessment of the setting of the conservation area and there is very limited information on which an objection on grounds based on impact on setting could reasonably be made. The references that were picked up are not strictly impacts on setting but impacts on views (views to the distant landscape features to the south), or the reference interpretation has been broadened to include farms beyond the boundary which is not a clear intention within the appraisal which discusses farms within the boundary.

The assessment of what constitutes the setting of the conservation area needs to be made anew. Historically the setting of the conservation area was an agricultural landscape concentrated in the areas below the ridges. The expansion of the village in the 20th century has to a degree pushed that agricultural landscape away from the conservation areas boundary on almost every side. While this is limited towards the south it has none the less occurred. However, the overall sense to the south remains that of a rural landscape and the proposal will impact that perception.

The applicant's original assessment does acknowledge that there is an impact to the agricultural landscape from the loss of the rural landscape and this should be acknowledged as an impact on the setting of the conservation area which the applicant's heritage consultants have done. The impact on setting is not considered to be high and I agree with the consultant's identification of the level of harm. Given there is a level of less than substantial harm, there needs to be a judgement balancing that harm against public benefit. This is not a heritage matter but a planning matter and I am lead to understand the officers report covered these matters from a planning perspective.

2.11 Private Reps: 33 additional objections raising similar comments to those originally listed and raising the following additional points:-

- Do not consider that the East Malling Conservation Area Appraisal is superseded by the NPPF and therefore it is wrong to say that the development will not have an impact on the setting of the Conservation Area.
- High volume housing estate is at odds with the setting of the Conservation Area
- The badger mitigation measures are questioned as there are sett entrances within the orchard as well as the woodland.
- Question responses from Natural England.

- Relocated access would not reduce impact on the neighbouring property and would not retain the private right of access to maintain the boundary.

3. Determining Issues:

- 3.1 The planning considerations are as set out in the original report. This report considers the Heritage matters raised at the previous meeting and also the amendments to the site access submitted by the applicant.
- 3.2 The development has been assessed against the East Malling Conservation Area Appraisal. This document was published in 2004 and the development has been assessed against it by the Conservation Officer.
- 3.3 The assessment by the Conservation Officer considers that whilst the document is approximately 20 years old there have been little changes within the Conservation Area itself as the boundary is very tightly drawn to the historic buildings within the village, deliberately excluding more modern development. The tone of the appraisal is inward looking and deals almost exclusively with the buildings within the boundary area. There are few references to setting or views out of the conservation area.
- 3.4 The comments regarding views tend to be long distance views of the surrounding landscape rather than more close-range views. The conservation area also concentrates on the historic structures located on the ridges along which the village originally expanded and this aspect of development is important to the character of the conservation area.
- 3.5 The development site is on the downward slope away from the conservation area boundary. In general, the character appraisal does not give any reasonable assessment of the wider setting of the conservation area. The consideration of the setting of the Conservation Area in the appraisal only includes reference to views to the south and not specifics regarding the setting.
- 3.6 The conservation area as a whole is surrounded by 20th century development that has deliberately been left out of the designation, and this 20th century development has separated the surrounding agricultural land from the setting of the conservation area in general on all sides.
- 3.7 Overall, when considering the content of the Conservation Area Appraisal and the impact of the proposed development on setting of the conservation area, the Conservation Officer does not consider the level of harm to be high and they agree with the applicant's consultant's identification of the level of harm. In conclusion, following the further assessment undertaken it is considered that the level of harm to the conservation area would be less than substantial, as set out in the original report and there is very limited information on which an objection on grounds based on impact on setting could not reasonably be made.

- 3.8 This conclusion mirrors the original assessment undertaken under Paragraph 11 of the NPPF 2023. The recently published NPPF 2024 does not change the requirements for the presumption in favour of sustainable development. With the NPPF tests regarding harm being met the presumption in favour of sustainable development set out at paragraph 11 (d) (ii) re-emerges and needs to be applied. The original assessment that was undertaken within the context of the tilted planning balance is therefore still valid.
- 3.9 The recently published NPPF 2024 does not bring in any fundamental changes to policy that relate to the specifics of this proposal. The standard methodology for calculating five-year housing land supply has though been changed. The recently published calculation which reduced the overall supply figure down to 3.97 years is likely to drop further due to the Governments change in calculation and consequent increase in housing numbers for the borough from 820 to 1096 per annum. The development of the 52 dwellings proposed would therefore go towards increasing the five year supply and meeting the increased housing required.
- 3.10 With regard to other matters, the applicant has considered the discussion at the previous meeting and moved the proposed access 4m to the south of its previous position. The alteration to the position of the access increases the separation to the boundary of the neighbouring property to 9.6m. This enables greater space to be provided for screening to the neighbouring property. The additional space would also ensure that the right of access can be retained. This is though a private matter that is not a planning consideration.
- 3.11 The garden extension at no. 51 Wateringbury Road has now been regularised through the approval of application 24/01631/PA. The presence of the garden has to be taken into consideration in the determination of the application. The movement of the access to the south away from the shared boundary has increased the amount of space available for landscaping within the site. It is acknowledged that the site is lower than Wateringbury Road at the point the access is proposed, however the presence of the existing boundary planting and the increased opportunity for landscaping arising from the revised access position would ensure that there would be no adverse impact as a result of overlooking from the new access into the neighbouring property. Similarly, the ability to provide landscaping along the northern boundary of the site would minimise the potential for a loss of privacy to the neighbouring property.
- 3.12 The revised position of the access is acceptable in both highways and landscaping terms. The alterations do not alter the ecological buffer zone proposed. Additional information has also been received regarding the presence of badgers on the site. The information supports the previous position that the development would not have an adverse impact on protected species.
- 3.13 In conclusion, as set out in the original report, the presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this

instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 3.14 The proposed development would provide a policy compliant development of up to 52 residential dwellings. It would also provide 40% affordable housing on-site which would contribute to addressing a recognised need for affordable housing in the Borough.
- 3.15 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 3.16 It is therefore recommended that outline planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out throughout this report and various planning conditions to ensure that the development comes forward in an acceptable, high-quality fashion.

4. Recommendation:

4.1 **Approve Planning Permission** subject to:

4.2 The applicant entering into a legal agreement in respect of:

40% affordable housing

Off-site open space provision

Education provision, community facilities and services (KCC Economic Development)

General medical practice services (NHS ICB)

4.3 The following conditions:

1. Approval of details of the siting, design, external appearance of the building(s), internal access road(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 subphase 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:

Site Location Plan 21.094-01

Access Proposals 16082-H-01 rev p6

Improvement Works to Watringbury Road 16082-H-04 Rev P2

Improvement Works to Watringbury Road 16082-H-05 Rev P2

Proposed Parameter Plan 21.094-50 Rev B

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

5. Site Levels

- a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation

Highways/Transport/Parking

6. Prior to the commencement of any phase or sub-phase of the development which includes erection of buildings, details in accordance but subject to site specific changes, with the Kent Appendix 1 Design Guide IGN3 shall be submitted to and approved in writing by the Local Planning Authority showing adequate resident and visitor parking 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.

7. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall be carried out until details of the proposed car charging points have been submitted to, and approved by the Local Planning Authority. The charging points shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

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

8. The access drive shall be constructed no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

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

9. The access shall not be used until the visibility splays shown on the submitted plans (drawing number: H-01 Rev P6 titled 'Access Proposal') with no obstructions over 0.6 metres above carriageway level within the splays have been provided. The vision splay so created shall be retained at all times thereafter.

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

10. No part of the development shall be occupied prior to the completion of the highways works indicated on drg. no. H-01 Rev P6 'Access Proposal' being completed by the applicant via S278/S38 Agreements and retained thereafter.

Reason: To ensure appropriate delivery of highway improvements required for the development.

11. Prior the commencement of any phase or sub-phase of the development a Construction Management Plan shall be submitted to the Local Planning Authority and approved in writing. The Plan shall include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities prior to commencement of works on site and for the duration of the construction.
 - (e) Temporary traffic management / signage
 - (f) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - (g) Provision of measures to prevent the discharge of surface water onto the highway

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

Drainage

12. No development shall take place until the details required by Condition 1 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

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

13. 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 reviewed the Flood Risk Assessment dated June 2022 prepared by DHA. The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within 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.

14. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate 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 the National Planning Policy Framework.

15. No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority.

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

Archaeological

16. Prior to commencement of development the applicant, or their agents or successors in title, will secure the implementation of
- i archaeological landscape works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological landscape remains and/or further archaeological landscape investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological landscape interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological landscape remains and where possible the integration of key landscape features in the detailed masterplan and landscape design.

17. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
 - iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

Contamination

18. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with paragraph 174 of the National Planning Policy Framework (2023).

19. 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 paragraph 174 of the National Planning Policy Framework (2023).

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Trees and landscaping

22. a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature.

23. a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species/cultivar, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development.

24. The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

Biodiversity

25. No development above slab level for any phase or sub-phase of the development of the site shall commence until a report detailing the external lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

- A layout plan with beam orientation
- A schedule of equipment
- Measures to avoid glare
- An isolux contour map showing light spillage to 1 lux.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation (paragraph 185 of the NPPF)

26. All areas of trees, hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: Nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended), this condition will ensure that wildlife is not adversely affected by the proposed development

27. With the first detailed application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved by, the local planning authority. The content of the LEMP will be based on the Defra Biodiversity Net-Gain metric calculations and include the following.

- Full Defra biodiversity net-gain calculations;
- Description and evaluation of features to be created and managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management prescriptions for achieving aims and objectives;
- Preparation of a work schedule;

- Details of the body or organisation responsible for implementation of the plan, and;
- Ongoing monitoring and remedial measures.

The LEMP shall also 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: 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 2023 and Policies NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document.

28. Prior to the first occupation of the residential development, the buffer zone illustrated on plan reference Ivy Farm Parameter Plan (Ref 21.094-50- Rev B) shall be defined and clearly laid out for the intended purpose of creating an ecological/landscape buffer zone. The final appearance of the buffer shall be subject to the written approval by the Local planning authority in accordance with the Landscape and Ecological Management Plan subject of condition 27 of this outline planning approval.

Reason: to retain connectivity for animals such as the badger and other species.

Other Material Matters

29. Prior to the first occupation of the development hereby approved, a noise report detailing the current noise climate at the proposed site due to the close proximity of Watlingbury Road. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH).

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval before any decision can be made. Specific details of any necessary noise

insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

30. Prior to first occupation of each building, detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to global competitiveness.

31. Prior to first operation use, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards submitted to and approved in writing by the Local Planning Authority in conjunction with the Kent Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interests of protecting the privacy and security of neighbouring occupiers and to ensure adequate security features are undertaken to protect residents.

32. 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.

33. As close as practicable and no earlier than three months prior to commencement of development, an additional badger survey report shall be submitted to and approved in writing by the Local Planning Authority. Should the position, in so far as it relates to badgers, have changed from that originally reported when the application was submitted, the new survey report should incorporate a revised badger mitigation plan.

Reason: To ensure appropriate mitigation

34. Prior to first occupation/use of the site, a report prepared by an appropriately qualified and experienced ecologist demonstrating the implementation of the badger mitigation/ enhancement measures, as set out in the badger survey report, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate mitigation

Contact: Robin Gilbert

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**East Malling, West Malling
and Offham**
East Malling

TM/22/01570/OA

Location: Land North East and South of 161, Wateringbury Road

Proposal: Outline Application: All matters reserved except for access for the erection of up to 52 residential dwellings, including affordable housing, open space and landscaping, roads, parking, drainage and earthworks. New access to be formed from Wateringbury Road.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Outline planning permission, with all matters reserved for future considerations with the exception of access is sought for the development of up to 52 dwellings, of which 40 percent would be affordable. The development would be supported by associated open space provision and landscaping.
- 1.2 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 and, subject to approval of the outline planning application, subsequent planning applications.
- 1.3 The means of access is indicated as being in the northwestern corner of the site with alterations proposed to the existing traffic calming on Wateringbury Road to move the 20mph zone 10m to the south.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs Tatton and Roud due to the site not being allocated for development, impact on wildlife, impact on traffic, not a sustainable site, impact on surrounding listed buildings and East Malling Conservation Area and inappropriate access.

3. The Site:

- 3.1 The site is an area of approximately 4.6Ha to the eastern side of Wateringbury Road. The site is outside but immediately adjacent to the village settlement boundary of East Malling.
- 3.2 The site consists of existing commercial orchards bound by tall shelterbelts. An overhead electricity pylon and pylon tower is located in the western part of the site and crosses the site in a north west top south east orientation and is a defining feature in the locality. A small woodland is beyond the north-east corner of the site.

3.3 The site is bound by two storey detached residential properties adjacent to Wateringbury Road and a small woodland to the north; Arable fields divided by tall shelterbelts to the east; residential gardens consisting of established vegetation to the south; and Wateringbury Road, Ivy Farm, Belvidere Oast Farm and no.122 Wateringbury Road Farmhouse to the west.

4. Planning History (relevant):

4.1 None relevant

5. Consultees:

5.1 PC: The comments of East Malling and Larkfield PC are attached to this report at appendix 1 due to their length.

5.2 PC: Teston PC: We ask you, please, to recommend refusal of this application on the grounds of:

- adverse traffic impact on an already difficult situation in East Malling's Conservation Area;
- highly questionable sustainability; and
- in reality, no need for this site, despite lack of valid Five Years' Housing Supply as, almost certainly, the Government's mandated housing requirement will soon be revised downwards – and probably substantially downwards.

5.3 PC: Waterinbury PC: Whilst this application is outside our parish Wateringbury Parish Council is very concerned over what would be an increase in traffic movements should permission be given. Vehicles travelling south would use Wateringbury Road and Red Hill and exacerbate the already identified high air pollution levels at the traffic lights. Equally vehicles travelling north from site would use the narrow East Malling High Street which already suffers congestion, and air pollution would be increased.

Wateringbury Parish Council fully supports the comments/objections from East Malling & Larkfield Parish Council and Teston Parish Council

5.4 KCC Highways: The comments of KCC Highways are attached to this report at appendix 2 due to their length.

5.5 KCC LLFA: No objections subject to conditions

5.6 KCC Heritage: Recommend the imposition of conditions relating to archaeology and archaeological landscapes

- 5.7 KCC Ecology: Due to the sensitive nature of these comments identifying the location of protected species they are not available for public inspection but a copy has been provided to Members.
- 5.8 KCC Economic Development: contributions sought towards education and community services – details included within the report.
- 5.9 Southern Water – No objections
- 5.10 EA: Thank you for consulting us on the above planning application. We have screened the application and have no objection in relation to groundwater and contaminated land.
- 5.11 Environmental Health: No objections subject to conditions relating to noise and contamination.
- 5.12 Conservation Officer: The heritage statement with the application gives a comprehensive appraisal of significance, impact and harm for the designated assets close to the site. The report is clear that it is only able to discuss heritage impact as an overall concept given the outline nature of the proposal. I would agree with the reports conclusions regarding impact on significance.

However the document does not seem to consider the impact on 161 Watringbury Road. The site is located north, east and south of 161 Watringbury Road, a historic farmstead as identified on the KCC HER. You may wish to consider the historic farmsteads identified within the historic farmsteads category of the HER as being non-designated heritage assets for the purposes of the NPPF. The farmstead appears to retain a number of historic buildings including the farmhouse and a courtyard farmyard (KCC description). The farmstead is currently in open agricultural land. The setting of the farmstead will be harmed by the intensity of development to the North but will retain connection to the farmland to the east and south with the retention of the orchard. The harm would be less than substantial and towards the low end of the scale.

- 5.13 Leisure Services: No objection subject to the applicant entering into a S106 agreement to provide contributions towards off-site open space provision.
- 5.14 Natural England: No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 5.15 CPRE: Due to the length of the comments these are attached as Appendix 3 to this report
- 5.16 Kent Police: No objections in principle.
- 5.17 West Kent PCT: Site would require developer contributions towards medical centre provision.

5.18 West Kent Badger Group: Due to the sensitive nature of these comments identifying the location of protected species they are not available for public inspection but a copy has been provided to Members

5.19 Private Reps: 238 objections received raising the following areas of concern:-

- There has been damage to a badger sett. Want an impartial/thorough assessment of developers assertions. No review of badger sett within submission
- Land is part of rural agriculture/Kent heritage – orchards. Considered to be of local scientific importance – a dwarfing grafted orchard pioneered by Robert Garner. Concerned about loss of irreplaceable land, agricultural land/countryside/impact on Garden of England.
- Loss of best and most versatile grade 2 agricultural land. Land should be used for providing food to address food shortages, to address climate change
- Farm is viable as existing – should be retained as such
- Detrimental impact on character/distinctiveness of area/landscape/rural gateway into village
- Detrimental impact on Conservation Area/Listed Buildings/setting of listed buildings/heritage of East Malling/adjacent heritage buildings/rural village setting (orchard, fields, hamlet, village).
- Loss of village/urban sprawl/reducing gaps between settlements
- Insufficient infrastructure, including roads, shops (none in East Malling village), public transport (bus recently cancelled/far away, infrequent trains, trains better at West Malling, no transport southwards, station inaccessible/upstairs), schools, doctors, dentists, social workers, midwife's, health visitors, water, sewage, refuse collection, emergency services, hospitals, East Malling station car park and communications – as existing and to serve this development and others
- Station has no parking and no disabled access. Limited train availability – once an hour apart from during peak times.
- Lots of traffic/congestion and insufficient highways infrastructure as existing (generally, Chapel Street, Wateringbury Road, High Street, Mill Street, New Road, Wateringbury crossroads, A20, West Malling bypass, Hermitage Lane, Rocks Road), increased traffic as existing, speeding, narrow roads, busy roads, lack of and narrow pavements, many collisions, road rage, pollution, vehicles becoming stuck and damaged on-street parked cars. Wateringbury Road is a main thoroughfare between A26 and A20, with limited other routes.

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- More houses will result in more highways pressure, village cannot cope with more traffic, risk to human life, reduced air quality (also to Wateringbury crossroads), noise pollution, more accidents, damage to vehicles parked, damage/harm to listed buildings, harm to Conservation Area, will block emergency service vehicles. Need to consider cumulative impact of developments.
 - Parking likely to be insufficient, no alternative parking elsewhere in this location/will cause highways visibility issues.
 - Will be a strong reliance upon cars for this development. Contrary to CP1, CP2 and NPPF.
 - New access is dangerous on such a busy and narrow road, close to a table top highways feature. Design does not consider actual vehicle speeds at this location. Unsafe pedestrian access due to parked cars, cars mounting pavement, narrow pavement and bins on pavement, unable to accommodate additional pedestrians – concerns with KCC Highways comments on pedestrian safety.
 - Underestimates expected traffic generation by the development.
 - Destruction of AONB
 - Loss of Green Belt Land
 - Site home to important wildlife and ecology. Concerned about loss of/impact on nature/wildlife/ecology. Impact upon bees/pollinators. Ecology report undertaken in February 2022 outside optimal season and therefore have concerns over the assessment. Report does not consider the spring and refers to outdated guidance. Report not suitable for a planning application – only a PEAR, contrary to CIEEM website. Full survey required up-front. No full survey of woodland – how would residents be prevented from accessing it.
 - Does not meet 10% BNG
 - Pollution high as existing (generally, Chapel Street), will make this worse
 - Loss of huge number of trees – need these to combat global warming, their loss will damage the environment
 - Site should be protected given global deforestation, global warming and food supply issues – proposal not carbon neutral/will do more harm than good.
 - Climate change an existing problem, will become worse as a result of the development removing green spaces. Loss of CO₂ absorption and oxygen production. Contrary to Governments Net Zero emissions strategy, NPPF and TMBC Climate Action Plan.

- Site is a green lung to support surrounding development.
- Brownfield sites should be developed first
- Concerned about sheer amount of housing proposed in locality
- Design, appearance, layout, scale, siting, character, density and landscaping of development inappropriate for the locality. Should use vernacular materials if allowed. Conflicts with Policy CP24 and SQ1.
- Noise and disturbance.
- Setting a precedent
- Overlooking/Loss of privacy – contrary to Human Rights Act.
- Overshadowing
- Illustration not an accurate representation
- Loss of sunlight
- Unable to manage boundary/issues with access
- Too much development in this locality.
- People have moved out due to so much development.
- Concerned about loss of open space, countryside, clean air – what will happen to mental and physical health.
- Impact upon quality of life of existing residents
- Flooding – will this make it worse?
- Scheme just to make profit. Not for benefit of the local area.
- Lack of details regarding house types
- Disturbance from smells
- Resources relating to reservoirs
- Public health amenities
- Light pollution
- Application consulted/submitted when people less likely to notice

- Deter ramblers, cyclists and visitors to the area
- The site is not allocated for development
- Why is a site which was previously deemed not suitable for allocation in 2003 now suitable? Previous applications were refused – where is the justification?
- Lack of affordable housing. Need more affordable housing/question the affordable housing provision. Believe that TMBC previously advised site was not suitable for affordable housing due to lack of services – 40% provision is contrary.
- Issues with water entering water table
- Object to a delegated decision – should be heard at committee
- Development extends beyond the historical 17th century boundary of the village
- Sheer number of objections – shows development is not supported by community
- Lack of consideration for disabled people
- Does not encourage walking and cycling – not within walking distance of facilities, no footpath
- Development does not promote sustainable transport/accord with NPPF and local policies in relation to transport/highways. Too far from shops and no public transport.
- Proposed nature area will not work – will be affected by human activity
- Concerns over numbers and conclusions within highways/transport report, including expected trips and peak hours, especially given use of data for suburban locations. If applying expected higher number, severe highways impact expected. Should consider approved/being built developments also.
- How will open space be maintained
- Proposal not to build below power lines, just to gain favour of committee
- Cycle/pedestrian path is on land not owned by applicant/cannot be delivered
- One way in/out not acceptable in relation to emergency access.
- Need infrastructure improvements and detailed plan between all authorities. New towns should be proposed, away from existing settlements with their own facilities. Until this happens, existing settlements will become overdeveloped and strained, with disagreement between existing and new residents.

- Increased crime
- Loss of dark light/unlit area.
- Reduction in house value
- Construction traffic and noise concerns
- Arboricultural report does not address the loss of the orchard trees
- Disagree with sustainability statement given loss of trees
- Design and Access Statement does not truly reflect local houses
- It is not certain that developer will maintain buffer to the north-east boundaries
- Where is the demonstrated need for housing?
- Contrary to TMBC and national planning policy
- Lack of Local Plan/historic delivery of housing not reasons to justify this housing
- How often will Wateringbury Road be shut?
- Should focus on renovating empty/rundown properties.
- What demographic are the houses aimed at?
- Pre-app advice did not cite the East Malling Village Conservation Area Appraisal – development contrary to this. Also contrary to former Conservation Area study.
- Should retain an undeveloped gap between development and existing village confines.
- Change to character not localised – boundary treatment will not screen development/will harm the character of the area.
- An Air Quality Report should have been submitted
- If approved, request planning conditions relation to construction traffic, working hours, sustainable transport, traffic calming, pollution reduction and for traffic calming measures.
- Increased heat/urban heat island
- Lack of joined up planning between developments
- Development has the potential to block rainwater entering the ground and feeding the local stream. No mention of this in application.

- Development has been concentrated elsewhere in Borough recently, leading to traffic issues, this spreads it elsewhere.
- Can access cope with this traffic and other development traffic at peak hours?
- Council should publish proposal to improve traffic flows

6. Determining Issues:

6.1 Prior to the consideration of the proposal it should be noted that the Government is currently undertaking a consultation into revisions to the NPPF in light of the direction in policy being proposed in the Ministerial Statement 'Building the Homes we Need'. These revisions to the NPPF are at the consultation stage only and therefore do not carry any weight at this stage and the following discussion is based on the contents of the current December 2023 NPPF.

6.2 The Council cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need. This means that the requirements of paragraph 11 of the NPPF (2023) fall to be applied. This sets out the presumption in favour of sustainable development which for decision taking 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.

6.3 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.

6.4 The footnote to this paragraph defines 'the policies' as mentioned above to include those relating to a number of protections and constraints. Included in this list are designated heritage assets and areas at risk of flooding. It is therefore necessary to

consider the development proposals against these restrictive policies in order to establish whether the presumption re-emerges to be applied in this case. I will consider each in turn below.

Heritage Assets

- 6.5 The proposed development site is within the setting of heritage assets.
- 6.6 Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.7 Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.8 In terms of considering potential impacts arising from development proposals, paragraph 205 states 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.
- 6.9 Paragraph 208 goes on to state that where 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.
- 6.10 Paragraph 209 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.11 Annex 2 of the NPPF 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.”

- 6.12 It must also be remembered that the LPA has statutory duties placed on it by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act similarly requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.13 The site is located outside of the Conservation Area boundary and is approximately 63m south of the southern boundary. The nearest listed building is on the opposite side of Watringbury Road (no. 122) with the site being to the north and east of the historic farmstead of Belvidere Oast. The separation is such that the application site is not considered to contribute to the character and appearance of the Conservation Area. Similarly, the setting of the listed building would not be affected due to the proposed development being set back from the opposite side of the road to the listed building, and also the retention of the existing boundary screening that is currently present. As such it is considered that any harm to designated heritage assets would be at the lower end of less than substantial.
- 6.14 The application site wraps round Belvidere Oast Farm. This complex of buildings is not listed but is recorded on the Kent Historic Environment records as a historic farmstead. This would therefore be considered as a non-designated heritage asset. The setting of the historic farmstead is currently an agricultural one and whilst the development would see built form added to the north of the farmstead the agricultural setting would remain to the south east and west. As such the level of potential ‘harm’ to the significance of the farmstead is considered to be very low. The proposed development would therefore not detract from the ability of the observer to recognise and appreciate the special interest of the listed building, the historic farmstead nor the East Malling Conservation Area and would therefore amount to less than substantial harm in NPPF terms.
- 6.15 On this basis it is considered that the works would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (2023).

Flooding

- 6.16 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.

6.17 Paragraph 173 of the NPPF states that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

6.18 The site is within flood zone 1 and consequently has a low risk of surface water flooding. There are therefore no restrictive policies relating to flooding at the site.

6.19 It is considered that the NPPF tests regarding harm are therefore met and as such the presumption in favour of sustainable development set out at paragraph 11 (d) (ii) re-emerges and needs to be applied. The remainder of the assessment must therefore be undertaken within the context of the tilted planning balance. It is on this basis that the remainder of the analysis, and the conclusions drawn, follow.

Locational characteristics and associated impacts

6.20 Paragraph 84 of the NPPF states that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Whilst the site is located

within the designated countryside, it is located immediately adjacent to the defined settlement of East Malling Village and cannot be reasonably said to be isolated in any way. The development would therefore meet the requirements of paragraph 84 of the NPPF.

- 6.21 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that the planning system has three overarching objectives to achieving sustainable development, these being an economic objective, such as ensuring adequate land is available to support growth and enable the provision of infrastructure; a social objective, such as ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations as well as accessible services and open spaces; and an environmental objective, ensuring that effective use is made of land, helping to improve biodiversity and protecting and enhancing the natural, built and historic environment.
- 6.22 It is considered that the location of the site and the type of development proposed would be considered sustainable development under paragraph 8 of the NPPF and this is set out in greater detail throughout this report as necessary.

Character and pattern of development and impact upon visual amenities:

- 6.23 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments.
- 6.24 In particular, paragraph 135 seeks to ensure that development:-
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

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

6.25 Furthermore, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design.

6.26 With regard to landscape, effects on such matters as landscape designations, the landscape quality, scenic quality, rarity, recreational value and perceptual aspects and associations should be considered. The site is not covered by any statutory landscape designations.

6.27 The indicative development proposed indicates buildings of approximately 2 storeys in height focussed at the northern end of the site with open space and retained orchard to the south of the existing overhead power line that crosses the site. The existing landscaping in the form of the hedgerows and shelter belts on the site are indicated as being retained and enhanced with a 20m wide landscape buffer being provided around the north-eastern corner of the site to mitigate the impact of the development on local wildlife. The site is slightly lower than Watringbury Road to the west with this change in level and the retention of the existing boundary screening reducing the overall impact of the development on the surroundings.

6.28 Overall, it is considered that the proposed parameters for the application site accord with landscape related planning policy. The proposals are capable of being accommodated within the landscape without undue levels of harm to landscape character or visual amenity. In conclusion, the proposed development due to its scale and siting would not be detrimental to the overall character of the countryside in this location due to the physical landscape features being retained which would ensure that the proposed development would not result in significant harmful effects to the character and appearance of the area, nor its visual amenity.

6.29 On this basis it is considered that the proposed development is in accordance with CP24 of the Core Strategy, SQ1 of the MDE DPD and the NPPF.

Access and Highways

6.30 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.

- 6.31 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.
- 6.32 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.
- 6.33 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.34 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.
- 6.35 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 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.
- 6.36 Paragraph 117 then sets out that all developments that will generate significant amounts of movement should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.37 The application proposes to have its vehicular access from Watringbury Road to the south of boundary with 51 Watringbury Road. The submitted transport assessment

has been assessed by KCC Highways and they have agreed that the development is likely to generate 24 two way movements in the AM peak and 26 two way movements in the PM peak, with the pattern being predominantly movements north through East Malling Village. Whilst it is acknowledged that some sections of East Malling High Street contain existing on-street parking arrangements which to some extent interrupt the flow of traffic the amount of additional traffic generated would equate to only one additional vehicle every three minutes. This increase in traffic would be viewed as modest and when considered alongside the good personal injury collision record along East Malling High Street there is no evidence that the additional traffic could worsen conditions to the point that could be reasonably described as severe or impact on highway safety. The findings of the traffic survey undertaken by the Parish are noted, these results do not alter the above position that the development could worsen existing conditions.

- 6.38 The siting of the access onto Wateringbury Road requires alterations to the existing traffic calming features present. To this end the application proposes moving the 20mph speed limit 10m to the south so that the site access is within the traffic calmed zone. The access has been subject to a full road safety audit with the design being viewed as appropriate. The comments regarding Wateringbury Road being of insufficient width to accommodate the access are noted however it is important to consider that there are no minimum standards for existing road widths and the proposed access has passed the road safety audit. The access design and the amendments to the existing traffic calming would be provided under a S278 agreement and overall, KCC Highways, as statutory consultee on these matters consider that there is no objection to the works and they are therefore considered to be acceptable.
- 6.39 The concerns of the adjoining resident regarding the visibility splays requiring the use of third party land are noted. It has however been confirmed by the applicant that the visibility splays are wholly within the applicants land and as such no third party land is required.
- 6.40 The comments regarding a right of access for boundary maintenance are also noted. This right of access is however a private legal matter rather than an issue that can be taken into consideration in the determination of a planning application.
- 6.41 On this basis 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 114-116 of the NPPF.

Archaeological matters

- 6.42 With regard to the impact on potential archaeological remains it is considered unlikely significant industrial heritage archaeology will be impacted by the scheme. There are elements of industrial heritage which merit specialist identification and assessment with options for recording and conserving where possible indicated in the submitted

assessments, but it is considered that such matters can be sought by condition. Similarly, the specialist geoarchaeological and Palaeolithic assessment submitted is considered a suitable base to guide mitigation and further fieldwork. These further matters can be covered by condition.

6.43 On this basis it is considered that the works would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (2023).

Drainage

6.44 The site is within flood zone 1 and consequently has a low risk of surface water flooding. The submitted details indicate that drainage will be provided via attenuation basins and deep bore soakaways. Subject to conditions this approach is considered to be acceptable. With regard to foul water drainage this can be achieved with links to the public sewer system.

6.45 I am therefore satisfied that, with the suggested conditions, the development would accord with the requirements of Policy CP10 and the NPPF.

Contamination

6.46 Paragraph 189 of the NPPF states that planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

6.47 Paragraph 190 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.

6.48 In terms of land contamination, the submitted Phase 1 Desk Study and Preliminary Risk Assessment is considered to adequately review the history and environmental setting of the site. It adequately reviews the history and environmental setting of the site. Potential sources of contamination have been identified in relation to the site's previous use as an active quarry, and as such an intrusive investigation is recommended. 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.

Air Quality

6.49 Concerns regarding air quality have been raised. Although monitoring has been undertaken there has not been a need to impose an Air Quality Management area in East Malling village. The quantum of development proposed is not likely to lead to there being a need to do so.

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 NPPF. In particular, paragraph 180 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 the surrounding area are not subject to any ecological designations. There are no nearby ecological statutory designated sites, whilst the nearest ecological non-statutory designation is Oaken Wood Local Wildlife Site, 3300m to the south.

6.55 Ecological reports have been submitted in support of the application. The findings indicate the site is predominantly a commercial orchard environment, having little ecological value due to the intensive manner in which it is managed (herbicide/pesticide use and high stocking density). The boundary hedgerows are

likely to have relatively high biodiversity value and also likely to be priority habitats. The submitted plans indicate that these boundary hedgerows are to be retained within the landscape buffer and the indicative layout shows that these would be outside domestic curtilages. Subject to the provision and retention of the landscape buffers within the sites biodiversity area the proposal would be considered appropriate. This matter would need to be demonstrated through the detailed plans at reserved matters stage and can be secured by condition.

- 6.56 With regard to protected species, the submitted ecological surveys have confirmed that badgers and at least 5 species of foraging bats are present and there is suitable habitat within the site for breeding birds, hedgehogs, reptiles and roosting bats. The survey work has confirmed that there is badger activity on the site and that an outlier sett is present within the site. There is a sett in woodland adjacent to the site and therefore mitigation measures are proposed to ensure that the development does not have a negative impact on badgers. These measures include the 20m ecological buffer to the main sett being comprised of woody planting. It is noted that the outlier sett within the site will need to be closed to enable construction to be carried out and this will be subject to an appropriate licence from Natural England. The application for this will need to be supported by further up to date survey work to ensure that the application is based on the current badger use of the site. Such a licence would need to be sought prior to any works being undertaken on the site and it should be noted that a grant of planning permission does not mean that a licence will automatically be granted.
- 6.57 The opposition to the development due to the presence of the badger sett is noted, however this would only form a reason for refusal if it could not be shown that appropriate mitigation measures could be provided. The KCC Ecology Officer has confirmed that they have no objection to the proposed 20m buffer to the sett. It is therefore considered that following assessment in accordance with all national guidelines the mitigation measures are appropriate to ensure that there is no adverse impact on the badger sett.
- 6.58 Due to the presence of bats and badgers at the site a condition is proposed to ensure that any lighting proposed is appropriately designed to limit the impact on nocturnal species.
- 6.59 The application was submitted prior to the requirement for mandatory biodiversity net gain. The applicants have nevertheless submitted an indicative biodiversity net-gain calculation indicating that a gain of approximately 30% is possible. The mechanism for securing this would be via a condition requiring a Landscape and Ecological Management Plan (LEMP) and such a condition is proposed as part of the recommendation.
- 6.60 The proposed development and mitigation scheme have been designed to achieve compliance with relevant legislation and planning policy. Measures are proposed to avoid killing or injury of protected species such as bats, Badger, birds and reptiles

(protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 and the Protection of Badgers Act 1992) and opportunities for enhancements to biodiversity are also proposed, in accordance with NPPF.

6.61 I am therefore satisfied that the development would have a net positive effect on habitats and biodiversity on the site through the provision of enhanced landscaping proposals which would be an overt benefit arising from the development. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including Policies NE1-NE4 of the TMBC Local Development Framework Core Strategy and the NPPF.

Developer contributions

6.62 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

6.63 Paragraph 57 of the NPPF reflects this statutory requirement.

6.64 The scheme proposes to provide 40% of the total number of dwellings as affordable housing and therefore accords with Policy CP17 of the TMBCS. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need. The 40% affordable housing shall have a 70/30 split between affordable housing for rent and other affordable housing tenures.

6.65 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.

6.66 KCC has advised that in order to mitigate the additional impact that the development would have on delivery of its secondary education and community services, the payment of appropriate financial contributions is required, as follows:

- £268,185.12 towards Secondary education provision
- £229,726.56 towards the provision of land for Secondary education
- £26,871.84 towards Special Education Needs provision
- £1,778.92 towards Community Learning provision.
- £3,554.40 towards Integrated Childrens' Services
- £3,256.76 towards enhancements and additional library book stock
- £9,405.76 towards Adult Social Care
- £2,704 towards waste and recycling provision within the borough.

No contribution is requested toward primary school provision

6.67 I am satisfied that sufficient detail has been provided in all these respects to ensure the relevant statutory and policy tests have been met, and the contributions should be secured through the legal agreement.

6.68 NHS ICB have advised that due to the potential patient numbers a contribution of £52,704 towards refurbishment, reconfiguration and/or extension of Wateringbury and Thornhills Medical Practice and/or towards new general practice premises development in the area should be sought. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.

6.69 TMBC apply open space contributions to developments of 5 dwellings and greater and therefore the outline development would be liable for a contribution subject to on-site open space provision covering the following; Parks and Gardens, Outdoor Sports Facilities and Childrens and Young Peoples Play areas. The final layout and landscape plan is reserved matter and therefore final contributions cannot be applied at this stage but would form wording in a section s106 legal agreement. The approximate level of contribution would be £233,560.

Planning balance and conclusions

6.70 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.71 The proposed development would provide a policy compliant development of up to 52 residential dwellings. It would also provide 40% affordable housing on-site which would contribute to addressing a recognised need for affordable housing in the Borough.
- 6.72 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 6.73 It is therefore recommended that outline planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out throughout this report and various planning conditions to ensure that the development comes forward in an acceptable, high quality fashion.

7. Recommendation:

7.1 **Approve Planning Permission** subject to:

7.2 The applicant entering into a legal agreement in respect of:

- 40% affordable housing
- Off-site open space provision
- Education provision, community facilities and services (KCC Economic Development)
- General medical practice services (NHS ICB)

7.3 The following conditions:

1. Approval of details of the siting, design, external appearance of the building(s), internal access road(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 subphase 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:

Proposed access Locations (CL-16410-01 006 Rev G)

Site Plan (Ref CL 16410-01-001 Rev D)

Parameter Plan 4 - Landscape (Ref CL-16410-01-009 Rev H)

Site Access Arrangement (Ref R-19-0045-001 Rev B – Dated 20-05-20)

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

5. Site Levels

a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation

Highways/Transport/Parking

6. Prior to the commencement of any phase or sub-phase of the development which includes erection of buildings, details in accordance but subject to site specific changes, with the Kent Appendix 1 Design Guide IGN3 shall be submitted to and approved in writing by the Local Planning Authority showing adequate resident and visitor parking 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.

7. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall be carried out until details of the proposed car charging points have been submitted to, and approved by the Local Planning Authority. The charging points shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

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

8. The access drive shall be constructed no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

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

9. The access shall not be used until the visibility splays shown on the submitted plans (drawing number: H-01 Rev P4 titled 'Access Proposal') with no obstructions over 0.6 metres above carriageway level within the splays have been provided. The vision splay so created shall be retained at all times thereafter.

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

10. No part of the development shall be occupied prior to the completion of the highways works indicated on drg. no. H-01 Rev P4 'Access Proposal' being completed by the applicant via S278/S38 Agreements and retained thereafter.

Reason: To ensure appropriate delivery of highway improvements required for the development.

11. Prior the commencement of any phase or sub-phase of the development a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities prior to commencement of works on site and for the duration of the construction.
 - (e) Temporary traffic management / signage
 - (f) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

(g) Provision of measures to prevent the discharge of surface water onto the highway

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

Drainage

12. No development shall take place until the details required by Condition 1 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

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

13. 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 reviewed the Flood Risk Assessment dated June 2022 prepared by DHA. The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within 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.

14. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate 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 the National Planning Policy Framework.

15. No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority.

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

Archaeological

16. Prior to commencement of development the applicant, or their agents or successors in title, will secure the implementation of
- i archaeological landscape works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological landscape remains and/or further archaeological landscape investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological landscape interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological landscape remains and where possible the integration of key landscape features in the detailed masterplan and landscape design.

17. Prior to the commencement of development the applicant, or their agents or successors in title, will secure:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
 - iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

Contamination

18. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with paragraph 174 of the National Planning Policy Framework (2023).

19. 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 paragraph 174 of the National Planning Policy Framework (2023).

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

Trees and landscaping

22. a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature.

23. a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species/cultivar, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development.

24. The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

Biodiversity

25. No development above slab level for any phase or sub-phase of the development of the site shall commence until a report detailing the external lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

- A layout plan with beam orientation
- A schedule of equipment
- Measures to avoid glare
- An isolux contour map showing light spillage to 1 lux.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation (paragraph 185 of the NPPF)

26. All areas of trees, hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: Nesting birds are protected under the Wildlife & Countryside Act, 1981 (as amended), this condition will ensure that wildlife is not adversely affected by the proposed development

27. With the first detailed application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved by, the local planning authority. The content of the LEMP will be based on the Defra Biodiversity Net-Gain metric calculations and include the following.

- Full Defra biodiversity net-gain calculations;
- Description and evaluation of features to be created and managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management prescriptions for achieving aims and objectives;
- Preparation of a work schedule;

- Details of the body or organisation responsible for implementation of the plan, and;
- Ongoing monitoring and remedial measures.

The LEMP shall also 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: 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 2023 and Policies NE3 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document.

28. Prior to the first occupation of the residential development, the buffer zone illustrated on plan reference Ivy Farm Parameter Plan (Ref 21.094-50- Rev B) shall be defined and clearly laid out for the intended purpose of creating an ecological/landscape buffer zone. The final appearance of the buffer shall be subject to the written approval by the Local planning authority in accordance with the Landscape and Ecological Management Plan subject of condition 27 of this outline planning approval.

Reason: to retain connectivity for animals such as the badger and other species.

Other Material Matters

29. Prior to the first occupation of the development hereby approved, a noise report detailing the current noise climate at the proposed site due to the close proximity of Watlingbury Road. The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and

2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH).

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval

before any decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

30. Prior to first occupation of each building, detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

Reason: To provide high quality digital connectivity infrastructure to contribute to global competitiveness.

31. Prior to first operation use, the development shall achieve a Certificate of Compliance to the relevant Secure by Design Guide(s) or alternatively achieve Crime Prevention Standards submitted to and approved in writing by the Local Planning Authority in conjunction with the Kent Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

Reason: In the interests of protecting the privacy and security of neighbouring occupiers and to ensure adequate security features are undertaken to protect residents.

32. 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.

Contact: Robin Gilbert

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Appendix 1

East Malling and Larkfield PC Comments

03.06.24

1. The Parish Council has noted the revised site layout plans which are for illustrative purposes only in respect of this outline application.

2. The neighbour at 161, points out the revised plan is not up-to-date as it does not show the extra land he purchased to the south of the property. This area of land should not therefore form part of the application and as we understand it no notice of this application has been served on the owners of 161.

3. The above point is crucial if the applicant's proposed road access affects that land including any site lines.

4. We are also concerned the difference in land levels should be fully recognised. This is particularly an issue for the Parish Council given the experience at Forty Acres site where this was not apparently appreciated when the developer submitted and the KCC as Highway Authority accepted plans for the access onto the A20.

5. We also note the Transport Assessment submitted with the Gladman application for 150 homes south of Clare Lane, East Malling, KCC say "even a modest increase in traffic volumes (on High Street and Mill Street) has the potential to significantly impact upon overall levels of highway safety". (Our underlining). This site is of course directly creating traffic to go north along the constricted High Street and Chapel Street.

6. The Parish Council is aware from residents there are badgers both within and around the site. It is not clear how their habitat is to be protected.

7. The Council also wish to take the opportunity to re-stress it considers this application is detrimental to the village Conservation Area and its Heritage Assets. East Malling is an historic village based on the stream running north from Gilletts Pond. The "dig" currently unearthing more Roman foundations just north of the railway station on Parish Council owned land points to the age of the settlement based on the stream. This application, if approved, would affect the rural setting and it is considered should be refused on this basis.

Comments 17.03.23

As a further comment we would ask in considering this application the correct location and effect of the entrance road is considered.

This should not involve the extended garden of 51, Wateringbury Road as shown on the site plan.

It should also be clear the access road and its site lines would involve the removal of some of the trees along the boundary with Wateringbury Road.

Comments 01.11.22

In June this year East Malling and Larkfield Parish Council commissioned traffic surveys on Wateringbury Road, Chapel Street and High Street East Malling. Please find attached 3 reports setting out the traffic data collected during the period 21st – 27th June 2022.

The 3 sites are identified:

1. TW200622-01 114 Wateringbury Road i.e. Wateringbury Road north of Huntley Cottage and the road narrowing feature
2. TW200622-02 43 Chapel Street i.e. outside Manningham House
3. TW200622-03 42 High Street

We are not traffic experts but we have carried out some analysis of the data. For the period Monday – Friday the volume of southbound traffic on Chapel Street and Wateringbury Road exceeds northbound traffic by around 1400-1500 movements per week. Conversely, on High Street northbound traffic exceeds southbound traffic by about 1000 movements per week. No doubt this is a reflection of the number of vehicles joining from The Rocks Road and might imply that local residents tend to head northwards towards the A20 and that the greater volume of southbound traffic on Chapel Street and Wateringbury Road is a result of wider 'through traffic'. In turn, that would imply that the majority of traffic exiting the development will head through the narrow and congested Chapel Street and High Street, adding to existing problems.

We calculate that there are up to around 600 combined traffic movements in High Street for each hour between 7am and 9am and up to 575 for each hour between 2pm and 7pm (bearing in mind that traffic begins to build on this route for the school

run before 3pm). That is a considerable volume of vehicles passing along this constrained route, negotiating narrow sections of road and parked vehicles, resulting in congestion and, we believe, air quality issues. We are very concerned about the further pressures that will be placed on this route as a result of this development. Despite the applicant's assertions, the site is not within a suitable walking distance of local shops and schools and we feel residents will be highly reliant on cars to get about particularly as the pavements in Chapel Street and High Street are very narrow and often blocked by parked vehicles or vehicles mounting the pavement to create space for larger vehicles to pass in the narrowest sections.

In terms of speed, some drivers are reaching significantly high speeds at all three sites. We observe that at site 2 (Manningham House) some 79% of vehicles overall are exceeding the 20mph limit including 87% of southbound traffic i.e. traffic that is heading towards the speed table and some 238 vehicles heading north through site 1 (north of Huntley Cottage) are travelling over 50 mph i.e. heading northwards towards the speed table - that is, there are issues with vehicle speed on both approaches to the proposed site entrance. This should be taken into account when consider sight lines.

Comments 05.09.22

1. These comments are to supplement those previously lodged and particularly regarding heritage and landscape issues.

2. The site is close to the East Malling Conservation area which was first designated by Kent County Council on the 16th April 1971 and extended on 13th May 1975. The initial area covered that part of the original village north of the railway with the area around the crossroads with the village green, king and Queen public house, and Church Walk leading up to St James Church. And the area extended southwards up to the railway covering the ascending high Street with its several listed buildings.

The 1975 extension was to include the west side of Chapel street up to listed Ivy house farm with its splendid barn and the old village school now Manningham House. And then a further extension was made to include Rocks Road. Once just called "The Rocks" this took in Paris House with its walled garden and Rocks Farmhouse with the ragstone walls typical of east Malling.

3. East Malling has many listed buildings showing it is an ancient village based on the stream that emerges in Gilletts hole, Gilletts Lane which runs down the side of Rocks Road through the back gardens of the houses to the east of the High street emerging at a "dip hole" in Church Walk before going through the garden of Court lodge on its way to Bradbourne House lake. For the record the listed buildings nearest to this proposed site are:

122 Wateringbury Road (not Chapel street as per Huck Group) this is on west side of the road as one approaches the site from the south.

14 and 16 Chapel Street.

The Limes and the wall to the north east.

Ivy house farm and its barn. This described as “one of the finest farmhouses in Kent” by Arthur Mee in his Kent book published in October 1949 (impression)

Tamarisk cottage

Kinross cottage.

4. Locally Important buildings.

The Parish Council consider that the two oasts with complete roundels and cowls being part of Ivy house Farm and with that building have important group value as part of the traditional hop farms once found across Kent. Indeed it is noted the copy old maps going back to the tithe map of 1839 show the hop fields that previously existed around East Malling including this site And of course fruit. And also the buildings now known as Manning house, once the village school, dated back to 1849.

5. It is the Parish Council's view that developing this site would have a harmful effect on the designated Conservation Area as it would change the approach to the village from the south from a rural countryside one to a more urban one out of keeping with this historic street scene marked by the village entry of Ivy House Farm complex.

6. This entrance is virtually unchanged going back to the Tithe map and beyond. At present there is a clear sense of moving from the countryside into the historic village with its narrow Chapel Street. It is appreciated the development would be landscaped and set back but it would still be a change with a new entry access road no doubt with site lines and street lights within the new housing layout.

7. Section 106 Agreements. The applicants list is noted but should this development be approved there is no play area within the site and we feel it would be inappropriate to have one though we ask there would be an agreement to secure the community orchard and the open space including future maintenance. There is the parish councils playing fields close to the King and Queen and there is a need for outside gym equipment there.

Comments 22.08.22

Further to point 5 of our interim comments relating to public path MR107 a copy, as an example of walks using this path, issued by the Borough Council in 1993, is attached.

It is noted the walk also mentions the former school, now Manningham House, which the Parish Council considers to be a locally important building dating back to 1849. Also the Oasts as shown with Listed Ivy House as a group.

Comments 18.08.22

1. The Parish Council wishes to make these interim comments members having read the various responses so far and the documents submitted.
2. It is aware the local members have asked this matter to be reported to the area committee which it supports. However, it is also of the view that looking at pages 126 and 127 of the borough constitution that the application should be reported to the committee as it is a departure from the adopted plans and policies forming part of the statutory Development Plan and none of the exemptions apply.
3. The Parish Council considers the starting point continues to be the existing adopted plan, namely the local plan of 2007 and in particular but not solely policy CP 24. It recognizes given the fact the borough apparently does not have a 5 year residential land supply and the Local Plan is not up-to-date the so called "tilted balance" needs to be applied.
4. It is considered that the plan submitted is clearly on land forming part of the countryside and there are landscape effects as well as most importantly on the East Malling Conservation area plus the nearby listed and heritage buildings. A detailed statement of the Council's case will follow.
5. It is also concerned that there will be an effect on the enjoyment of the users of public footpath MR 107 from rocks Road to sweets Lane as instead of having completely countryside views they will have a view of a housing estate to the west .This path appears on many local guides including some issued in the past by the Borough Council.
6. It is noted that Environmental Health are asking for an Air Quality Assessment and the Parish Council supports that request.
7. The Parish Council has also noted that the CPRE request the application be withdrawn until all the ecological reports are available and that clearly needs a response. If permission were given subject to a condition they be produced later it is questioned if this would in practice be effective.

8. For the record as others have stated there appear to be badgers on and around the site.

9. There is a lot of concern about the highway impacts of the development given the restricted nature of the roads to the south where we think it is accepted traffic generated from the site is likely to go to gain access to the A20 at New road junction and the M20 beyond as well as the supermarkets and other facilities at Larkfield. But the route through down via Chapel Street and High Street with it height restricted railway bridge plus parked cars with narrow or no pavements in part is we feel not suitable to accommodate further traffic. At peak times there is often local gridlock and we cannot see any practical way to improve matters. The Highway authority needs to assess this problem. It is of course due to this situation there is a 20mph limit and lorry restriction applying.

10. Lastly, we question how sustainable this site is given that whilst there is East Malling station it only has trains stopping hourly; there is no bus service save the 58 whose future is in doubt; and there are no shops in the village. In reality if permission is given then the house occupiers are likely to be car based.

22.01570 Appendix 2

KCC Highways Comments

06.09.22

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

Introduction

The proposals seek permission for the erection of up to 52 residential dwellings, including affordable housing, open space and landscaping, roads, parking, drainage, earthworks and a new access to be formed from Wateringbury Road.

Kent County Council (KCC) Highways note that a Transport Statement (TS) has been submitted in support of the proposals, which was produced by DHA Consultants. I can confirm that the development has been the subject of pre-application discussions, which is appended to the TS.

I have the following highway comments to make in respect of the development:

Access

Vehicular

Access is proposed via a singular all-purpose vehicular access onto the C254, Wateringbury Road. Contrary to the requirements of the Kent Design Guide (KDG) for a Major Access Road (MAR), which can serve between 50 and 300 dwellings the applicant is not proposing to provide an emergency access. The site access strategy should be reassessed to ensure compliance with the requirements of the KDG, as well as in the interests of network resilience.

Visibility sight lines of 2.4 meters by 17 meters are proposed at the site access. This is on the basis that the existing speed limit will be amended to incorporate the site access and it is

therefore acceptable to provide visibility splays for a posted speed limit of 20 miles per hour (*mph*).

Although KCC Highways consider the extension of the existing speed limit to incorporate the potential new built-up area to be sensible, Table 7.1 of Manual for Streets (*MfS*) requires visibility sight lines of 2.4 by 25 meters for speeds of 20 mph. Visibility splays that are compliant with *MfS* are required.

Whilst the applicant is seeking to amend the existing 20 mph zone given the modest nature of the extension, approximately 10 meters to the south, amendments to the existing Traffic Regulation Order (*TRO*) are not required in this instance. All other works, including the extension of the existing raised table can be secured via a S278 agreement with this authority.

The site access arrangements are not supported by a stage 1 independent Road Safety Audit (*RSA*), or corresponding designer's response. As the proposals seek amendments to the existing highway layout a stage 1 *RSA* and supporting designer's response is required.

Finally, no swept path analysis for the largest vehicle expected to require access to the site has been provided. The suitability of the access for such sized vehicles is therefore unclear. KCC Highways also note that whilst the *TS* indicates that the applicant is willing to bring forward a package of off-site highway improvements, in line with the local Parish Council's Highway Improvement Plan (*HIP*), it does not confirm what works may be brought forward. This requires clarification.

Pedestrian

To ensure safe pedestrian connectivity the applicant is proposing a connection with the existing footway on the east side of Wateringbury Road, thereby allowing connections with East Malling Village Centre and its associated facilities. Whilst the footway itself is below desirable widths, it does provide a dedicated pedestrian route. No measures, including localised widening, are proposed by the applicant to cater for any additional demand that may be generated by the development.

Sustainability

Walking and Cycling

The site is located on the far extents of the existing built-up area, approximately 550 meters from East Malling Railway Station. Although the site does benefit from an existing footway that provides continuous connections to East Malling Village centre, its narrow width will to some extent discourage pedestrian trips.

Whilst East Malling does also contain some existing facilities such as a school, small convenience store and local pub that will to some degree meets residents' day to day needs, given the modest nature of these services residents are also likely to require the use of further afield facilities to supplement day to day needs.

Public Transport

The applicant has concluded that the site offers good opportunities for travel by sustainable modes, owing to its proximity to East Malling train station and the bus stops in East Malling village centre. KCC Highways disagree with this conclusion, as whilst there are existing train stations and bus stops within walking distance that can be safely accessed, they are only

served by an infrequent range of services, even at peak times. It is therefore considered that sustainable transport will have a limited role in meeting the development's travel demands.

Trip Generation Forecasts

The development is anticipated to generate 24 two-way movements (*combined arrivals and departures*) in the AM peak (08:00-09:00) and 26 two-way movements in the PM peak (17:00-18:00).

Of the 52 dwellings that are proposed the applicant is proposing that 13 (25%) would be affordable. The applicant has therefore provided separate forecasts for the private and social housing element of the development. Should the proposed housing schedule change then the forecasts presented in the TS would become invalid.

To derive the trip generation forecasts the applicant has utilized the TRICS database. This is a methodology that is commonly used and underpinned by independent surveys of developments with a range of locational characteristics. In this instance the applicant has focused on sites in a 'neighbourhood' or 'suburban' location. KCC Highways consider such site selection parameters to be acceptable for assessment purposes.

Trip Distribution and Assignment

To determine how the development traffic is likely to distribute across the highway network the applicant has undertaken a trip distribution exercise. Census Travel to Work data for the Middle Super Output Area (MSOA) that the development is located in has been utilised in conjunction with a real time journey planner for assignment purposes. KCC Highways consider adoption of this methodology to be acceptable, as it is reasonable to assume that the travel patterns of the new development will be similar to that of the existing community.

Of the 24 AM peak hour trips the majority (21) are expected to route north via East Malling High Street, with the remaining (5) routing south anticipated to route south via Wateringbury crossroads, or Malling Road. A similar pattern is expected in the PM peak.

Off-Site Highway Impacts

Applying the applicant's distribution assumptions, the amount of additional traffic that will route through East Malling High Street equates to approximately 1 vehicle every 3 minutes. Whilst the applicant has not undertaken a percentage impact assessment to determine the increases upon existing traffic flows, KCC Highways consider the likely increase in traffic to be modest.

KCC Highways acknowledge that some sections of East Malling High Street contain existing on street parking arrangements which to some extent interrupt the flow of traffic, owing to traffic travelling in opposing directions having to give way to each other.

However, East Malling High Street exhibits a good personal injury collision record. There is therefore no evidence to demonstrate that the limited levels of additional traffic that the development will generate will adversely impact upon overall levels of highway safety.

In addition, whilst the presence of on street parking to some degree impacts upon the free flow of traffic, it does also encourage lower vehicle speeds. On this basis KCC Highways do not consider the impact of the additional traffic on East Malling High Street would worsen conditions to an extent that could be reasonably described as 'severe.'

Waterinbgury crossroads is a junction that has been subject to long standing congestion problems. Although KCC Highways have previously consulted upon possible improvements to

alleviate the congestion that is known to occur at this location, they have not been supported locally. KCC Highways currently have no intentions of bringing forward any amendments to the existing junction layout.

In recognition of the need to assess the likely impact of the development upon this existing congestion hot spot, the applicant has forecast the amount of additional traffic anticipated to route through the junction because of the development. The development is anticipated to generate no more than 4 movements through the junction at peak times. KCC Highways consider that such levels of additional traffic will be well within daily fluctuations. On this basis it is the view of the highway authority that a congestion-based objection would not be reasonable or sustainable.

Personal Injury Collision Record (PIC)

PIC for the access and the area within its immediate proximity for the period up to 30th September 2021 has been obtained by the applicant. During the period in question 8 collisions were recorded, 2 of these collisions were serious in severity. One of the serious collisions occurred on Wateringbury Road itself with the other occurring at Sweets Lane/Wateringbury Road crossroads. Neither the highway layout nor a defect within it were a contributory factor in either of the recorded collisions.

Although a number of collisions (*6 in total*) are clustered at Sweet's Lane junction with Waterinbury Road and near to 'Ivy Farm,' driver/rider error was a contributory factor in a significant proportion of the collisions. Given the limited number of collisions during the period in question it is not considered that the proposals will exacerbate any pre-existing highway safety problems.

Internal Layout, Turning and Servicing and Parking

As this application is in outline form only, only the principle of the development is being considered. KCC Highways therefore have no comments to make in respect of the development's internal layout, turning, servicing and parking provision, as these will be the subject of separate reserved matter applications, should permission be granted.

Summary and Recommendation

I wish to raise a **holding objection** to the proposals on the basis that the applicant should provide the following additional information:

- An amended access strategy that includes an additional emergency only access;
- Provision of visibility sight lines commensurate with Table 7.1 of MfS;
- Submission of swept path analysis for the largest vehicle expected to require access to the site;
- Confirmation of the package of off-site highway works it is intended to bring forward as part of the planning application;
- Submission of a stage 1 RSA and supporting designer's response for the proposed site access and any off-site highway works.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

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.

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.

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-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

04.07.23

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

Introduction

Kent County Council (KCC) Highways note that in response to this authority's initial consultation response (*dated September 2022*) the applicant has submitted additional highway information. I have the following highway comments to make in respect of it:

Access

Vehicular

The applicant has declined to amend the access strategy to include the requisite secondary emergency only access. This is on the basis that the quantum of development that permission is sought for is only marginally over the threshold for an emergency access, with the fact that only outline permission is sought offering potentially for a looped arrangement, as part future reserved matters applications.

Although KCC Highways consider that for network resilience, as well as emergency access reasons, a secondary emergency access would be preferential in accordance with the requirements of the Kent Design Guide (*KDG*), its absence is not considered a sustainable reason for refusal in isolation. To confirm the suitability of the site access strategy for their requirements Kent Fire and Rescue Service should be consulted.

KCC Highways welcomes the applicant's confirmation that the visibility sight lines proposed from the site access have been amended in accordance with the requirements of the road's

posted speed limit. These are shown on the revised site access drawing (*drawing number: H-01 Rev P4 titled 'Access Proposal'*) and are acceptable to KCC Highways.

It also noted that the previously requested swept path analysis has now been provided. This analysis confirms that the largest vehicle expected to require access to the site (*a refuse freighter*), would be required to overrun adjacent traffic lanes whilst manoeuvring in and out the site. The further information does not confirm if it possible to eliminate this hazard via amendments to the site access junction, including increased junction radii or overrunable areas.

Whilst it is considered that the optimum solution would be to amend the junction to fully accommodate the manoeuvres of refuse vehicles, KCC Highways remain mindful of the infrequent nature of such vehicles. As such, the junction arrangement is considered acceptable in this instance, particularly given how it will accommodate all other vehicle types.

Finally, it is noted that has now confirmed the package of off-site highways that are to be offered as part of the planning application. These include: additional road markings on Chapel Street, extension of the existing 20mph speed limit, introduction of a raised table feature at the site access and the enhancement and the change of priority of the existing narrowing feature to reduce traffic speeds on the approach to East Malling village centre.

As requested in this authority's initial consultation response these works, as well as the proposed site access, have now been subject to an independent stage 1 Road Safety Audit (RSA). The RSA has raised 5 problems. In all instances the applicant has accepted the auditor's recommendation and incorporated it into their final proposals.

Summary and Recommendation

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority, subject to the following conditions:

-Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

-Provision of measures to prevent the discharge of surface water onto the highway.

-All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

-Use of a bound surface for the first 5 metres of the access from the edge of the highway.

-Completion and maintenance of the access shown on the submitted plans (*drawing number: H-01 Rev P4 titled 'Access Proposal'*) prior to the use of the site commencing.

-Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway

boundary and no steeper than 1 in 8 thereafter.

-Provision and maintenance of the visibility splays shown on the submitted plans (*drawing number: H-01 Rev P4 titled 'Access Proposal'*) with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

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.

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.

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-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

06.08.24

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

Having reviewed the planning portal there appears to be no new information relevant to highways. I can therefore confirm that this authority's position remains as set out in the response of 4th July 2023.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

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 LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway 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.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

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. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, 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.

Further 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-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.



TM/22/01570

Ivy Farm, Wateringbury Road, East Malling

Formed in 1926, CPRE is a registered charity and one of the longest established and most respected environmental groups in England, with over 40,000 members and supporters living in our cities, towns, villages and the countryside. CPRE Kent is the largest of the CPRE County branches with over 2,300 members, including 150 parish councils, civic societies and other Kent organisations and companies.

Our vision is of a beautiful and thriving countryside that enriches all our lives, and our mission is to promote, enhance and protect that countryside.

CPRE Kent objects to this planning application on the following grounds:

- Site is not allocated for development
- Loss of Best and Most Versatile agricultural land
- Impact on ecology – survey work has not been completed
- Lack of affordable housing

Not allocated for development

CPRE Kent is of the firm view that new housing sites should be properly tested and agreed through a democratic and transparent plan-led system, with phasing policies used to ensure that brownfield sites are developed before greenfield ones. It is therefore disheartening to see this site coming forward ahead of the necessary scrutiny afforded by the Local Plan process.

Loss of Best and Most Versatile Agricultural Land

Development in this location would result in the loss of Grade 2 Agricultural Land.

Paragraph 174(b) of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Best and most versatile agricultural land is needed to help feed the Country's population. Recent world events are now underlining the need to protect such land. The loss of such an important resource will compromise the ability of future generations to meet their own needs contrary to the NPPF.

Impact on ecology

Notwithstanding the above comments, in principle CPRE Kent welcomes the proposed 30% Biodiversity Net Gain. In the event that planning permission is granted it should be ensured that this level of BNG is not reduced.

However, CPRE Kent has significant concerns over the status of the applicant's Ecological Appraisal.

It is noted that the Phase 1 habitat survey was undertaken outside the optimal season (in February 2022) and that the required additional Phase 2 surveys for foraging and commuting bats and Dormouse are not due for completion until the autumn of 2022 (see paragraphs 2.4.1 and 2.3.8).

Without the necessary surveys it is not clear how the applicant can state there will be a Biodiversity Net Gain of above 10%.

Table 6.2.14 will need amending once the Phase 1 habitat survey has been completed within the optimal season and completion of the Phase 2 surveys.

The application should therefore be **withdrawn** until all such survey work has been completed.

In terms of mitigation, it is not clear what the interrelationship will be between land identified for BNG, SUDS and open space.

Each of the mitigated species will have specific habitat requirements, which will need to be separate from one another (predators) and in no circumstances should have a dual role as public open/recreational space where significant disturbance will take place as a result of human activity, including general play, dog walking and cat prowling.

Affordable housing and housing mix

It is noted that the application is proposing 25% affordable housing, which falls well below the 40% requirement set out at policy CP17 of the Council's 2017 Core Strategy.

The applicant has not explained why this requirement cannot be met.

It is noted that the proposed housing mix is predominantly 3 & 4 bedroom houses which does not reflect the shortage of 1 & 2 bedroom accommodation in the area.



TM/22/01570

Ivy Farm, Wateringbury Road, East Malling

Following the receipt of the additional Phase II survey results from Aspect Ecology, CPRE Kent wishes to reiterate its original objections to this scheme:

- Site is not allocated for development
- Loss of Best and Most Versatile agricultural land
- Impact on ecology – survey work has not been completed
- Lack of affordable housing

With specific reference to ecology (and the Phase II survey work) we comment as follows.

Dormice

Paragraph 3.1.4 of the Phase II Survey Results concludes an absence of dormice from the site. However, it is noted at paragraph 2.4.2 of the original Ecological Appraisal that the detectability of invasive species does not necessarily equate to absence on site. It is not clear why the same logic has not been applied to dormice, especially when this view has been reached without any survey having been carried out within the woodland on site, or along H8.

The dormouse handbook states: *“The presence of dormice should be assumed in any areas of woody habitat (including plantations, hedgerow and scrub”.*

There appears to have been no visual searching for field signs carried out. The conclusion of absence is based solely on just three visits of nesting tubes, placed in-situ less than three months prior to checking.

It is noted that Aspect Ecology checked the tubes on 10 June, 11 July and 14 September, missing out the optimal months of May and August.

On this point, the dormouse handbook states: *“Nest tubes are most frequently occupied in May and August/September. Timing their deployment is therefore important.*

It is best to leave them out for the entire season, from March onwards, for checking in November”.

It would appear that best practice has not been followed with regard to dormice in this instance, or a cautionary approach adopted with regard to the conclusions reached.

Bats

On the issue of background records, paragraph 3.2.2 of the Phase II Survey Results states that presence of bats (Brown Long-eared Bat, *Plecotus auratus*) is likely to be attributed to an undisclosed property – the last sentence of this paragraph hasn't been completed.

This statement is misleading. There is no evidence that this record relates to this unidentified property. It may well relate to an area much closer to the application site. In any event, bats are mobile. This means that the existence of a record of bats at an off-site location is meaningless, in the context of the likelihood of bats being found on site.

Paragraph 3.2.11 of the survey report states that the centre of the site is “*of lower value for foraging and commuting bats*”. We assume this is referring to H8 that is to be removed under the current application.

It’s important to evaluate the site as a whole. Each area/feature is significant and contributes to the value of the site as a foraging corridor for bats. The survey results show the whole site is of value and utilised by bats and it is unhelpful and misleading to pick out one area or feature in isolation.

If H8 was to be removed this would greatly increase the competition in and around the site for food resources, likely resulting in some species of bat being out-competed, leading to an overall loss in biodiversity.

The lighting scheme aims to minimise disruption to foraging bats. However, some species of bat will cluster around lights because certain insects are attracted to the light; whereas other species of bat are likely to shy away from any lit areas, despite the suggestion of dimming and angling of lighting structures.

The retention of H8 would help alleviate this issue to a degree, but under the current proposals, there is no buffer or hedge to prevent light spill.

According to research undertaken by the Bat Conservation Trust (BCT) and CPRE only a fifth of England now has ‘pristine night skies’. Light pollution increases bats likelihood of predation, forcing them to alter their behaviour in response to this threat, including affecting their foraging behaviour.

Long-eared bats (Myotis species – Brandt’s, Whiskered, Daubenton’s, Nattere’s and Bechstein’s bat, Barbastelle and Greater/Lesser horseshoe bats) avoid artificial light at night (ALAN). Therefore, these species are placed at a disadvantage and are subsequently less able to forage successfully and efficiently, which has a profound impact on their fitness and ability to breed.

The BCT state research has shown that ALAN placed along or near hedgerows can disrupt how bats move through the landscape and can even cut off bats from reaching foraging areas.

Therefore, any kind of ALAN is a disrupter of nature and should be avoided.

Additional comments Ecological Appraisal – mitigation for bats and BNG

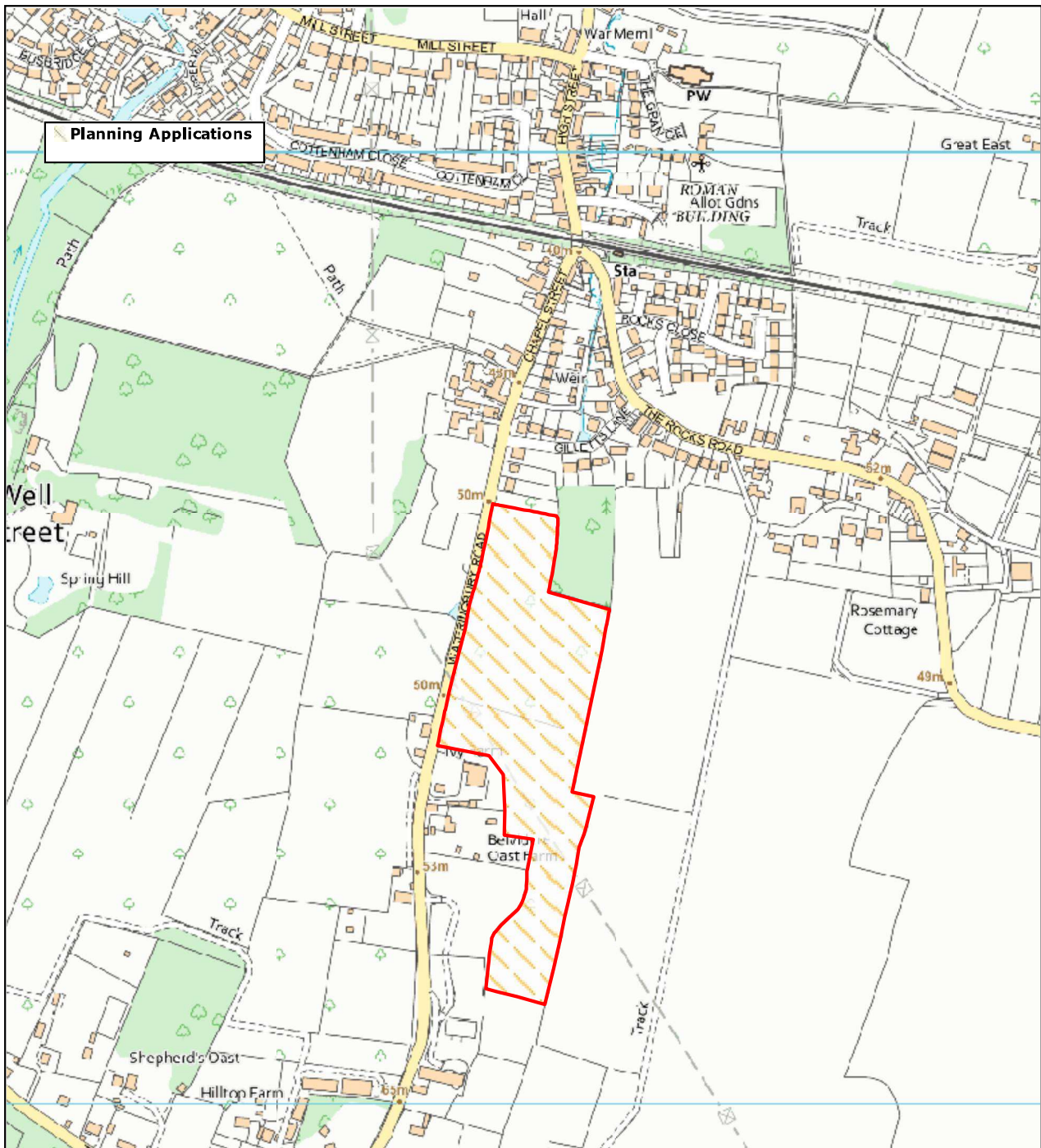
Aspect Ecology concludes its Phase 1 habitat survey by stating it has been: “... *established that the site is dominated by habitats not considered to be of ecological importance*”. Despite priority habitats being present and despite the site supporting over 50% of the UK bat species.

Whilst bat boxes, hedgehog nest domes, bird boxes, refugia, log piles and bee bricks are all welcome, none of them should count towards 10% BNG. BNG measures habitat and not individual species. Furthermore, mitigation is in addition to BNG and should not be included in the calculation.

With the loss of H8 and the partial loss of H7 and the loss of available foraging areas for bats, this development is likely to result in a net loss in BNG.

Furthermore, Aspect Ecology has omitted to address the issue of predation of reptiles, amphibians, birds and bats by domestic cats and recreational disturbance by humans and dogs, especially walking in the available woodland.

We are also concerned that gardens have been included within the BNG – there is no control over how these gardens will be managed by future occupants, for instance they could be paved over, sprayed with insecticide or covered with artificial grass.



Planning Applications 22/01570/OA

Scale: 1:5000



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Date: 12/9/2024 14:09

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**East Malling And
Larkfield, West Malling,
Leybourne**

15 January 2025

TM/23/03241

East Malling West Malling
And Offham, Birling
Leybourne And Ryarsh

Location: Development site land west of Winterfield Lane, East Malling, West Malling.

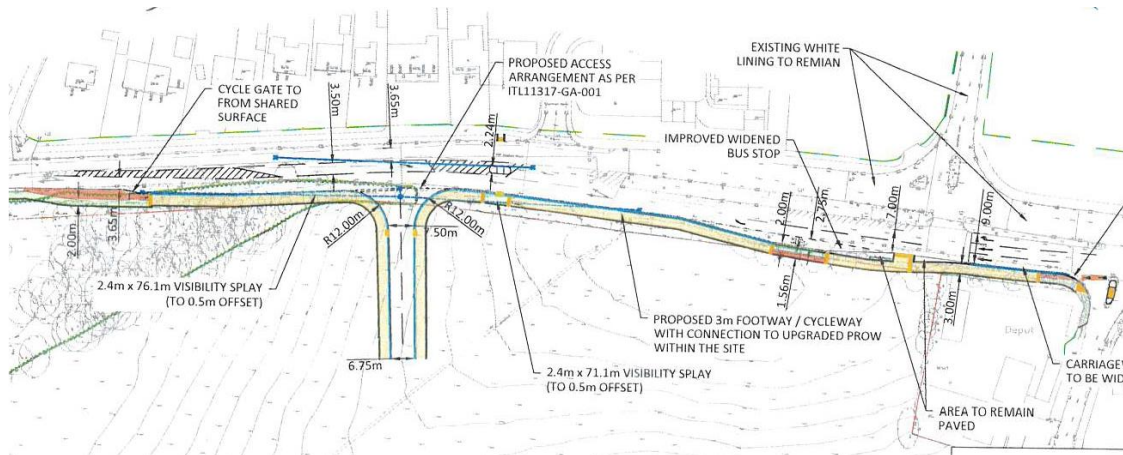
Proposal: S73 Application to vary planning condition 11 (Access plans) to TM/19/01814/OA Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 This application proposes to vary the approved access plans detailed in condition 11 attached to the appeal decision for the outline approval of the development of 250 dwellings currently under construction.
- 1.2 The application is submitted under Section 73 (S73) of the Town and Country Planning Act 1990. This legislation allows for applications to be made for permission to develop without complying with a condition or conditions previously imposed on a planning permission. It should be noted that the original planning permission for the development will continue to subsist whatever the outcome of the application under Section 73. The granting of this S73 application would result in a new standalone permission being approved for the development.
- 1.3 The variation is required due to the fact the plan approved by the Inspector did not take into account the level change between the site and the highway works approved by Kent County Council (KCC) under the S278 agreement for the works within the land owned by KCC Highways. The revised design now submitted proposes a 1 in 3 bank from the back edge of the highway works and then for the area to re-landscaped. It should be noted that the design of the access is set and has been approved under previous permissions.
- 1.4 For information the details of the access as approved by the Inspector are attached below. The area to which this current application specifically relates is the area to the west of the proposed junction on the south side of the A20.

Plan of access as approved on appeal.



1.5 To facilitate the banking it will be necessary to remove an additional 30 trees but replanting is proposed as well as a management plan for the woodland.

1.6 Officers have reviewed both options and it is clear that whilst both a bank and retaining wall will have an impact upon the trees located to the west of the entrance, the hard engineering solution of a retaining wall will result in the removal of a greater number of trees than the soft engineering solution of a bank. In addition, the banking solution will allow for soft landscaping to the area in the form of seeding to create a more natural edge to the entrance to the site. As such this application seeks to provide a gradual bank from the proposed highways works to the site to retain the land and allow the completion of the highways works as agreed in principle already with KCC highways.

2. Reason for reporting to Committee:

2.1 At the request of Cllr Tatton in view of the impact on local character, which is reflected in the Medway Gap Character Area SPD as being important, and on the copse where trees are now subject to a TPO.

3. The Site:

3.1 The site is on the south side of the A20 London Road and comprises the copse of predominantly Sweet Chestnut trees to the west of the main site access to Pippins Place, a development of 250 dwellings currently under construction. The copse is covered by a woodland tree preservation order (TPO) and is situated on land that is a maximum of 1.8m above the level of highway.

4. Planning History (relevant):

23/00074/RD

Approved - 18 December 2023

Details of conditions 20 (contamination) submitted pursuant to planning permission TM/19/01814/OA (Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping

22/00617/RM

Approved - 30 September 2022

Reserved Matters application pursuant to conditions of outline planning permission 19/01814/OA for details of layout, scale, landscaping and appearance in relation to the development up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping, pursuant to outline planning permission 19/01814/OA allowed at appeal (ref. APP/H2265/W/20/3256877)

22/00150/RD

Approved - 21 February 2022

Details of condition 15i (Archaeological Evaluation) submitted pursuant to planning permission TM/19/01814/OA (appeal decision) (Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping)

20/01738/OA

Application Withdrawn - 30 June 2021

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

19/01814/OA

Non-determination Appeal - 29 July 2020

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

23/01967/NMA

Pending consideration

Non Material Amendment to planning permission TM/22/00617/RM to allow brick headers and cills removed from tile hung and clad parts of elevations, Aspen F house Type elevational treatment altered, Extended garage to plots 157/158, One additional dormer to the side elevations of each apartment block , re-alignment of boundary wall serving plot 157 , introduction of retaining wall near entrance to the site and Inclusion of bin and cycle store detail

23/01445/RD

Pending consideration

Details of conditions 2 (Planting Scheme) and 3 (Open Space Management Plan) submitted pursuant to planning permission TM/22/00617/RM (Reserved Matters application pursuant to conditions of outline planning permission 19/01814/OA for details of layout, scale, landscaping and appearance in relation to the development up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping, pursuant to outline planning permission 19/01814/OA allowed at appeal (ref. APP/H2265/W/20/3256877))

23/00426/RD

Pending consideration

Details of conditions 12 (detailed design), 19 (foul drainage) and 24 (construction management plan) submitted pursuant to planning permission TM/19/01814/OA (Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping)

23/00145/RD

Pending consideration

Details of condition 1 (materials) submitted pursuant to planning permission TM/22/00617/RM (Reserved Matters application pursuant to conditions of outline planning permission 19/01814/OA for details of layout, scale, landscaping and appearance in relation to the development up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping, pursuant to outline planning permission 19/01814/OA allowed at appeal (ref. PP/H2265/W/20/3256877))

5. Consultees:

5.1 East Malling PC: The Parish Council **STRONGLY OBJECTS** to this application for the following reasons:-

1. The application does not take into account the Tonbridge and Malling Tree Preservation Order dated 27th November 2023 relating to the copse of trees opposite the A20 junction with Rectory lane, Leybourne.

2. This is an important landscape feature when travelling along the A20. It also will help screen the new homes from the A20 and houses opposite in London Road, Leybourne from the development.

3. The Parish Council have read the letter from Vistry Homes dated 9th November to the Principal Planning Officer and it is most regrettable that "the approved access plans did not account for the level change between the site and the highway works". It is noted a bank or retaining wall is needed. The Parish Council would prefer a bank but would wish to see a detailed plan. It is noted a bank is said to have less impact on the trees and allow soft landscaping.

4. The Parish Council questions the proposal apparently requested by KCC for a shared footway and cycleway along the frontage of the site nearly to the brow of the hill at Rectory Lane. This would mean more trees are affected.

5. It is also felt that such a scheme would result in more people crossing the road at Rectory Lane which is considered dangerous.

6. A joint route may be desirable from the new junction westwards to link with the existing crossing as part of the present Lunsford Lane/Winterfield Lane junction with the A20 controlled by lights.

7. It is also recorded as the works to this new junction are considered there is a flooding problem on the A20. A recent photo is attached. This issue needs to be addressed as part of the highway works.

8. We would like to see replacement trees already felled.

5.2 West Malling Parish Council: Objects on the basis that the existing copse is an important landscape feature. It shields both the houses opposite in Leybourne from the development and the new houses from the A20. As such these trees should be retained.

5.3 West Malling Parish Council (revised plans): The Council accepts that the issue of safe and secure access is one that must be addressed, however, the Council would ask that further steps be taken to mitigate the loss of the trees and that the proposal be altered so that more than the suggested 30 trees are planted, that those trees be mature trees and not saplings and that hedging also be planted. All of these

additional steps would provide more significant screening and would lessen, to some degree, the visual, sound and pollution impact of the loss of the trees.

The Council would ask that the TMBC Landscape Officer be requested to advise on planting schemes to assist with screening/ pollution.

- 5.4 Leybourne Parish Council: strong objection to the planning application referenced above, which proposes the removal of trees covered by preservation orders. These trees play a vital role in maintaining the ecological balance, enhancing the aesthetic value of our neighbourhood, and contributing to the overall well-being of our community.

The trees in question are subject to preservation orders, indicating their recognised significance in terms of environmental, historical, or cultural importance. The removal of such protected trees would not only result in irreversible damage to our local ecosystem but also undermine the principles of sustainable development that prioritise the conservation of natural assets.

Preservation orders are in place for a reason, and their enforcement is crucial to safeguarding the unique character of our area. We implore the planning authority to carefully consider the long-term impact of allowing the removal of these trees and to prioritise the preservation of our natural heritage.

Furthermore, we believe that alternative solutions should be explored to address any concerns or requirements outlined in the application without resorting to the removal of these protected trees. This may include adjustments to the proposed development, alternative site layouts, or the implementation of mitigation measures to ensure the coexistence of the development and the preserved trees.

We urge the planning authority to prioritise the protection of our natural environment and deny the application in its current form. We trust that, in doing so, we can maintain the integrity of our local landscape and ensure a sustainable and harmonious future for our community.

- 5.5 Leybourne Parish Council (revised plans): Strong objection to the planning application, which proposes the removal of trees covered by preservation orders. These trees play a vital role in maintaining the ecological balance, enhancing the aesthetic value of our neighbourhood, and contributing to the overall well-being of our community.

The trees in question are subject to preservation orders, indicating their recognised significance in terms of environmental, historical, or cultural importance. The removal of such protected trees would not only result in irreversible damage to our local ecosystem but also undermine the principles of sustainable development that prioritise the conservation of natural assets.

Preservation orders are in place for a reason, and their enforcement is crucial to safeguarding the unique character of our area. We implore the planning authority to carefully consider the long-term impact of allowing the removal of these trees and to prioritise the preservation of our natural heritage.

Furthermore, we believe that alternative solutions should be explored to address any concerns or requirements outlined in the application without resorting to the removal of these protected trees. This may include adjustments to the proposed development, alternative site layouts, or the implementation of mitigation measures to ensure the coexistence of the development and the preserved trees. In particular, is the joint footpath/cycleway from the site entrance to opposite Rectory Lane South really needed when there is a footpath at the opposite side of the A20 and through the estate?

We urge the planning authority to prioritise the protection of our natural environment and deny the application in its current form. We trust that, in doing so, we can maintain the integrity of our local landscape and ensure a sustainable and harmonious future for our community.

- 5.6 Kent Wildlife Trust: Object to the proposed variation of condition 11 of the outline permission. The proposed development would result in the loss of trees within an area of woodland subject to a Tree Preservation Order. The submission fails to demonstrate that the mitigation hierarchy has been followed and no compensation or enhancement measures have been put forward to address the loss of trees and other ground flora that will occur. The submission has not provided any appropriate surveys or assessments of the woodland's biodiversity, and it is unclear how protected and priority species will be impacted.
- 5.7 Kent Police: Recommend applicant follows Secured by Design guidance.
- 5.8 Environment Agency: No comments to make
- 5.9 Environmental Protection: No objections
- 5.10 KCC LLFA: No objections
- 5.11 National Highways: No objections
- 5.12 Kent Highways: No objections
- 5.13 Southern Water: No comments
- 5.14 Private Reps: 19 objections to the original proposals received raising the following points:
- Trees are protected so should not be removed
 - Trees are important for ecological purposes and provide necessary habitats.

- The trees provide useful screening from the sun late in the day when driving
- The access is in an unsafe location
- The access should be off the A228
- Area does not need any more houses

5.15 Private Reps: 3 further objections received raising the following points:

- Why were levels not considered as part of the original application?
- Access not appropriate and should have been in a different location.
- Loss of original trees that are covered by a TPO.
- Loss of habitats.
- Development should never have been permitted.
- This represents further destruction of a wild landscape that is beneficial to neighbours health and wellbeing, causing both visual and noise pollution.
- Alarming to now see the neglect to the environment, significant reduction of woodland size, TPO trees purportedly felled, now visibly unsightly, wildlife forced out moreover road works adjacent unfinished after one year creating a high risk for road users i.e vehicle, cyclists and foot traffic alike. And once the development is completed, the residents will be barred from the remaining woodland. The wildlife and environment should not be disregarded, TPO adhered to and the wood should be open on completion and for now importantly the road risk assessment is not completely placed at the wayside.

6. Determining Issues:

6.1 This application relates to revisions required to the landscaping of the northern edge of the site to the west of the proposed access currently under construction. The access itself is being built out in full accordance with the plans already approved under previous consents. As stated above it should be noted that the original planning permission for the development will continue to subsist whatever the outcome of the application under Section 73.

6.2 The alteration to the landscaping relates to the need to address the levels difference resulting from the highways works which have been agreed by KCC Highways under a separate S278 agreement. As a result of the highway works there is a need to regrade the existing bank to ensure its stability in proximity to the road. The works proposed involve creating a bank with a slope of 1 in 3 which will require a maximum cut back of 5m to create. To undertake this there is a need to remove a further 30

trees from the area covered by the woodland TPO. The submitted details show that to compensate for the removed trees 30 will be planted in their place.

- 6.3 It should be noted that if a retaining wall was proposed in place of the bank, it would require a similar number of trees to removed due to the engineering works required for such a structure and due to its potential appearance and possible maintenance the creation of the bank is considered a more appropriate method of treating the area. Discussions and a site meeting have also been held with ward members regarding the option between a retaining structure and a bank, with it being concluded that the preference would be for the softer appearance of a landscaped bank.
- 6.4 It is acknowledged that the trees in this area are covered by a woodland TPO. This type of TPO differs from others in that rather than protecting individual trees because of their individual merit, its purpose is to safeguard a woodland as a whole. Government guidance states that a woodland TPO covers not only the trees in the area but also any saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by it. Guidance also goes on to state that such areas should be subject to appropriate woodland management plans that would benefit the woodland as a whole. None of the trees to be removed are considered to be high quality specimens that are worthy of retention in their own right. It also needs to be taken into account that when considering works to trees covered by a woodland TPO the main consideration is whether the works accord with the practice of good forestry. To this end the application is supported by a detailed woodland management plan that covers the completion of the development and the 10 years after that point.
- 6.5 The submitted details indicate appropriate replacement planting in the form of 30 sweet chestnuts. A woodland management plan also indicates appropriate enhancements to the area. These would involve thinning of the existing trees and the planting of approximately 300 native whips to create an area that in time would become a more biodiverse habitat. The planting would also involve creating a boundary to the woodland to restrict public access. This is considered appropriate as encouraging public access to the woodland would reduce the overall environmental benefits.
- 6.6 The submitted planting details and the woodland management plan have been reviewed by the Councils Tree Officer. The planting details are considered to be acceptable and in accordance with the woodland TPO. The treatment of the bank and the removal of the existing trees to facilitate the works are accepted as the most appropriate solution to ensure an acceptable appearance in the future once the planting has established. The management plan covers all the appropriate areas needed in such a document and, subject to its implementation and monitoring being controlled by condition, is also considered appropriate.

- 6.7 The overall concerns regarding the tree removal are noted however the works have to be viewed against the fact that the access road has approval and the edge of the site will need to have some sort of landscaping treatment. The landscaping has to be appropriate from both a woodland management perspective as well as a highways perspective. The submitted details, whilst requiring tree removal in the short term will provide for long term enhancement and management of the woodland area. The landscaping links into the rest of the enhancements proposed to the northern edge of the site which include the creation of a native hedge that will be allowed to grow up to form a screen between the site and the A20. This can be conditioned to be maintained at a height of no less than 3m.
- 6.8 Subject to conditions to monitor the woodland management plan and the relevant conditions carried forward from the outline and reserved matters permissions, the proposal is therefore considered to be acceptable.

7. Recommendation:

7.1 Approve, subject to the following conditions:

- 1 No development shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. These details shall accord with the materials palette as set out in the approved Design and Access Statement.

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

- 2 Prior to the first occupation of the development hereby approved a detailed planting scheme shall be submitted to and approved by the Local Planning authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

- 3 Prior to the first occupation of the development An Open Space Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Open Space Management Plan shall include details of the management arrangements for the amenity open space, the play areas, the formal open space and the Country Park. The Open Space on site shall be managed in accordance with the approved Open Space Management Plan.

Reason: To ensure the long-term management of the open space hereby approved.

- 4 No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual and rural amenity.

- 5 The Community Building hereby permitted shall not be occupied until full details of acoustic protection and mechanical ventilation of the building have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any of the Community Building and shall be retained and maintained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the wider development hereby approved.

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

2989-APA-ZZ-00-PP-L-2000 P04 – Planting Proposals Key and Legend

2989-APA-ZZ-00-PP-L-2001 P05 – Planting Proposals Sheet 1

2989-APA-ZZ-00-PP-L-2002 P05 – Planting Proposals Sheet 2

2989-APA-ZZ-00-PP-L-2003 P05 – Planting Proposals Sheet 3

2989-APA-ZZ-00-PP-L-2004 P03 – Planting Proposals Sheet 4

2898-APA-ZZ-00-PS-L4201 P05 – Plant Schedule

SJA WMR + APPs 24456-01a – Woodland Management Plan

SJA Ten APPs 23041-01 – Arb Report and Plans

D2075 SK07 Earthworks Tie-In Within RPZ – Details of proposed banking and sections showing levels

Winterfield Letter Report – Ecology Note

Covering Letter November 2023

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 7 The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

- 8 The scheme of hard and soft landscaping and boundary treatment shown on the approved plans referenced 2989-APA-ZZ-00-PP-L-2000 P04 – Planting Proposals Key and Legend; 2989-APA-ZZ-00-PP-L-2001 P05 – Planting Proposals Sheet 1; 2989-APA-ZZ-00-PP-L-2002 P05 – Planting Proposals Sheet 2; 2989-APA-ZZ-00-PP-L-2003 P05 – Planting Proposals Sheet 3; 2989-APA-ZZ-00-PP-L-2004 P03 – Planting Proposals Sheet 4; and 2898-APA-ZZ-00-PS-L4201 P05 – Plant Schedule shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

- 9 The strategy contained in the Woodland Management Plan SJA WMR + APPs 24456-01a hereby approved shall be fully implemented in accordance with the schedule. Management reports will be submitted to the Local Planning Authority at the end of years 1,3, 5 and 10 to detail the management actions undertaken. Any actions that are required shall be undertaken before the end of the next planting season. The management plan shall be reviewed alongside the submission of the reports and shall be amended at these stages if considered necessary.

Reason: In the interests of good horticultural practices.

- 10 None of the dwellings hereby approved shall be occupied until the linkages of the Public Rights of Way MR119 and MR120 to the surrounding highway network have been substantially completed.

Reason: To ensure an appropriate standard of development.

- 11 None of the dwellings hereby approved shall be occupied until the access from A20 London Road as shown in principle on drawing numbers D2075 SK07 and ITL11317-GA-014 Rev D or ITL11317-GA-014-Rev H has been substantially completed. For the avoidance of doubt the tree protection measures shown in SJA ten 23041-01 are to be put in place prior to the commencement of any of the works shown on drawing D2075 SK07.

Reason: To ensure appropriate delivery of highway improvements required for the development

- 12 The proposed road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicles overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure an appropriate standard of development.

- 13 The boundary treatment from the east side of the site access shall be retained at a height of at least 3m in perpetuity once established.

Reason: In the interests of visual amenity.

- 14 Following on archaeological field evaluation works approved under TM/22/00150/RD, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

- 15 No above ground works, other than ground investigations work or site survey works, shall commence until a scheme to connect all plots to mains foul drainage has been submitted to, and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme to provide all plots with mains foul drainage has been implemented. (Condition 19 of TM/19/01814)

Reason: To ensure that adequate sewage infrastructure is present in the interests of pollution prevention

- 16 Following completion of the remediation strategy approved under application TM/23/00074/RD, 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. (Condition 21 of 19/01814)

Reason: In the interests of amenity, public safety and human health.

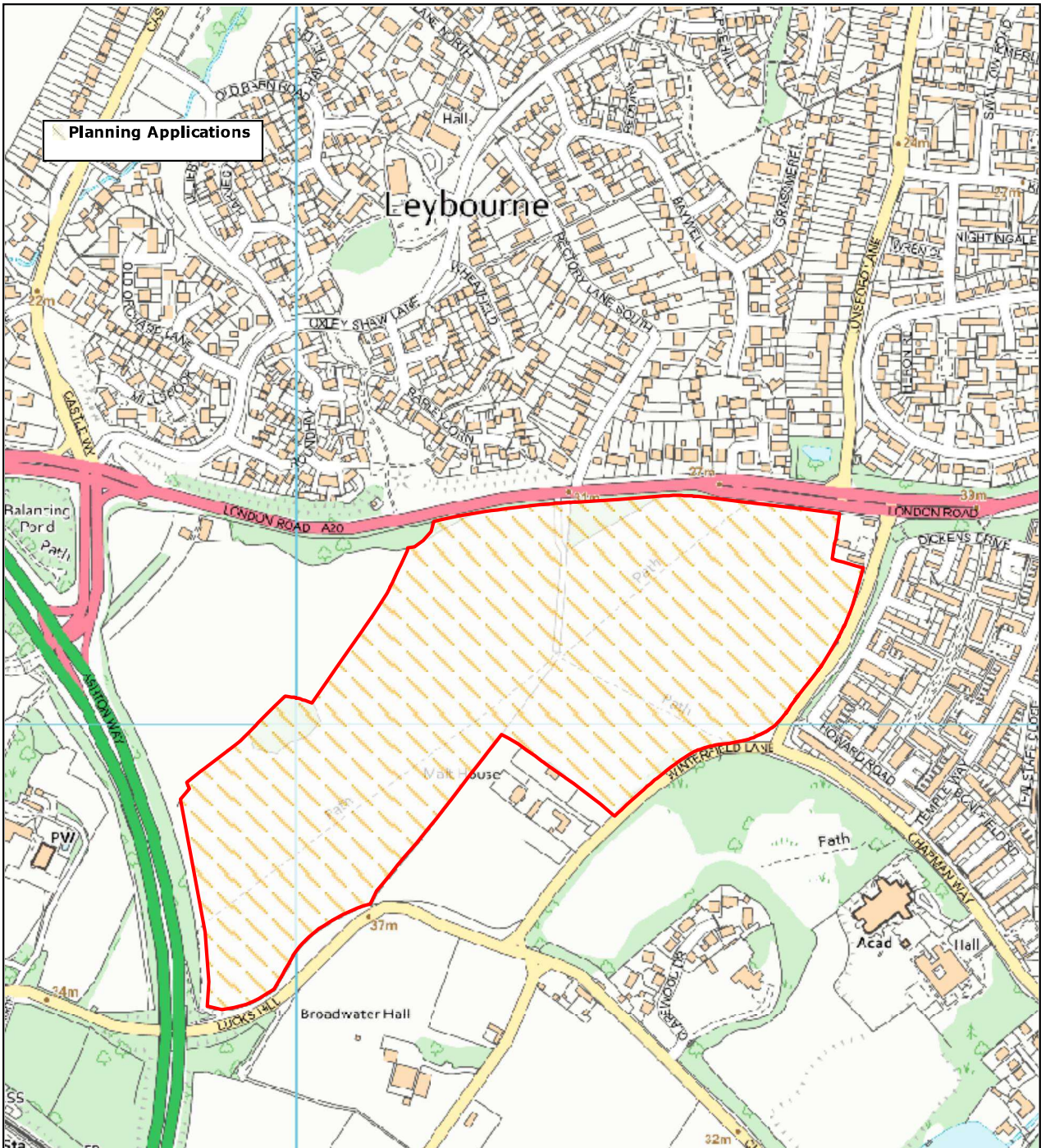
- 17 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed. (Condition 23 of 19/01814)

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, to ensure that the development as constructed is compliant with and subsequently maintained and in accordance with the approved details.

- 18 No development hereby permitted shall commence until a Construction Management Plan, to 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;
 - (h) access arrangements; and APP/H2265/W/20/3256877 Land West of Winterfield Lane East Malling ME19 5EY
 - (i) the days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be implemented in accordance with the approved Construction Management Plan. (Condition 24 of 19/01814)

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

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Planning Applications 23/03241

Scale: 1:5000



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Date: 2/1/2025 15:10

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Planning Committee Area 2

Planning Appeal Decisions for Area 2 (22.11.24 – 03.01.25)

TMBC Ref	23/00779/FL
PINS Ref	APP/H2265/W/24/3340270
Site Address	Potters Mead Borough Green Rd Wrotham TN17 7RD
Description of development	Erection of a single 5 bedroom dwelling with attached garage and associated works
Delegated/Committee Decision	Delegated Decision - Refused
Appeal Outcome	Appeal Dismissed 26 November 2024
	<u>Appeal Decision</u>
Costs Awarded	Not Applicable

TMBC Ref	23/00244/FL
PINS Ref	APP/H2265/W/23/3334210
Site Address	Land adjoining Butchers Lane Mereworth ME18 5QD
Description of development	Erection of a one and a half storey detached dwelling with link attached garage, new vehicular access and associated works
Delegated/Committee Decision	Delegated Decision – Refused
Appeal Outcome	Appeal Dismissed 6 December 2024
	<u>Appeal Decision</u>
Costs Awarded	Not Applicable

TMBC Ref	23/03100
PINS Ref	APP/H2265/D/24/3343956
Site Address	1 Greenways London Rd Addington ME19 5AN
Description of development	Single storey rear extension and attached side garage
Delegated/Committee Decision	Delegated Decision - Refused
Appeal Outcome	Appeal Dismissed 16 December 2024
	<u>Appeal Decision</u>
Costs Awarded	Not Applicable

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Agenda Item 10

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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