



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

16 June 2026

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 24th June, 2026 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	7 - 10
2.	Terms of Reference	11 - 14

PART 1 - PUBLIC

3. Apologies for Absence
4. Notification of Substitute Members 15 - 16
5. 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 \(tmbc.gov.uk\)](http://tmbc.gov.uk).

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

6. Glossary and Supplementary Matters 17 - 24

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

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

Matters for Decision under Delegated Powers (In accordance with Part 3 of the Constitution)

7. TM/24/02011/FL - 2-12 Avebury Avenue, Tonbridge TN9 1TF 25 - 70

Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL).

8. TM/25/00713/PA - Land North of Fir Tree Farm, Riding Lane, Hildenborough 71 - 102

Demolition of existing stables and erection of a detached dwelling (Self-build/custom build).

9. TM/24/00733/PA - Riding Farm, Riding Lane, Hildenborough, Tonbridge TN11 9LN 103 - 152

Demolition of existing buildings and erection of eight residential dwellings together with access, parking, drainage, landscaping, and associated works.

10. TM/24/00372/OAEA - Land to the East of Kilbarn Road, and 153 - 470 West of Hermitage Lane, Aylesford

Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

- Annex 1 – Main report and map considered by both Area 3 and Area 2 Planning Committees on 9 March 2026
- Annex 1.1 – Supplementary report considered by both Area 3 and Area 2 Planning Committees on 9 March 2026
- Annex 2 – Minutes of Area 3 Planning Committee of 9 March 2026
- Annex 3 – Minutes of Area 2 Planning Committee of 9 March 2026

11. TM/24/00675/PA - Land south of St Andrews Close, St Andrews 471 - 498 Close, Aylesford

Erection of a part 2/part 3 storey building to provide Class C3 Retirement Home to create 50x residential units with associated communal facilities, parking, landscaping, access and associated works.

12. TM/25/01412 - Land North of Drayhorse Meadow, Fields Lane, 499 - 562 Wateringbury

Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

Matters for Information

13. Planning Appeals, Public Inquiries and Hearings 563 - 564

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

14. 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

15. Exclusion of Press and Public 565 - 566

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

Matters for Information

16. TM/25/01412/FL - Land North of Drayhorse Meadow, Fields Lane, Wateringbury 567 - 614

(Reason: LGA 1972 – Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

This report provides legal advice on the consequences of taking decisions against the advice of officers.

17. 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 D A S Davis (Vice-Chair)

Cllr R I B Cannon
Cllr J Clokey
Cllr R W Dalton
Cllr P M Hickmott
Cllr M A J Hood
Cllr S A Hudson

Cllr D W King
Cllr S Pilgrim
Cllr Mrs M Tatton
Cllr D Thornewell
Cllr K S Tunstall

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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-ugSzxiAPfw/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@tmhc.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@tmhc.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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1.	Planning Committee	
Size and Membership: To consist of thirteen members and politically balanced.		
(Quorum: 4 Members of the Committee)		
Terms of Reference:		
The Planning Committee has been appointed to make decisions on planning applications and related matters and exercise all functions of the Council as the Local Planning Authority as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except where recommended for approval in fundamental conflict with the plans and strategies which together comprise the Development Plan.		
These functions shall include (but are not restricted to):		
1.	Applications for planning permission under the Town and Country Planning Act 1990 ("the 1990 Act")	
2.	Applications for consent to the cutting down, topping, lopping or destruction of trees.	
3.	Applications for determination under Sections 191 and 192 of the 1990 Act.	
4.	Applications for listed building and conservation area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
5.	Applications for consent under regulations Sections 220 and 221 of the 1990 Act to display advertisements.	
6.	Applications for consent under regulations under Sections 220 and 221 of the 1990 Act to display advertisements.	
7.	Applications for approvals required by a development order or by conditions imposed on the grant of planning permission and applications for determination as to whether prior approvals are required.	

8.	To authorise the issue of Building Preservation Notices pursuant to Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Except in cases where the Director of Planning, Housing and Regulatory Services and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation
9.	To exercise powers in relation to the service of enforcement notices under Parts VII and VIII of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
10.	To exercise powers in relation to the service of Planning Contravention Notices under section 171C of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
11.	To exercise powers in relation to the service of Breach of Condition Notices under section 187A of the Town and Country Planning Act 1990 and to take all further steps up to and including prosecution.	
12.	To exercise powers in relation to the service of Stop Notices under Parts VII and VIII of the Town and Country Planning Act 1990	Except in cases where the Director of Planning, Housing and Regulatory Services and Director of Central Services & Deputy Chief Executive consider there may be a liability for payment of compensation
13.	To exercise powers in relation to the service of Listed Building Enforcement Notices under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to take all further steps up to and including prosecution.	
14.	Orders for modification or revocation of planning permissions.	Where served with the agreement of the owner

15.	To authorise the issue of Completion Notices under Section 94 Town and Country Planning Act 1990.	
16.	To resolve to serve Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995.	
17.	To confirm Directions made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995	Where objections are received
18.	To deal with objections to tree preservation orders and to determine whether orders shall be confirmed.	
19.	The approval or disapproval of plans for the laying-out of new streets and erection of buildings under the Building Act 1984 and the Building Regulations 1991.	
20.	To exercise the Council's powers under Section 36 of the Building Act 1984 (power to require the removal or alteration of work not in conformity with the building regulations or executed notwithstanding the rejection of plans)	
21.	To make recommendations on Local Plans and Development Briefs and to approve Development Briefs where they are produced pursuant to the requirements of a planning permission.	
22.	To submit views on behalf of the District Planning Authority in relation to the consultations under the Pastoral Measure 1968.	
23.	To consider and approve for consultation purposes Draft Conservation Areas	Formal designation of Conservation Areas reserved to Council
24.	Under the Hedgerows Regulations 1997:	
(a)	to deal with notifications under Section 75 of the Environment Act 1995 and the Regulations and to authorise the service of Hedgerow Retention Notices; and	

(b)	to exercise powers in relation to the service of notices requiring the replanting of important hedgerows under Section 75 of the Environment Act 1995 and the Regulations.	
Highways Use and Regulation		
25.	The Planning Committee shall also exercise the functions of the Council relating to the regulation of the use of highways, as set out in Schedule 1 to the Functions Regulations	

Planning Committee					
	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Chris Brown	Tim Bishop	Lee Athwal		Angus Bennison
2	Robin Betts	Bill Banks	Kath Barton		
3	Luke Chapman	Trudy Dean	Anna Cope		
4	Adem Mehmet	Frani Hoskins	Steve Crisp		
5	Kim Tanner	Roger Roud	Bethan Parry		
Members of Cabinet can be appointed as a substitute to this Committee					

Updated May 2026

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GLOSSARY of Abbreviations used in reports to Planning Committee

This glossary includes both current planning terms and legacy terminology which may appear on historic planning applications. Where legislation has changed, terms are retained for reference only and should not be treated as current application types.

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

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
DPHRS	Director of Planning, Housing & Regulatory Services
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)
FLEA	Full Application with Environmental Impact Assessment

G

GMPO	Town & Country Planning (General Management 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
KCCPS	Kent County Council Parking Standards
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)
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
MHCLG	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)
NKMWLMB	North Kent Marshes Water Level Management Board
NPPF	National Planning Policy Framework

O

OA	Outline Application (application suffix)
OAEA	Outline Application with Environment Impact Assessment (application suffix)
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
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)
PDVSDR	Permitted development storage/distribution to residential (application suffix)

PDVSR	Permitted development (application suffix)	PD – shop and sui generis to residential
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 substantially amended by the 2020 reforms introducing Classes E, F1 and F2
UMIDB	Upper Medway Internal Drainage Board

W

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

(Version 5/2026)

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Location: 2-12 Avebury Avenue Tonbridge TN9 1TF

Proposal: Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL)

1. Background:

- 1.1 This supplementary report should be read in conjunction with the original Area Planning Committee Report which is attached as an **Annex 1** to this cover report and the supplementary committee report attached as **Annex 2** to this cover report. The application was heard by Area 1 Planning Committee on the 16 October 2025, where the committee resolved to grant planning permission subject to the adequate completion of a S106 agreement to secure the required planning obligations. The S106 agreement has now been completed.
- 1.2 The application is being returned to the Planning Committee in light of comments made by South East Water (SEW) during the Local Plan Regulation 18 consultation, which highlighted, amongst other matters, the potential shortfall in water supply to meet forecast residential growth arising from the Local Plan. This supplementary report therefore provides an assessment of this issue, having regard to the relevant policies of the adopted Development Plan and the National Planning Policy Framework.
- 1.3 Potable Water Supply
- 1.4 Following the receipt of SEW letter the availability of potable water is a material planning consideration. The development should therefore be assessed against Policy SQ5 of the Managing Development and the Environment Development Plan Document and Policy CP25 of the Tonbridge and Malling Core Strategy, which collectively require new development to demonstrate that adequate infrastructure is available to meet its demand, or that additional capacity can be provided in time to do so.
- 1.5 The proposal to create 34 apartments would increase the demand for potable water. However, it involves the partial conversion and extension of an existing building formerly occupied by offices and a gym and already benefits from a connection to the South East Water supply network. Furthermore, the building has an extant permission for conversion and extension to provide 23 apartments, which could be implemented at any time. Accordingly, the additional demand generated by the current proposal would relate to 11 units, rather than the full 34 apartments.
- 1.6 South East Water has advised, in its consultation response to the draft Local Plan, that there is sufficient capacity to accommodate up to 2,566 dwellings between 2025

and 2029. Given the relatively modest increase in the number of units, the planning history of the site, and the availability of existing water infrastructure, it is considered likely that sufficient capacity exists to serve the proposed development. Any residual risk in respect of potable water supply could be further mitigated through a Grampian-style condition requiring the submission and approval of a strategy detailing the provision of potable water and an implementation timetable prior to the commencement of development.

- 1.7 The Planning Practice Guidance advises that local planning authorities should not refuse planning permission on grounds that can be adequately addressed through the imposition of planning conditions, where it is concluded that such conditions would enable the development to proceed, as is the case here. For the reasons set out above, and subject to the imposition of the recommended condition, the proposal is considered capable of complying with Policy CP25 of the TMBCS and Policy SQ5 of the MDEDPD. As such, the additional demand for potable water arising from the development would not constitute a sufficient reason for refusal.
- 1.8 The recommendation remains the same as previously set out in **Annex 1 (to Approve)** and as agreed by Members subject to the S106 agreement (which has already been completed) and the conditions below.
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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

Proposed site plan 2024-860(P)-Proposed-200(2)
Proposed first floor plan 2024-860(P)-Proposed-206(1)
Proposed second floor plan 2024-860(P)-Proposed-207(1)
Proposed third floor plan 2024-860(P)-Proposed-208(1)
Proposed fourth floor plan 2024-860(P)-Proposed-209(1)
Proposed roof plan 2024-860(P)-Proposed-210(1)
Proposed ground floor plan 2024-860(P)-Proposed-205(4)
Proposed north and west elevations 2024-860(P)-Proposed-215(3)
Proposed south and east elevations 2024-860(P)-Proposed-216(3)
Proposed street scene A, B & C 2024-860(P)-Proposed-220(2)
Site location plan 2024-860(P)-Existing-001
Planning statement
Transport statement
Daylight and sunlight assessment
Financial viability assessment
Heritage statement
Flood risk assessment and drainage strategy

Noise impact assessment
Odour assessment
Material schedule

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.

3. All materials used externally shall accord with the plans and the material schedule hereby approved.

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

4. The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space

Reason: In the interests of highway safety

5. Prior to the first occupation of the development hereby approved, details of the lockable bollards to be installed to the approved parking spaces shall be submitted to and approved by the Local Planning Authority. These shall be installed as approved prior to the first occupation of any residential unit and retained at all times thereafter.

Reason: To prevent unauthorised use of spaces, leading to increased pressure for on street parking

6. The development hereby approved shall not be occupied unless and until the bike and bin stores as shown in the approved ground floor plan have been provided in accordance with the approved details. The bike and bin stores shall thereafter be retained permanently for their intended purposes.

Reason: To ensure appropriate bin and bike storage facilities are provided to the future residents at the time of occupation and ensure they remain available throughout the lifetime of development.

7. The proposed vehicular access serving both the external and internal car parking spaces shall be provided, surfaced and drained in accordance with the approved ground floor plan (P)205 P02. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending,

revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position to preclude vehicular access

Reason: In the interests of highway safety, to ensure safe vehicular access is provided and maintained in support of the development proposal.

8. The development hereby permitted shall not commence until a Construction Management Plan comprising the following details has been submitted to and approved in writing by the Local Planning Authority.

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.
- (g) Environmental management control of all demolition and construction works

The Construction Management Plan shall thereafter be implemented strictly in accordance with the approved details throughout the construction phase.

Reason: In the interests of highway safety and to ensure the potential of disruption caused to the local highway network is minimised as far as reasonably practicable during the construction.

9. The measures for the implementation and monitoring arrangements for the Interim Travel Plan prepared by DHA, dated December 2024, shall be fully adhered to at all times.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

10. The measures for mitigation of both environmental and commercial noise as set out in a) the Noise Impact Assessment and Survey by MRL acoustics ref MRL/100/1311.2V1 dated January 2019 and b) The Noise Impact Assessment and Survey by Acoustic Principles ref- MRL/100/1311.2V1 dated 07 November 2024 shall be fully adhered to and a report containing photograph and written evidence confirming full implementation of the details of the acoustic work shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of the protecting the amenities of the future residents of the flats.

11. No part of the building shall be occupied until full details of the mechanical ventilation of the building have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) / leisure facilities hereby approved.

12. Prior to start of works on site, the applicant shall submit in writing to the satisfaction of the local authority details to demonstrate the proposed substation will remain flood resilient and operational during the design flood event, where the flood level is estimated to be 23.5mAOD. The details shall include a maintenance and management plan of the substation to ensure flood resilience is maintained.

Reason: To ensure the substation remains operational during times of flood as required by Table 2 and the Exception Test of NPPF. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

13. Prior to construction, the applicant shall submit in writing, to the satisfaction of the local authority, details to demonstrate all necessary infrastructure necessary to maintain all utilities for water, heat and power during a flood event, will be located at a suitable location above design flood level.

Reason: To ensure continuity of supply and wellbeing of residents during and immediately after flood conditions. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

14. The development hereby permitted shall not be occupied unless and until the foul and surface water drainage system and all other recommendations set out in the Flood Risk Assessment and Drainage Strategy prepared by DHA dated Nover 2024 (34379/JM/CS) have been installed and fully implemented in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 181 of the National Planning Policy Framework

15. No development shall take place until a strategy detailing the proposed delivery of potable water for the residential apartments hereby permitted and an implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with SE Water. The development shall be carried out in accordance with the approved details and timetable.

Planning Committee

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

Tonbridge
Judd

16th October 2025

TM/24/02011/PA

Location: 2-12 Avebury Avenue Tonbridge TN9 1TF

Proposal: Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym at Number 2 to 14 Avebury Avenue, Tonbridge.
- 1.2 The proposed block would be five storeys, comprising an entrance hall, undercroft car park, bike and bin store alongside a separate commercial unit on ground floor, 10 units on first floor, 9, 8 and 7 units respectively on second, third and fourth floors. They range from 1-bed unit for 2 occupants to 3-bed flat for 6 occupants. All units are M4(2) compliant.
- 1.3 Across the site, there would be 22 car parking spaces in total; 10 of which would be provided outdoor while 12 indoor through a 2-tier stack parking system. Externally, the building would be faced in brick predominately, decorated further by a mix of cedar texture cladding and porcelain stone effect tile. It would be of a contemporary architectural style, largely reflected upon its built form, fenestration and exterior finish

2. Reason for reporting to Committee:

- 2.1 A call-in request was made by Councillor Mark Hood for the following reasons:
- 2.2 *"The grounds for the call in are the excessive scale and bulk of the new application which is significantly taller than its predecessor and will dominate the street scene and the choice of materials which in addition to the scale and bulk seem to be completely out of place in the setting of the Tonbridge Conservation Area."*
- 2.3 The request was made within the prescribed time period and related to material planning considerations relevant to the development. In consultation with the Director of Planning, Housing and Environmental Health, the call-in request was accepted and the application referred to the Area Planning Committee.

3. The Site:

- 3.1 The application site comprises a two-storey flat roof brick building with a curved façade that mimics the layout of the road immediately adjacent. It is a corner plot

bounded to one side by River Lawn Road and on the other side by Avebury Avenue. A small surface level car park is available on site, accessible via River Lawn Road.

- 3.2 The site and its surroundings are characterised by a mix of residential and commercial uses, within the boundary of Tonbridge Town Centre and Tonbridge Central Area Action Plan. Tonbridge Conservation Area adjoins the northeast of the site. Being in Flood Zone 2 and 3, the site is vulnerable fluvial flooding.
- 3.3 Within the wider locality, there is built development of mixed scale and height. Opposite the site on Avebury Avenue is Tonbridge Library. To the east are terraced buildings fronting the High Street, to the north the Riverside Business Centre which is a detached three storey office building and to the north west on River Lawn Road is the modern 3 storey Tonbridge Medical Centre building. On the opposite site of River Lawn Road, fronting Avebury Avenue, is a terrace of 3 storey properties with commercial units on the ground floor and residential above.

4. Planning History (relevant):

23/00312/FL

Approved - 11 April 2023

Proposed additional floor over existing commercial premises to form two bedroom duplex apartment

23/00264/RD

Approved - 28 March 2023

Details of condition 2 (external materials) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

21/00846/RD

Approved - 22 June 2021

Details of condition 2 (materials) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

21/01314/NMA

Approved - 15 June 2021

Non Material Amendment to planning permission TM/19/00287/FL: Retention of existing first level slab for residential balcony

20/02505/NMA

Approved - 09 December 2020

Non Material Amendment to planning permission TM/19/00287/FL: Third floor internal area to be reduced and reconfigured, the rear elevation balconies at first and second floor to be set back from boundary, amendment to the openings on the front façade of the ground floor elevation, reconfiguration of the arrangements of the flats on the first and second floors, and amendment to accommodation proposed within the development to 10 one bedroom, 12 two bedroom and 1 three bedroom flat.

20/00759/RD

Approved - 17 July 2020

Details of conditions 6 (construction traffic), 12 (drainage) and 13 (archaeological work) pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

20/00667/RD

Approved - 20 May 2020

Details of condition 8 (surface water drainage) and 9 (verification report) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)

19/00287/FL

Approved - 19 November 2019

Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking

18/00423/FL

Approved - 27 July 2018

Alterations, extension and change of use of the existing building to a mixed use including 14 no. apartments, gym and commercial space

17/02820/FL

Application Withdrawn - 08 December 2017

Alterations, extension and change of use of the existing building to a mixed use including 14 no. apartments, gym and commercial space

5. Consultees:

- 5.1 Heritage Conservation Officer – “The current proposal would cause no harm to the significance of the designated area through change within the wider setting, and there is no objection in terms of TMBC Historic Environment Conservation Policies.”
- 5.2 Local Highway Authority (Kent County Council) – “I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority.”
- 5.3 Lead Local Flood Authority (Kent County Council) – “As no additional drainage is proposed, the inclusion of additional SuDS are not feasible, and no additional impermeable surface area will result from the development, Kent County Council as Lead Local Flood Authority would see no reason to object to the development and would have no further comment.”
- 5.4 The Environment Agency – “We have no objection to the proposed residential development but have concerns regarding the proposed electricity substation, therefore request the conditions herein this letter are included on any permission granted.”
- 5.5 Waste Services – Standard advice provided for consideration.
- 5.6 Leisure Services –
- Open space should, in the first instance, be provided on the development site
 - If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces
 - There has been an increase in the number of proposed housing units since the last application; it is now stated the housing type is flats / maisonettes any further alteration these housing units will affect calculations and comments.
 - No on-site provision, for public open space or landscaping are proposed see Planning design and access statement MJW/JF/33696 December 2024 p27
 - Contributions sought for this development should total £77,604

- 5.7 NHS West Kent CCG – NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution (i.e. £21,744.00).
- 5.8 Southern Water – We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
- 5.9 Kent Police – We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998
- 5.10 Written Representations (summarised as follows) –
- Concerns raised relate to the scale and design of the proposals, including the disproportionate height and unsympathetic choice of materials, resulting in overdevelopment and harm to the character and appearance of the conservation area.
 - Practical issues have also been highlighted, including traffic and parking constraints (with some spaces located too close to the substation), risk of flooding, and additional pressure on local infrastructure such as GP services.
 - Questions have also been raised regarding land ownership.

6. Determining Issues:

6.1 Principle of Development

- 6.2 The site lies within the urban confines. Policy CP11 of the TMBCS states that development should be concentrated at the urban areas where there is the greatest potential for re-use of previously developed land. Development in the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport. In light of the above, the site is a sustainable location, capable to be developed for housing.
- 6.3 The principle of development has already been established by virtue of the grant of planning permission 19/00287/FL and 23/00312/FL for 23 apartments and 2 duplex apartments respectively. Whilst the current proposal represents a more intense residential use than the approved schemes by reason of the increase in number of units to a total of 34, the principle of converting and extending the existing building for housing remains acceptable.
- 6.4 The site by reason of its nature could be regarded as both previously developed land and windfall site, where development proposals for housing are generally supported

by the NPPF. Paragraph 73(d) explicitly requires local planning authorities to support the development of windfall sites through their policies and decisions, giving great weight to the benefit of using suitable sites within existing settlement for homes, while Paragraph 124 expects the objectively assessed needs to be accommodated in a way that make as much use as possible of previously-developed or 'brownfield' land.

- 6.5 Planning decisions, Paragraph 125 states, should give substantial weight to the value of using suitable brownfield land within settlement for homes. Furthermore, using the airspace above existing residential and commercial premises for new homes could be supported, so long as the proposal is consistent with the prevailing height and form of the neighbouring properties and the overall street scene, is well designed and can maintain safe access and egress for occupiers.
- 6.6 Given the above analysis regarding the suitability of the site for housing, it is considered that the development in question is broadly consistent with the aims of the NPPF in terms of making effective use of land, particular windfall and previously developed land in accessible location, and significantly boosting the supply of new homes.
- 6.7 Paragraph 11 of the NPPF states that *“plans and decision should apply a presumption in favour of sustainable development. For decision taking this means:*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
- 6.8 The Council cannot currently demonstrate a five-year supply of deliverable housing sites when measured against its objectively assessed need (OAN). The Housing Land Supply Position Briefing Notes January 2025 being the most up to date evidence base document on this topic indicates that only a 2.89-year supply of deliverable housing sites could be demonstrated at the time of publication. As such, the policies most relevant for assessing the current proposal should be treated out of date and hence the provision set out in Paragraph 11(d) applies.

- 6.9 This paragraph states that planning permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.10 Footnote 7 provides a list of those policies that relate to protected areas and assets of particular importance, including areas at risk from flooding. The site lies within Flood Zones 2 and 3. Hence, the 'titled balance' could only be disapplied where the flood risk policy in the Framework provides a strong reason for refusing this development proposal.
- 6.11 Flood Risk and Drainage
- 6.12 The site is in Flood Zone 2 and 3. A site specific flood risk assessment and drainage strategy has been submitted with the application in accordance with Paragraph 173 of the NPPF. The same paragraph states that:
- “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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- 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.”*
- 6.13 Paragraph 168 of the NPPF advises further that “development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.” There are however few exceptions to the requirements for sequential and exception tests; these include, amongst other things, changes of use. As such, the current proposal for change of use is not required to pass the sequential and exception tests to be considered acceptable in flood risk terms.
- 6.14 The Environment Agency and the Lead Local Flood Authority have been consulted on this application, and neither have raised any objection to the proposal or to the supporting information. The Environment Agency however raised a concern about

the electricity substation on the ground floor and found it potentially vulnerable to flooding. To mitigate the risk identified, it recommended that a condition should be imposed to require further flood mitigation and resilience measures in relation to the substation be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

- 6.15 The surface water and foul sewage management methods outlined in the flood risk assessment and drainage strategy are both considered satisfactory given the physical constraints presented on site. The strategy would be consistent with the hierarchy of drainage options outlined in the relevant NPPG. A condition should be imposed to ensure continuous compliance with the approved strategy. Southern Water requested in the event of approval that an informative relating to foul sewerage and surface water disposal is added to the decision notice.
- 6.16 For the reasons given above, it is considered that applying the policies in the Framework relating to flooding does not provide a strong reason for refusing the development proposed. Aspects of the proposal that are considered at risk of flooding could be addressed and made compliant with the relevant policies at local and national levels through carefully worded conditions as recommended by the statutory consultees.
- 6.17 Housing Supply, Mix, and Affordable Housing
- 6.18 Paragraph 61 of the NPPF highlights the Government's objective of significantly boosting the supply of homes. The overall aim to meet an area's identified housing need, including with an appropriate mix of housing types for the local community should be at the heart of decision making.
- 6.19 The most up to date housing land supply position briefing note published in January 2025 indicates that the Council could only demonstrate a supply of deliverable housing sites of up to 2.89 years against its objectively assessed need. As such, there is undeniably a shortfall in the supply of new homes, which the Council must seek to address in accordance with Chapter 5 of the NPPF.
- 6.20 The proposal, if permitted, has the potential of delivering 34 new homes in a highly sustainable location, where the Development Plan specifically Policy CP11 of the TMBCS seeks to encourage and facilitate. It would assist in meeting approximately 2.5% of the annual housing requirement, which together with other allocated and windfall sites would make a meaningful contribution towards mitigating the identified housing shortage. This factor must therefore be afforded substantial weight in the overall planning balance as per the NPPF.
- 6.21 Turning next to housing mix, the Housing Needs Survey 2022 provides the most up-to-date evidence base to inform decision making. Borough-wide, the demand for flats is estimated to represent approximately 10–15% of overall housing need. However, this figure varies considerably depending on the sub-area. In the Tonbridge sub-area specifically, demand for 1-bed and 2-bed flats is estimated at roughly 15–20% and 2–

5% of total demand respectively. This indicates that the demand for flats in Tonbridge is materially higher than elsewhere in the borough.

- 6.22 The proposal seeks to provide 19 x 2-bed units, 14 x 1-bed units and 1 x 3-bed unit. The housing mix proposed would appear responsive to the specific needs of Tonbridge sub-area identified in the Housing Needs Survey and as such would be appropriate. Referring to the Planning, Design and Access Statement, all units would be M4(2) compliant, meaning they would be suitable for different groups in the community, especially those with reduced mobility. This would represent an enhancement compared with the original approval, allowing the proposal to better address the needs of groups with specific housing requirements, consistent with Paragraph 61 of the NPPF.
- 6.23 Concerning affordable housing, Policy CP17 of the TMBCS states that in the urban areas, affordable housing provision will be sought on all sites of 15 dwellings or above or 0.5ha or above at a level of 40% of the number of dwellings in any scheme. This Policy is elaborated further through the Affordable Housing Supplementary Planning Document adopted in July 2008.
- 6.24 The SPD reiterate that “all new residential developments will therefore be expected to provide affordable housing in accordance with the adopted Core Strategy unless the developer can show that the site can only come forward if essential infrastructure needs to be provided first or there are other significant costs such as site remediation or flood alleviation works, for example, and that in these circumstances the provision of the required amount and type of affordable housing would make the development unviable.”
- 6.25 “In these exceptional cases, it will be for the developer to demonstrate that less affordable housing and/or a different mix of affordable housing should be provided, and this will be subject to a confidential “open book” assessment and subject to independent audit”.
- 6.26 In this case, the proposal comprises all market housing, meaning there is no affordable housing either provided on site or off site or commuted sums contributing towards the Council’s affordable housing programme. This application is accompanied by a Financial Viability Appraisal, which suggests that the proposal could not be viably delivered while meeting the affordable housing requirements set out in Policy CP17 of the TMBCS. The Appraisal identifies a range of factors contributing to the current viability position of the scheme. These include, but are not limited to, the change in economic climate since the original approval, the complex planning history of the site, and the poor and deteriorating condition of the building proposed for conversion and extension. In accordance with the SPD, the Council has appointed an independent viability consultant to scrutinise the FVA and has subsequently been given the following advice:
- We consider the proposed scheme generates a deficit of **-£96,721** and, therefore, no affordable housing can viably be offered at present. The level of deficit

translates to merely -0.8% on GDV and, therefore, we consider it to be a break-even position.

- Although we acknowledge the Applicant entered into a collaborative process and attempted to reach an agreement on the BLV, we consider the assessment provided by Sibley Pares still does not comply with the PPG definition of EUV or AUV. On this basis, we maintain the interim £nil BLV in our assessment. We emphasise that this is our interim position, pending a policy-compliant AUV being provided.
- We maintain our originally adopted profit target to be appropriate.

6.27 While some differences remain on certain aspects of the FVA, both the Council's viability consultant and the applicant agree that the proposal, in its current form, is unlikely to generate sufficient profit to deliver the level of affordable housing required by policy. On this basis, the absence of an affordable housing contribution can be justified in this instance. However, as viability could improve or worsen over the course of construction and the amount of affordable housing contribution currently on offer falls substantially short of the relevant policy requirement, it is reasonable to secure a late-stage review mechanism through a legal agreement, in line with Paragraph 58 of the NPPF.

6.28 The review mechanism should operate such that no more than 75% (25 units) of the dwellings can be disposed of until the review takes place. The maximum contribution should be capped at 50% to ensure there remains an incentive to sell the units at a higher value than those anticipated by the applicant.

6.29 Whether there will be any additional affordable housing contribution from the development is uncertain and cannot be guaranteed. However, the review mechanism within the legal agreement strengthens the Council's ability to secure a higher level of contribution, potentially approaching the 40% aspiration set out in CS Policy CP17, over the lifetime of the project. This would assist in addressing the unmet need for affordable homes within the borough.

6.30 Subject to the above, it is considered that the failure to deliver the level of affordable housing required by Policy CP17 of the TMBCS does not provide a strong reason for refusing the development proposal, especially given the financial viability evidence provided by the applicant and corroborated by the Council's independent viability consultant.

6.31 Quality of Accommodation

6.32 The proposal comprises 34 units in total, spreading across four floors. The smallest apartment has one bedroom for two persons while the largest apartment has three bedrooms for six persons. The schedule of accommodation is as follows:

Number	Type	Area
<u>First Floor</u>		
Unit 1	2B 4P	93 m ²
Unit 2	2B 3P	70 m ²
Unit 3	1B 2P	55.5 m ²
Unit 4	1B 2P	70 m ²
Unit 5	2B 4P	111 m ²
Unit 6	1B 2P	70 m ²
Unit 7	1B 2P	55.5 m ²
Unit 8	1B 2P	55.5 m ²
Unit 9	2B 4P	95 m ²
Unit 10	2B 4P	83 m ²
<u>Second Floor</u>		
Unit 11	2B 4P	93 m ²
Unit 12	2B 3P	70 m ²
Unit 13	1B 2P	55.5 m ²
Unit 14	1B 2P	70 m ²
Unit 15	1B 2P	70 m ²
Unit 16	1B 2P	55.5 m ²
Unit 17	1B 2P	55.5 m ²
Unit 18	2B 4P	95 m ²
Unit 19	2B 4P	83 m ²
<u>Third Floor</u>		
Unit 20	1B 2P	50.54 m ²
Unit 21	2B 4P	98 m ²

Unit 22	1B 2P	68.7 m ²
Unit 23	2B 4P	105 m ²
Unit 24	1B 2P	70 m ²
Unit 25	2B 4P	81.2 m ²
Unit 26	2B 4P	95 m ²
Unit 27	2B 4P	83 m ²
<u>Fourth Floor</u>		
Unit 28	2B 4P	86 m ²
Unit 29	2B 4P	98 m ²
Unit 30	3B 6P	114 m ²
Unit 31	2B 4P	105 m ²
Unit 32	1B 2P	55.5 m ²
Unit 33	2B 4P	80 m ²
Unit 34	2B 3P	62 m ²

- 6.33 The Gross Internal Areas of all units proposed would achieve the minimum space standards stipulated by the Nationally Described Space Standard. The proposed development would be orientated with most windows being either east or west facing. 2 out of the 34 units proposed would have all its windows facing north, so they would likely receive limited sunlight. However, the impact would not be materially different from that already assessed and subsequently concluded acceptable in 2019.
- 6.34 All habitable rooms would have at least one reasonable sized window to ensure adequate natural light and ventilation would be provided to the future occupiers. External amenity spaces would be made available to 19 of the 34 units in the form of a terrace, appropriate in an urban setting.
- 6.35 In conclusion, recognising the physical constraints that comes with a town centre location and the importance to optimise the development potential of previously developed land as required by the NPPF, it is concluded that the proposal, viewed as a whole, could deliver a satisfactory quality of accommodation for its future residents.

6.36 Impact on Visual Amenity, Character and Appearance (including Heritage Consideration)

- 6.37 Turning first to heritage considerations, the development site lies just outside the eastern boundary of the southern spur of the Tonbridge Conservation Area (Sub Area A5) and therefore has the potential to affect its setting. The open green space to the west of this part of the Conservation Area makes a positive contribution to the significance of the designated heritage asset. By contrast, the modern development abutting the eastern boundary is considered neutral, and the street scene at the southern end of River Lawn Road does not contribute positively to the area's character.
- 6.38 It is noted that planning permission has already been granted for a four-storey building on the site. The current proposal seeks an increase to five storeys. The permitted building is neutral in character and is not considered to contribute to the significance of the adjacent Conservation Area.
- 6.39 Nevertheless, in light of the site's spatial context and the scale of development now proposed, specialist advice has been sought from the Council's Heritage Conservation Officer, who has provided the following observations:
- 6.40 *"The site is largely screened from the designated area by intervening buildings and mature trees, and the modern built form does not impinge on any locally distinctive views or vistas. However, it features to some extent in minor street scene views from the south end of River Lawn Road into the conservation area, and in reverse views from within the conservation area southwards along the street.*
- 6.41 *As noted in the conservation area appraisal, views across open green spaces make an important contribution to the significance of the designated heritage asset. The proposed increase in height may result in the building becoming more visible from the open green space to the west of River Lawn Road, and from the river beyond - particularly when intervening trees are not in leaf. However due to distance, the visual presence of the additional built form would not be unduly intrusive.*
- 6.42 *Paragraphs 212 & 213 of the NPPF require great weight to be given to the conservation of designated heritage assets and note that significance can be harmed or lost through inappropriate or unsympathetic development within their settings.*
- 6.43 *The current proposal would cause no harm to the significance of the designated area through change within the wider setting, and there is no objection in terms of TMBC Historic Environment Conservation Policies."*
- 6.44 In the absence of any heritage harm being identified by the Council's Heritage Conservation Officer and having regard to the long-established planning history of the site, together with the significant socioeconomic and environmental benefits already discussed in this report, it is considered that the proposal, viewed in the round, could be supported from a heritage conservation perspective. The scheme is

therefore considered to accord with Policy SQ1 of the MDE DPD and the requirements of Chapter 16 of the NPPF.

- 6.45 Turning to visual impact, the site lies within a town centre location, where buildings of differing height, form, age and architectural style already exist, collectively creating a varied and diverse character within the immediate surroundings. At a more localised scale, however, the buildings fronting Avebury Avenue and River Lawn Road are predominantly two to three storeys in height, with Tonbridge Library, located to the southwest of the site, representing the tallest nearby building at four storeys when viewed from Avebury Avenue.
- 6.46 The proposed development would be marginally taller than the library on the opposite side of Avebury Avenue while increasing the height of the previously approved building by approximately 3m. The profile of the building however would remain largely the same as that of the approved scheme in 2019, retaining a recess at top floor level used as a terrace. At local level, the Development Plan contains no specific policies relating to development for tall buildings so each of these should be assessed on a case-by-case basis against the generic design policies including CP24 of the TMBCS and SQ1 of the MDEDPD, also having due regard to the site-specific circumstances.
- 6.47 Nationally, Paragraph 125 of the NPPF does provide some guidance particularly pertinent to the development in question. It states that planning decisions should *“support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions.....where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers”*.
- 6.48 Paragraph 130 of the NPPF offers bespoke advice on density, requiring all developments to make optimal use of the potential of each site. It follows that a significant uplift in the average density of residential development within cities and town centres well served by public transport should be encouraged unless it can be shown that there are strong reasons why this would be inappropriate.
- 6.49 In this instance, although the development would be taller and bulkier than the previously approved scheme, it would remain broadly consistent with the prevailing height and form of neighbouring properties, as demonstrated in the proposed street scene drawing. Furthermore, the selected material palette, especially the use of brickwork, timber cladding and glazing to the east elevation, would help to visually break down the bulk and massing of what is otherwise a substantial building.
- 6.50 The building’s considerable setback from the High Street would provide a degree of mitigation against the perceived visual impact of its scale, reducing the extent to which it would appear overbearing in the street scene. In addition, when read alongside the adjacent library, the proposal could act as a visual anchor, reinforcing

the sense of place and marking a gateway into the historic town centre, particularly when approached from the railway station.

Buildings of a similar height are not uncommon within the Tonbridge skyline. In recent years, a number of residential schemes of comparable scale have been granted permission, including application 21/02298/FL for two blocks of up to eight storeys at Tonbridge P R S, Medway Wharf Road. Within the town centre itself, a cluster of taller buildings of up to seven storeys already exists along Sovereign Way. The Tonbridge Town Centre Masterplan, published in June this year, appears to endorse and reinforce this emerging development pattern, supporting the Council's ambition to deliver higher-density development in the most accessible and sustainable settlement within the Borough. The Masterplan identifies building heights in the range of two to six storeys, capped at 18m at the highest point, to ensure both viability and deliverability. In addition, a four-storey apartment block of comparable built form and fenestration is located on the same road (nos. 31–35 Avebury Avenue), which contributes to the established character of the site's immediate surroundings. Mindful of the local context, character, and the need to optimise development potential of land in highly sustainable locations, it is considered that the scale and density of development could be supported from a visual amenity perspective, subject to it being of a satisfactory design.

- 6.51 The built form and fenestration of this proposal would remain largely unchanged compared to those of the approved scheme. No concerns were raised in the 2019 delegated report regarding these matters. Indeed, on the point of design, the report noted that *“the proposal is in keeping with the surrounding character and that the scheme still represents an acceptable design solution to this corner plot.”* It further highlighted that *“the building has been designed to provide active street frontages with multiple entrances and they successfully ‘turn’ the corner to provide a visual link between Avebury Avenue and River Lawn Road. The development will have a softer appearance within the street scene and improve views into and out of the site.”*
- 6.52 The proposal would retain an active street frontage on both Avebury Avenue and River Lawn Road and, in fact, would introduce additional street-level windows at the corner. This fenestration arrangement, together with the internal layout, would maximise opportunities for natural surveillance and thereby help to deter both crime and the fear of crime.
- 6.53 Following the initial statutory consultation, and taking on board the comments and concerns raised by members of the public, elected members and other stakeholders, the proposal has been revised so that the façade is now finished predominantly in brickwork, complemented by decorative vertical cedar-textured cladding. In addition, the architectural detailing has been enhanced through the inclusion of decorative brick features and aluminium trim details, particularly around the corner where the building would be most prominent and visible in the street scene. Overall, the revised proposal would achieve a satisfactory quality of design that is sympathetic to the established character of the town centre.

- 6.54 A schedule of external materials has been provided for assessment, and this is considered acceptable. To ensure a satisfactory appearance is achieved upon completion of the development, a condition should be imposed requiring the development to be carried out in strict accordance with the approved schedule of materials.
- 6.55 Construction on the site commenced shortly after the grant of planning permission in 2019, with several iterations to the approved scheme secured through the non-material amendment procedure. However, progress has since stalled following the original developer entering administration. The presence of a partially completed project in a relatively prominent town centre location is considered to have a negative impact on the townscape character of Tonbridge. Accordingly, any opportunity to reignite redevelopment of the site should be afforded positive weight in the overall planning balance, not only for the socioeconomic benefits it would deliver but also for the potential visual enhancement it could bring to the built environment.
- 6.56 To conclude, subject to the recommended planning conditions, it is considered that the proposal is of an appropriate scale, form, design and appearance, with minimal impact on the character and appearance of nearby buildings, the wider town centre and the adjoining conservation area. In conclusion, officers are satisfied that the proposal complies, and can be made to comply through conditions, with Policies CP23 and CP24 of the TMBCS, Policy SQ1 of the MDEDPD, and Chapters 12 and 16 of the NPPF.
- 6.57 Impact on Residential Amenity
- 6.58 The site is set well away from nearby residential properties so the impact on the amenities of neighbouring dwellings is minimal. The size and scale of the overall proposed building, albeit one storey higher than previously approved, is not considered to be overbearing within the street scene and relates well to the scale of the buildings in the nearby vicinity. Equally, given the town centre location of the site, the nature of the proposed use would not give rise to any harmful impact on amenity arising from levels of activity in and around the site.
- 6.59 The daylight and sunlight assessment submitted in support of the application covers the properties directly adjacent on High Street and Avebury Avenue and concludes that the proposal is unlikely to result in a significant adverse impact on neighbouring occupiers through loss of daylight or sunlight. Whilst the impact on certain windows may marginally exceed the relevant BRE guidelines, paragraph 130 of the NPPF is clear that local planning authorities should take a flexible approach to applying policies or guidance on daylight and sunlight where rigid adherence would otherwise inhibit the effective use of land, provided the resulting scheme would deliver acceptable living conditions.
- 6.60 Furthermore, given the site's town centre location, where buildings typically cluster more closely and development densities are higher than in suburban or rural contexts, it is considered that the degree of overshadowing potentially arising from

the development would not be so significant as to warrant refusal of planning permission on residential amenity grounds, especially given the findings detailed in the daylight and sunlight assessment., especially given the finding detailed in the daylight and sunlight assessment.

6.61 Impact on Biodiversity

6.62 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 of the MDE DPD also states 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 an overall enhancement.

6.63 Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

6.64 Paragraph 180 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 186 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.65 It is now a statutory requirement for all major development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. However, there are specific exemptions from biodiversity net gain for certain types of development, which include amongst other things de minimis exemption. This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

6.66 The site is in an urban area, fully surfaced, surrounded by buildings to all aspects. Its connection to the wider ecological network appears to be minimal. In light of the above, the proposal would be in general conformity with Policies NE2 and NE3 of the MDE DPD and Chapter 15 of the NPPF.

6.67 Impact on Highway Safety and Parking

6.68 Policy CP1 of the TMBCS seeks the location of development which will reduce the need to travel, again highlighting the benefits of this edge of town centre location for new residential development. Policy CP23 of the TMBCS also aims at promoting a sustainable development pattern of housing amongst other uses to regenerate and

enhance the vitality and viability of the Town Centre. One way to achieve this policy objective is by ensuring an appropriate level of accessible and safe car parking provision.

- 6.69 Policy SQ8 of the MDEDPD states that development proposals should comply with the parking standards. It also stipulates that development proposals will only be permitted where they would not significantly harm highway safety and where the traffic generated by the development can adequately be served by the highway network.
- 6.70 Policy TCA12 of the TCAAP (insofar as it is relevant to this development) states that the mix of town centre development will be aimed at reducing the need to travel and each development site will be required to bring forward proposals that are complementary to the Transport Strategy. The emphasis will be on measures to support sustainable forms of transport.
- 6.71 Similarly, Paragraph 116 of the NPPF advises that *“development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable future scenarios”*.
- 6.72 Given the proposal constitutes a major development, with potential of causing a wider implication on the local highway network, Kent County Council as the Local Highway Authority has been consulted and subsequently offered the following advice.
- 6.73 *“It is noted that the revised proposal retains a less than 1 space per flat ratio of parking spaces. Parking Provision should be calculated in line with recommended standards, detailed in IGN3 Guidance for Residential Parking, which refer to maximum standards in town centre locations. As such the level of provision is considered acceptable.”*
- 6.74 KCC Highway Officer concluded that “provided the requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority”. The requirements relate to provision and retention of cycle and vehicle parking facilities, completion and maintenance of the vehicular access and the submission of a construction management plan. The recommended planning conditions would be imposed in the event of approval.
- 6.75 Having regard to the advice of the local highway authority, the availability of alternative public or active modes of transport, shops and local services, and the sustainability of the site location, the level of parking provision and vehicular movements associated with this development would cause no concern in respect of highway safety, cycle and car parking. On that basis, the proposal is deemed to be in general conformity with the aims of Policy CP23 of the TMBCS, Policy SQ8 of the MDEDPD and Chapter 9 of the NPPF.

6.76 Noise, Air Quality and Odour

6.77 The site is close to High Street, a classified B road, partly designated as an Air Quality Management Area (AQMA). Although the site falls well outside this designation, regard must be had as to whether the development when taken individually or cumulatively with other developments in the vicinity would impact upon the AQMA and Policy SQ4 of the MDE DPD applies. This requires that:

(a) the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity;

(b) proposals would not result in the circumstances that would lead to the creation of a new Air Quality Management Area;

(c) proximity to existing potentially air polluting uses will not have a harmful effect on the proposed use; and

(d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.

6.78 Some units proposed would have windows facing towards High Street, although not immediately adjacent. The previous approvals were judged to not have an adverse impact on air quality and thus not conflict with the aim of Policy SQ4 of the MDE DPD. The issue with noise was considered resolvable by way of a planning condition, requiring the implementation of all noise mitigation measures detailed in the noise impact assessment submitted as part of the previous applications.

6.79 The current application is accompanied by a Noise Impact Assessment conducted by Acoustic Principles in November 2024, which relates solely to the addition of a fourth floor at nos.2-12 Avebury Avenue, instead of the proposal entirely. However, reading it alongside the report prepared by MRL Acoustics Report in connection with the previous application, it is concluded that the impact of noise and air quality could be effectively mitigated through a combination of mechanical ventilation and glazing system. The Council's Environmental Health Service did not object to the previous and current proposals but did recommend several planning conditions if planning permission is forthcoming.

6.80 Full details of the ventilation and glazing system for the entire proposal are not currently available, so it is reasonable and necessary to secure these details by way of a carefully worded condition for the same reason given in the report of the original application and in accordance with the advice of the relevant consultee. With this condition imposed, the proposal could be made compliant with Policies SQ4 and SQ6 of the MDEDPD in terms of noise and air quality.

6.81 The scheme, first approved in December 2018 and again in November 2019, was not considered to be exposed to an unacceptable risk of odour. However, the subsequent grant of planning permission in 2019 at no6 High Street for a change of use from a shop to a hot food takeaway represents a material change in circumstances that now requires further consideration, particularly in relation to the potential impact of odour.

6.82 The application site is close to no.6 High Street, currently occupied by a hot food takeaway. An Odour Risk Assessment has thus been undertaken to evaluate the likely impact upon the future residents of the development proposed from the adjacent hot food takeaway. This assessment concluded that, by virtue of the abatement measures required to be incorporated into the kitchen exhaust as part of the approval of the hot food takeaway, the occupiers of the flats proposed are unlikely to be exposed to unacceptable risk of odour impact. The Environmental Health Officer is content with the information provided in the assessment and recommend no planning condition concerning odour control.

6.83 Planning Obligation (Other than Affordable Housing)

6.84 Policy OS3 in the Managing Development and the Environment DPD (MDE DPD, adopted April 2010), which forms part of the Council's Local Development Framework (LDF), requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards in Policy Annex OS3. Annex D to the MDE DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.

6.85 As no open space is provided on site, the applicant is being asked to provide a financial contribution of **£77,604** towards enhancement of existing off site open spaces.

6.86 NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. It is requested that a sum of **£21,744** is provided towards

- Refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or
- Healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

6.87 The financial contributions summarised above are considered directly relevant to the proposal and proportionate to the scale of development.

6.88 As already discussed in the affordable housing section, the proposal generates a deficit of - **£96,721**, according to the independent financial viability consultant appointed by the Council. The deficit is however based in part on the assumption that

a financial contribution of £99,378 would be made in the event of approval, although this figure has never been discussed with or agreed by the Council. Taken this element out of the equation would therefore make the scheme financially viable with a small surplus of **£2,657**. This could be spent towards health care or open space, although substantially below the amount originally sought.

6.89 Concluding on planning obligation, even adopting the lowest reasonable profit target of 17.5% for residential and 15% for commercial respectively as recommended by the Council's independent financial viability consultant would not generate a surplus sufficient to fund the financial contribution requested by the relevant consultees. In the event of approval and in accordance with the Council's consultant advice, it is recommended that a late-stage review mechanism is secured by way of a legal agreement so 50% of any windfall surplus arising following the grant of permission is captured and directed towards fulfilling planning obligations.

6.90 Public Sector Equality Duty – Equality Act 2010

6.91 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

6.92 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

6.93 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legalisation and the Council's obligations under the PSED.

6.94 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 6.95 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.96 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.
- 6.97 Conclusion and Planning Balance
- 6.98 Having regard to the above assessment, it is considered that the proposal is acceptable and in general conformity with the aims of the Development Plan policies and the National Planning Policy Framework. The failure to contribute towards the provision of affordable housing and the enhancement of healthcare and leisure services is a matter of deep regret. However, the evidence provided in support of the application, independently corroborated by the Council's appointed financial viability consultant, demonstrates that the scheme could not be viably delivered if it were required to fully satisfy these policy obligations. This is a matter to which I attribute moderate negative weight in the overall planning balance.
- 6.99 Weighed against this, the proposal would make effective use of previously developed land in a highly sustainable location for new homes. In the absence of a five-year supply of deliverable housing sites across the borough, the scheme's contribution to housing delivery and the optimisation of brownfield land carry substantial weight in accordance with the National Planning Policy Framework. The visual enhancement resulting from the redevelopment of a derelict site, together with the socioeconomic benefits associated with job creation, increased town centre footfall, and potential consumer expenditure, also weigh positively in favour of granting planning permission. A number of outstanding technical matters, for example, in relation to noise and flood risk could be satisfactorily mitigated through the imposition of appropriate planning conditions to ensure compliance with the relevant policies.
- 6.100 Applying the tilted balance set out in paragraph 11(d) of the NPPF, I am satisfied that the benefits of the proposed development would significantly and demonstrably outweigh the identified harm arising from its failure to fully satisfy policy requirements relating to affordable housing, open space, and other contributions. On this basis, and on balance, it is recommended that planning permission be granted, subject to planning conditions and obligations.

7. Recommendation:

7.1 APPROVE subject to S106 and the following conditions:

Heads of Terms

Developer to pay the Council's reasonable legal costs (amount TBC).

Payment of a Section 106 monitoring fee of £460.00, payable upon completion of the Agreement.

Off-site public open space contribution of £2,657.00, payable on commencement of development.

A late-stage viability review mechanism, triggered upon the completion of sale of 25th residential unit.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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

Proposed site plan 2024-860(P)-Proposed-200(2)
Proposed first floor plan 2024-860(P)-Proposed-206(1)
Proposed second floor plan 2024-860(P)-Proposed-207(1)
Proposed third floor plan 2024-860(P)-Proposed-208(1)
Proposed fourth floor plan 2024-860(P)-Proposed-209(1)
Proposed roof plan 2024-860(P)-Proposed-210(1)
Proposed ground floor plan 2024-860(P)-Proposed-205(4)
Proposed north and west elevations 2024-860(P)-Proposed-215(3)
Proposed south and east elevations 2024-860(P)-Proposed-216(3)
Proposed street scene A, B & C 2024-860(P)-Proposed-220(2)
Site location plan 2024-860(P)-Existing-001
Planning statement
Transport statement
Daylight and sunlight assessment
Financial viability assessment
Heritage statement
Flood risk assessment and drainage strategy
Noise impact assessment
Odour assessment
Material schedule

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.

3. All materials used externally shall accord with the plans and the material schedule hereby approved.

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

4. The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space

Reason: In the interests of highway safety

5. Prior to the first occupation of the development hereby approved, details of the lockable bollards to be installed to the approved parking spaces shall be submitted to and approved by the Local Planning Authority. These shall be installed as approved prior to the first occupation of any residential unit and retained at all times thereafter.

Reason: To prevent unauthorised use of spaces, leading to increased pressure for on street parking

6. The development hereby approved shall not be occupied unless and until the bike and bin stores as shown in the approved ground floor plan have been provided in accordance with the approved details. The bike and bin stores shall thereafter be retained permanently for their intended purposes.

Reason: To ensure appropriate bin and bike storage facilities are provided to the future residents at the time of occupation and ensure they remain available throughout the lifetime of development.

7. The proposed vehicular access serving both the external and internal car parking spaces shall be provided, surfaced and drained in accordance with the approved ground floor plan (P)205 P02. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position to preclude vehicular access

Reason: In the interests of highway safety, to ensure safe vehicular access is provided and maintained in support of the development proposal.

8. The development hereby permitted shall not commence until a Construction Management Plan comprising the following details has been submitted to and approved in writing by the Local Planning Authority.

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.
- (g) Environmental management control of all demolition and construction works

The Construction Management Plan shall thereafter be implemented strictly in accordance with the approved details throughout the construction phase.

Reason: In the interests of highway safety and to ensure the potential of disruption caused to the local highway network is minimised as far as reasonably practicable during the construction.

9. The measures for the implementation and monitoring arrangements for the Interim Travel Plan prepared by DHA, dated December 2024, shall be fully adhered to at all times.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

10. The measures for mitigation of both environmental and commercial noise as set out in a) the Noise Impact Assessment and Survey by MRL acoustics ref MRL/100/1311.2V1 dated January 2019 and b) The Noise Impact Assessment and Survey by Acoustic Principles ref- MRL/100/1311.2V1 dated 07 November 2024 shall be fully adhered to and a report containing photograph and written evidence confirming full implementation of the details of the acoustic work shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of the protecting the amenities of the future residents of the flats.

11. No part of the building shall be occupied until full details of the mechanical ventilation of the building have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) / leisure facilities hereby approved.

12. Prior to start of works on site, the applicant shall submit in writing to the satisfaction of the local authority details to demonstrate the proposed substation will remain flood resilient and operational during the design flood event, where the flood level is estimated to be 23.5mAOD. The details shall include a maintenance and management plan of the substation to ensure flood resilience is maintained.

Reason: To ensure the substation remains operational during times of flood as required by Table 2 and the Exception Test of NPPF. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

13. Prior to construction, the applicant shall submit in writing, to the satisfaction of the local authority, details to demonstrate all necessary infrastructure necessary to maintain all utilities for water, heat and power during a flood event, will be located at a suitable location above design flood level.

Reason: To ensure continuity of supply and wellbeing of residents during and immediately after flood conditions. This is supported by Policy CP10 of the LDF: Core Strategy – September 2007.

14. The development hereby permitted shall not be occupied unless and until the foul and surface water drainage system and all other recommendations set out in the Flood Risk Assessment and Drainage Strategy prepared by DHA dated Nover 2024 (34379/JM/CS) have been installed and fully implemented in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 181 of the National Planning Policy Framework

Informative:

1. The effect of paragraph 13 of Schedule 7A of the town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition) that development may not begin unless:
- (a) A Biodiversity Gain Plan has been submitted to the planning authority ;
 - and
 - (b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Tonbridge and Malling Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available this planning permission is considered to be one which will not require the approval of a biodiversity gain plan, before development is begun because of the statutory exemption listed below is considered to apply:

De minimis exemption (development below the threshold).

2. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link: <https://www.southernwater.co.uk/developing-building/connection-charging-arrangement>. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)
3. Kent Police recommend you to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. Your attention is drawn to the recommendations for the layout and design of the scheme set out in our consultation response.
4. In the event of approval, site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
5. 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.

6. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours to 18:30 hours. On Saturdays 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

Contact: Josh Kwok

Tonbridge
Judd

16th October 2025

TM/24/02011/PA

Location: 2-12 Avebury Avenue Tonbridge TN9 1TF

Proposal: Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL)

1. Supplementary Statement:

1.1 This Statement is intended to be read in conjunction with the Committee Report. It seeks to correct certain information which the Local Planning Authority has become aware is no longer up to date following the publication of the Committee Report. In addition, it provides a summary of the consultation response received from Kent County Council Economic Development and includes a comparison table supplied by the applicant shortly after the Committee Report was published.

1.2 Correction

1.3 In relation to car parking, replace Paragraph 1.3 with the following:

1.4 *“Across the site, there would be a total of 16 car parking spaces, of which 10 would be provided externally and 6 within the undercroft car park. Externally, the building would be faced predominantly in brick, complemented by areas of cedar-textured cladding and porcelain stone-effect tile. It would be of a contemporary architectural style, reflected in its built form, fenestration and external finishes”*

1.5 Insert after Paragraph 6.73:

1.6 *“Although the proposed level of car parking falls below the adopted maximum parking standards, Kent County Council’s Parking Standards (Paragraph 47) state that KCC Highways are supportive of and will encourage car-free development in suitable locations. Where a developer seeks to promote a car-free scheme, the development should already benefit from (or include as part of the proposal) excellent public transport links. In addition, the standard of amenities within the development should be high, incorporating community-wide facilities such as shops, schools, medical centres and leisure facilities. Car clubs, discounted public transport, bicycle provision, and repair packages should also be considered within the Travel Plan (TP).”*

1.7 Insert immediately after the above paragraph:

1.8 *“While the current proposal is not a car-free development, its location satisfies the key criteria for a feasible car-free scheme. In this regard, the identified shortfall against the maximum parking standards would not, on this occasion, warrant a strong reason for refusal.”*

1.9 Consultation Response (Kent County Council Economic Development)

1.10 Insert after Paragraph 5.9:

1.11 *“A financial contribution is sought towards the following infrastructure items in order to mitigate the impact of the development on local services:”*

	Per Dwelling	Total
	34	
Community Learning & Skills	£34.21	£1,163.14
Integrated Children's Service	£74.05	£2,517.70
Libraries, Registrations and Archives Service	£62.63	£2,129.42
Adult Social Care	£180.88	£6,149.92
	All Homes built as Wheelchair Accessible & Adaptable Part M 4 (2)	
Waste Disposal & Recycling	£194.13	£6,600.42

1.12 *In addition, the developer would be expected to contribute towards the provision of additional school places and the enhancement of educational facilities reasonably necessary to meet the demand arising directly from the proposed development. Failure to provide an education contribution would result in an objection from Kent County Council.*

1.13 Insert after Paragraph 6.87:

-
- 1.14 *“Kent County Council Economic Development has requested that a financial contribution of £18,560.60 be secured towards the following purposes: community learning and skills, integrated children’s services, libraries, registration and archive services, adult social care, and waste disposal and recycling. A separate education contribution would also be sought.”*
- 1.15 *It is noted, however, that previous applications for the site were not subject to a planning obligation to contribute towards most of the items now listed in Kent County Council’s consultation response. The financial contributions secured at the time related solely to public library provision, totalling £672.22 (2018) and £1,104.36 (2019) for schemes of 14 and 23 residential flats, respectively. It is therefore not considered that the increase in the amount of contribution now sought by Kent County Council is proportionate to the change in the scale of development compared to the approved scheme.*
- 1.16 *Having regard to the planning history of the site and the statutory tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), it is considered that only the library contribution meets all three statutory tests: being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.*
- 1.17 Conclusion
- 1.18 In conclusion, this Supplementary Statement provides factual corrections to the Committee Report and updates the position in respect of consultation responses and planning obligations. The proposed revisions clarify the car parking arrangements and provide additional context regarding the acceptability of the identified shortfall against the adopted parking standards. The updated comments from Kent County Council Economic Development have been considered in light of the site’s planning history and the statutory tests for planning obligations under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 1.19 Having reviewed the evidence and previous approvals, it is concluded that only the library contribution meets the relevant statutory tests and should therefore be secured through the legal agreement. All other aspects of the proposal remain as assessed and presented within the published Committee Report.

Comparison Table

Avebury Avenue – Scheme Evolution (2018-Current)					
Category	18/00423/FL (Approved)	19/00287/FL (Approved)	21/00846/RD (Approved)	23/00264/RD (Approved)	24/02011/PA (Current)
Description of Development	<i>‘Alterations, extension and change of use of the existing building to a mixed use including 14 no. apartments, gym and commercial space’</i>	<i>‘Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking’</i>	<i>‘Details of condition 2 (materials) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)’</i>	<i>‘Details of condition 2 (external materials) submitted pursuant to planning permission TM/19/00287/FL (Alteration, extension and change of use of the existing building to a mixed use to comprise 23 no. apartments, with associated parking)’</i>	<i>‘Alteration, extension and change of use of the existing building to a mixed use to comprise 34 no. apartments, with associated parking and refurbishment of existing gym (Revision of TM/19/00287/FL)’</i>
No. of Units	14 no. apartments	23 no. apartments	Not amended from 19/00287/FL	Not amended from 19/00287/FL	34 no. apartments
Parking	10 car parking spaces	16 parking spaces 23 cycle spaces	Not amended from 19/00287/FL	Not amended from 19/00287/FL	16 parking spaces 34 cycle spaces

	Cycle room for 19 spaces				
Height	Approximately 14m	15.653m (15563mm)	Not amended from 19/00287/FL	Not amended from 19/00287/FL	18.536m (18536mm)
Design/Materials	1) Porcelain tiles (steel corten) 2) Frameless glass balustrade 3) Recessed balcony 4) Textured acrylic render (off white) 5) Brick slip facing on metal grid 6) Contrasting brick slip facing on metal grid 7) Anodised aluminium window	1) Brass gold expanded mesh 2) Light Beige render finish Feature existing brick 3) Brick similar to existing on second floor 4) Brass gold metal cladding 5) Feature 150mm projecting brass gold coated PPC aluminium box window frame 6) Feature balcony planters 7) Lift overrun	Details of condition 2 (external materials) to include: 1) Proprietary render system – broken white 2) Porcelain, stone effect tile 3) Vertical Timber Cladding 4) Metal car park louvres (Charcoal Grey) 5) Stainless steel balustrade system with clear glazed infill panels	Details of condition 2 (external materials) to include: 1) Proprietary render system – broken white 2) Porcelain, stone effect tile 3) Hardie Plank Cladding 4) Metal car park louvres (Black) 5) Stainless steel balustrade system with clear glazed infill panels 6) UPVC Windows Black.	1) Broken White Render EWI Pro External Wall Render System 2) Hardie Plank Cladding - Vertical - Cedar Texture Khaki Brown 3) Porcelain, Stone Effect Tile - Arizona Arena 4) Porcelain, Stone Effect Tile - Soapstone Grey 5) Metal Louvres - Jet Black Ral 9005 6) UPVC Double Glazed

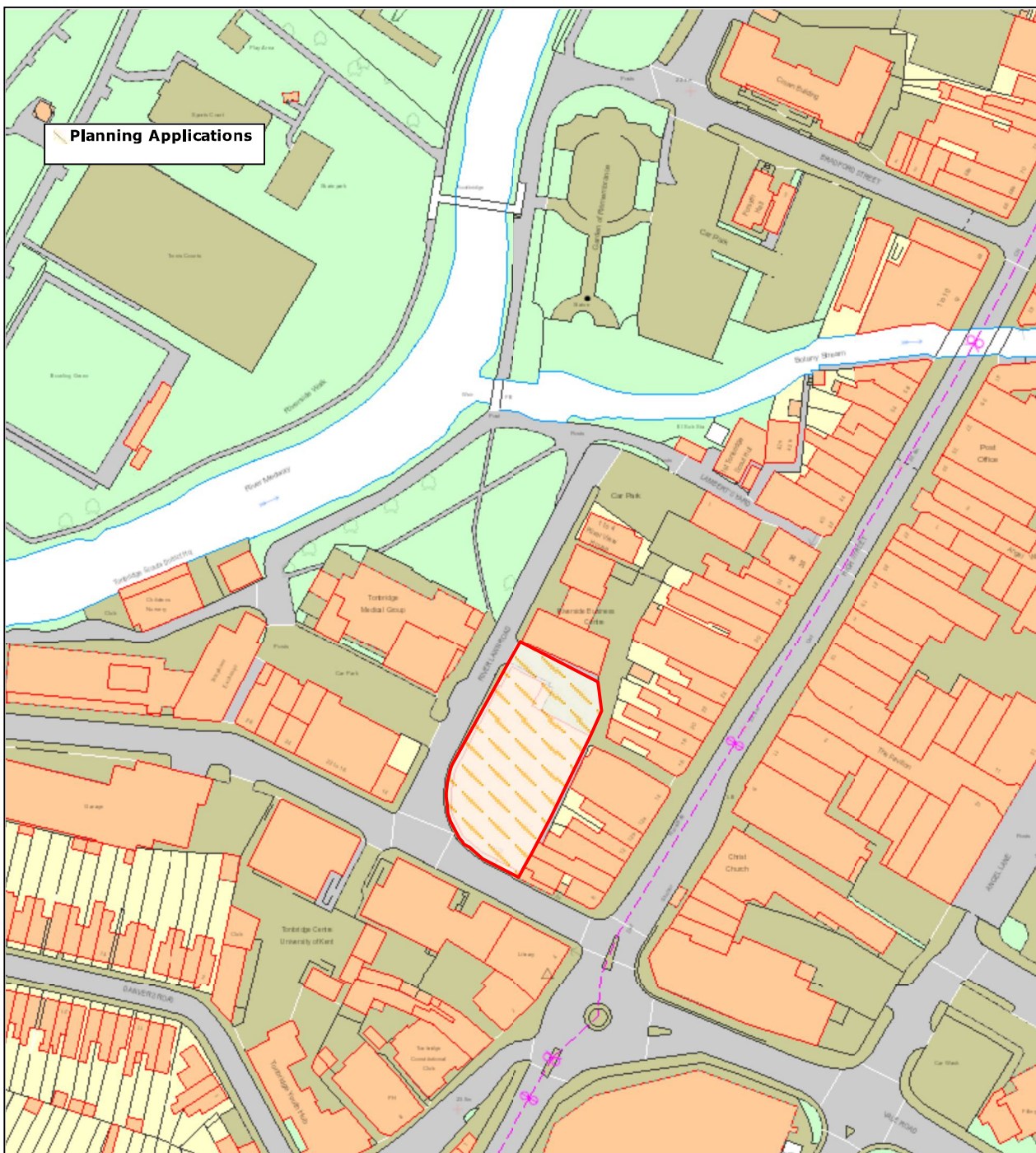
	frames (light grey)	8) Beige coated PPC aluminium window frame 9) Brass gold coated PPC aluminium glass door frame	6) Aluminium powder coated windows. Dark grey. 7) PVC-U gutter and rainwater pipes. Black 8) PV panels - Photovoltaic array 9) Pressed aluminium coping 10) Car Park Entrance Roller Shutter Grille 11) Solid steel doors	7) PVC-U gutter and rainwater pipes. Black 8) PV panels - Photovoltaic array 9) Pressed aluminium coping 10) Car Park Entrance Roller Shutter Grille 11) Solid steel doors	Windows - Anthracite Grey Ral 7016 7) Stainless Steel Balustrade System With Clear Glazed Infill Panels 8) Pressed Aluminium Coping - Alumasc Skyline – Anthracite Grey Ral 7016 9) Marley 100mm Deep Flow Gutter With 68mm Down Pipes - PVC-U - Anthracite Grey 10) Sunpower X-Series Residential Solar Panels X22 360 or Similar Photovoltaic Array

					11) Steel Doors - Anthracite Grey Ral 7016 12) Red Brick - Traditional Brick And Stone Brookmill Blend 13) Red Brick - Traditional Brick And Stone Brookmill Blend 14) With Staggered Horizontal Banding 15) PPC Aluminium Trim Detail - Anthracite Grey Ral 7016 16) PPC Aluminium Curtain Glazing - Anthracite Grey Ral 7016
Enhancements	N/A	N/A	N/A	N/A	Units are M4(2) compliant

					• Greenery incorporated on balconies • Renewable technology incorporated in design (including solar panels). • Feature brickwork on the façade has returned • Window surround detailing
Financial Contributions	• Open Space Contribution: £33,407 • Capital cost of providing additional library bookstock: £672.22	• Open Space Contribution: £51,258 • NHS Contribution: £14,832 • KCC (Libraries) Contribution: £1104.36	N/A	N/A	• Off-site public open space contribution: £2,657

		Affordable Housing: £229,959			

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Planning Applications 24/02011/PA

Scale: 1:1250



Tonbridge & Malling Borough Council
Gibson Building, Gibson Dr
Kings Hill, West Malling
ME19 4LZ
Tel.: +44 1732 844522



Date: 22/9/2025 15:22

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Hildenborough
Hildenborough

24 JUNE 2026

TM/25/00713/PA

Location: Land North of Fir Tree Farm, Riding Lane, Hildenborough

Proposal: Demolition of existing stables and erection of a detached dwelling (Self-build/custom build).

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 This application proposes the demolition the demolition of the existing stable building and the erection of a detached single storey, 3 bed dwelling. This supplementary report should be read in conjunction with the original committee report which can be found at **Annex 1**.

2. Reason for reporting to Committee:

- 2.1 This application was presented to Area 1 committee on 16 October 2025, where Members resolved to grant planning permission subject to a Section 106 agreement in relation to Biodiversity Net Gain and subject to conditions.
- 2.2 The S106 agreement is now complete.
- 2.3 As Members are aware the representations made by South East Water in response to the emerging Local Plan in regard to capacity, is a material consideration. Therefore, this application is being referred back to Committee, for members to consider this specific element. There have been no other material changes.

3. Determining Issues:

- 3.1 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users.
- 3.2 The proposal would relate to one dwelling. South East Water's consultation response to the draft Local Plan is that there is sufficient capacity for up to 2566 dwellings from 2025 to 2029. Due to the small scale of the proposal, it is considered that there is sufficient water infrastructure capacity for the development proposed.
- 3.3 Moreover, it is also material to note that the site already has a water connection in relation to the existing equestrian use, as such it could be argued that the proposal would not result in any additional draw on potable water.

- 3.4 In line with current practice, there is no planning reason to impose a Grampian style condition as the development is for less than 30 dwellings and SE Water would not undertake a capacity check for less than 30 dwellings.
- 3.5 The proposal would therefore be in accordance with Policy SQ5 of the MDE DPD.
- 4. **Recommendation: Approval subject to original S106 and original conditions.**

Contact: Susan Field

Hildenborough
Hildenborough

16 OCTOBER 2025

TM/25/00713/PA

Location: Land North of Fir Tree Farm, Riding Lane, Hildenborough.

Proposal: Demolition of existing stables and erection of a detached dwelling (Self-build/custom build)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing stable building and the erection of a detached single storey, 3 bed dwelling.
- 1.2 The proposed dwelling would be L shaped, approx. 19.5 metres in length x 8.5 metres (at its longest depth) x 4.9 metres to its maximum height.
- 1.3 Access to the dwelling would be via the existing access track from Riding Lane leading to the site. Within the site the existing hard standing area will be extended to provide two parking spaces for the dwelling adjacent to the south western corner.
- 1.4 The dwelling is proposed to be sited within the north western corner of the site within the same footprint of the approved, but not implemented replacement stable building.

2. Reason for reporting to Committee:

- 2.1 This is a Member application which has been presented to committee in line with the constitution E8 - Planning applications made by Councillors and Officers and Council Development.
- 2.2 Criterion E8.6 bullet point 4) states:
 - *In the event that any objections are received to an application, it will need to be determined at the relevant Area Planning Committee.*
- 2.3 Hildenborough Parish Council has raised an objection to the proposal, if officers are minded to approve.

3. The Site:

- 3.1 The site is located to the east of Riding Lane and to the north of Riding Farm and contains a field and buildings for equestrian and ancillary storage use.
- 3.2 The site lies outside of any settlement boundary within the Metropolitan Green Belt and Countryside., To the northwest of the site is an area of Ancient woodland.

4. Planning History (most relevant only):

24/01556/PA - Approved - 27 January 2025

Demolition of existing stables and erection of replacement stables

23/00346/LDE - Certifies - 20 July 2023

Lawful Development Certificate Existing: Use of the buildings for equestrian and ancillary storage.

5. Consultees:

5.1 Hildenborough Parish Council:

Has concerns regarding the planning statement, where the proposal is defined as being on grey belt land. However, it is felt that this is not the case. The proposed development would have a direct impact on the countryside, altering its character—particularly in this predominantly agricultural area. As such, the proposal should be classified as being within the Green Belt.

Furthermore, the proposal would fundamentally undermine the purpose of the remaining Green Belt across the plan area and is therefore in contradiction to the National Planning Policy Paragraph 155. It should, therefore, be considered inappropriate development.

If TMBC are likely to approve this application then our objection/comments would stand.

5.2 Environmental Health Protection:

Foul drainage - It is stated as being unknown what is proposed to be used to deal with the foul water drainage installed for this development.

The applicant shall provide, if non-mains drainage is to be pursued, a document prepared by a suitably qualified and competent person demonstrating why it is not practicable to connect to the public sewer together with full details of the proposed non-mains drainage system including size, location and maintenance regimes. A suitable document for the provision of this information can be found at <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

Informative: The report shall give due consideration to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.

Proposals must be able to meet the Environment Agency's General Binding Rules, which can be found at <https://www.gov.uk/guidance/general-binding-rules-small->

sewage-discharge-to-the-ground, or, where the proposals are unable to meet the general binding rules the scheme must be capable of meeting the requirements of a specific discharge consent upon application to the Environment Agency. Any further guidance should be obtained from the Environment Agency as the UK regulator for the pollution of surface or ground waters and discharge consents.

Please note that the Local Planning Authority will note the submission of this information where provided but will not comment on its technical accuracy or provide technical guidance to the applicant.

Contaminated land - Due to the age of the building to be demolished and the potential for made ground to be present beneath it, a watching brief condition is recommended.

5.3 **KCC Ecology Advice Service:**

A Preliminary Ecological Appraisal (PEA) would typically include an assessment of potential adverse impacts on protected species that may be present within the area (e.g. reptiles, great crested newt, and dormice), however the PEA (Greelink, March 25) only comments on bats and nesting birds.

We note that at least four ponds are present within 250m of the site, and two adjacent to the site (northern and southern boundary). The site is within an Amber Risk Zone for great crested newt (GCN). In the absence of an assessment from an ecologist we presume that GCN may be present within the immediate landscape and onsite, however due to the small scale of proposals it is likely that through the implementation of precautionary impacts to GCN can be avoided without the need for a mitigation licence/DLL application.

The site appears to be heavily grazed modified grassland, which is largely unsuitable for reptiles, though they may be present onsite in low numbers due to the suitability of surrounding habitats or seeking refuge within the woodland and hedgerow boundaries. As with GCN, precautionary measures may be implemented to avoid adverse impacts on this species. The presence of roosting bats has been ruled out, however nesting birds may be present in buildings identified for removal.

No loss of woodland habitat is proposed, however the building within the onsite woodland is scheduled for demolition which may result in temporary disturbance. No consideration of dormice has been given within the PEA, however they may be present. Due to the scale and nature of works it is considered that impacts to dormice can be avoided through the implementation of sensitive working methods, without the need for further survey.

Habitats on and adjacent to the site are ecologically sensitive (broadleaved woodland, ancient woodland, ponds, hedgerows and grassland). These have potential to support a range of protected species, with only roosting bats determined

to be likely absent. In order to avoid impacts on protected habitats and species, we advise that a CEMP is implemented.

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows¹. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2024.

Therefore, to mitigate against potential adverse effects on biodiversity, the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent updates) should be consulted in the lighting design of the development.

We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via condition.

BNG - Though proposals are for a self-build application, the site exceeds 0.5ha and therefore the self-build exemption does not apply. A BNG metric and associated report have been provided (Greelink Ecology, May 25).

We consider a net gain of biodiversity onsite to be achievable, and that these gains are considered on site significant due to the extent of medium distinctiveness habitat creation. We note that the new woodland creation is to occur within the area mapped as hardstanding at baseline, however the area of newly created woodland does not equate to the amount of hardstanding to be lost, and no other created woodland appears to be shown on the post-development habitats plan. This will need addressing within final BNG calculations, however it is not considered to significantly impact net gain calculations

As net gains are on site significant, there is a need for a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery secured via a condition.

Additional opportunities to secure enhancements from biodiversity, otherwise not secured within the HMMP, should be sought onsite. The PEA (Greenlink Ecology,

March 25), recommends the incorporation of 4 x tree mounted bat boxes within retained woodland, and 8 x vegetation mounted bird boxes within retained woodland. In addition to this we also recommend that log piles, hedgehog houses, dormouse boxes and insect hotels are provided onsite.

Bird boxes should be durable (i.e. woodcrete) and designed to target a range of woodland specialist species. This should include at least one of the following: universal nest box, open-fronted nest box, tree creeper nest box and tawny owl nest box. The newly created structure will be timber clad and therefore integrated nest boxes will likely not be feasible.

The PEA has not made consideration of the potential presence of dormice, though we consider that they may be present onsite and within the immediate area, due to the suitability of woodland habitat and the strong connectivity to areas of offsite ancient woodland. Proposals should include 2 x dormouse boxes within suitable areas of woodland to provide enhancements for this species, secured via a suggested condition.

5.4 **Upper Medway IDB:**

The site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application.

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3.

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

5.5 **Interested Parties:** No comments received

6. Relevant Policy & Determining Issues:

Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025) and the Hildenborough Character area SPD.

Principle of Development

- 6.4 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, *“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”*.
- 6.5 It is not disputed that the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council’s latest published position (December 2024) indicates a 2.89 year supply of housing.
- 6.6 As a consequence, the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for housing. For decision taking this means:
 - 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

- 6.7 In relation to Paragraph 11d (i), footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, this includes land within the Green Belt and Irreplaceable Habitats. Therefore, it must first be established whether the policies in this Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development.

Ancient Woodland

- 6.8 Since 2018, all editions of the NPPF, have afforded Ancient Woodland a high level of protection, classifying it as "irreplaceable habitat". The current NPPF 2024 protects irreplaceable habitat at paragraph 193(c), stating:

Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.9 In this case Ancient Woodland designation is not directly on the site itself. However, the 15 metres buffer zone does encroach into the north western corner of the site and moreover the western end of the existing stable building is within that 15 buffer zone, but for the purposes of 11 d i) the site is not within an area classified as irreplaceable habitat.
- 6.10 Moreover, the proposal would see the removal of the existing stable building within the buffer zone. The proposed dwelling would be sited 15 metres further to the south than the existing building and consequently the proposed building would be significantly outside of the Ancient Woodland buffer zone.
- 6.11 The proposal would not result in the loss or deterioration of Ancient Woodland, on this basis and with reference to the aforementioned considerations there would be no 'strong' reason to refuse the proposal in respect of Para. 11d (i) in regard to irreplaceable habitats.

Green Belt

- 6.12 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy. Paragraphs 153 – 160 of the NPPF relate specifically to the determination of proposals that affect the Green Belt.
- 6.13 Paragraph 153 states when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the

Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.14 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless it meets the exemption listed. Exceptions to this include:

g) Limited infilling or the partial or complete redevelopment of previously developed land, (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt.

6.15 The site comprises a stable block and associated paddocks, and it is not disputed that the site would be considered previously developed land as defined in Annex 2 of the NPPF.

6.16 Therefore, the test to be applied is whether the proposal would cause 'substantial' harm to the openness of the Green Belt.

Assessment on openness

6.17 With regard to openness, the leading court cases of Turner [2016] and Samuel Smith [2020] and numerous subsequent appeal decisions have confirmed that Green Belt openness has a spatial dimension and a visual dimension. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach alone; rather, it is also necessary to consider the spatial implications of the proposal.

6.18 Moreover, it must not be forgotten that these dimensions work in tandem and not in isolation, and in context, a synergy that is not always transparent in assessments of effects on openness, which can appear heavily weighted towards the spatial aspect.

6.19 Therefore, when assessing whether the development as a whole would cause substantial harm to openness of the Green Belt, it is necessary to look at the wider implications of the proposal and to consider it within its context. The impact on openness will vary according to factors such as size and scale, and the prominence from public and private viewpoints.

6.20 Turning first to spatial: The site currently contains two buildings, a larger single storey detached stable building with a store, and a smaller single storey timber building. The proposed development seeks to demolish the existing structures.

6.21 It is clear, based just on the spatial element, that the proposal would result in a materially larger building than that which currently exists on site, due largely to the increase in height. However, when compared to the extant permission for the stable building, which is a material consideration, whilst still seeing an increase in height the difference spatially would not be so significant. The approved stable building is

similar in length and width with a maximum roof height of 4.6 metres, the proposed building has a roof height of approx. 4.9 metres.

- 6.22 Turning to the 'visual' perception the perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.
- 6.23 In this case, the proposed building would be more visible due to its proposed location, albeit that views would be largely limited to within the site itself due to the existing boundary treatment. However, as with the spatial element, regard must be given to the extant permission. The proposed building would be sited on the same footprint as the extant permission and in that regard visually the proposal would not cause substantial harm to the openness of the Green Belt.
- 6.24 Therefore, to conclude, on the impact on openness, in this case the proposal would not cause substantial harm to openness of the Green Belt. The proposal is for one dwelling which would be considered 'limited infilling on previously developed land' as such would comply with Paragraph 154 g) NPPF thus being appropriate development in the Green Belt.
- 6.25 Parish Council comments in relation to the site being inappropriate development has been noted. However, footnote 55 of the NPPF is clear that substantial weight is not given to any harm identified to the Green Belt, including harm to its openness on development that has been identified as appropriate development on previously developed land or grey belt land (which is considered next) as in this case.

Grey Belt

- 6.26 Turning next to Grey Belt, paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 (if applicable).
- 6.27 Turning first to criterion a) (para. 155) the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:

“Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

- 6.28 The site is previously development land and whilst adjacent to an irreplaceable habitat, the site is not within that designation as such the site is not located in any of the other assets referred to in footnote 7. Therefore, the next step would be to establish if the parcel of land ‘strongly’ contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:
- a) To check the unrestricted sprawl of large built-up areas.
 - b) To prevent neighbouring towns merging into one another
 - d) To preserve the setting and special character of historic towns
- 6.29 In relation to purpose a) – unrestricted sprawl of large built-up areas: Hildenborough within the TMBCS Policy CP12 is defined as a Rural Service Centre. Hildenborough is therefore not a large built-up area for the purpose of criterion a).
- 6.30 Moreover, the PPG has recently been updated to reflect the changes to the NPPF and now provides detailed guidance on how to assess Green Belt purposes [Paragraph: 005 Reference ID: 64-005-20250225].
- 6.31 As set out in the PPG, assessment areas that contribute ‘strongly’ are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:
- be adjacent or near to a large built-up area
 - if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
- 6.32 The site itself is not free of development and has strong physical features that would restrict and contain the development, these being the established boundaries marking all four sides and the adjacent ancient Woodland to the north/north west. Therefore, Officers are of the opinion that the site would not ‘strongly’ contribute to purpose a).
- 6.33 Turning next to purpose b) - To prevent neighbouring towns merging into one another. In this case the proposal due to the location of the site would not result in neighbouring towns merging into one another.
- 6.34 In regard purpose d) - To preserve the setting and special character of historic towns. Hildenborough is not considered a historical town.

- 6.35 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not ‘strongly’ contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as ‘Grey Belt’ land. This is confirmed by PPG which states *“After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development”*. [Paragraph: 007 Reference ID: 64-007-20250225].
- 6.36 Turning next to Criterion b) – There is a demonstrable unmet need for the type of development proposed. The Council cannot demonstrate a five year supply of deliverable housing sites.
- 6.37 In regard to c), this requires development to be in a sustainable location. 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, which are interdependent and need to be pursued in mutually supportive ways.
- 6.38 Sustainable development is also re-iterated in policy CP1 of the TMBCS. This policy requires all proposals for new development to deliver a high-quality sustainable environment and seeks to ensure that adequate provision is made for housing to meet the needs of existing and future residents of the Borough in line with the evolving need and requirements
- 6.39 The site is not isolated and whilst the access to the site itself is ‘lengthy’, it is considered that the site is within a reasonable walking and cycle distance to local services and general everyday facilities. There are bus stops in Riding Lane close to the access which would provide links to the wider area. However, it is also acknowledged that there is no footway or street lighting in the vicinity and therefore this is likely to deter some journeys in the winter months. Therefore, whilst it is noted that the site would be to some extent more reliant on a motor vehicle, having regard for paragraph 110 NPPF which acknowledges that *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan making and decision taking”* on balance officers consider the site to be of moderate sustainability.
- 6.40 Last criteria d) states where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156 & 157. The proposal is not for ‘major development and therefore criterion d) is not applicable.
- 6.41 Officers have had regard to the Parish Council comments in relation to the site not being on Grey Belt land and that the development would have a direct impact on the countryside, altering its character. However, having regard to the

aforementioned considerations Officers are of the opinion the site would be Grey Belt.

- 6.42 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.
- 6.43 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].
- 6.44 It therefore follows that as not being inappropriate development Paragraph 11 d (ii) is engaged and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

Countryside

- 6.45 Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy predates the NPPF and is not considered to be consistent with the NPPF and therefore diminished weight is afforded to the policy in this case.

Assessment on Character and Appearance

- 6.46 Paragraph 131 (NPPF) highlights the importance of creating high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.47 Paragraph 135 (NPPF) seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 6.48 Policy SQ1 Managing Development and the Environment Development Plan, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.
- 6.49 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.50 It is not disputed that the existing buildings on the site have no architectural merit however, they are still considered appropriate in their appearance for their intended use and as buildings associated with rural/semi rural areas.
- 6.51 The replacement building is of a similar size and L shaped in design to the extant permission. The proposed dwelling is considered to reflect the rural vernacular. The feature front gable adds interest to the front elevation which is also replicated in the projecting western element.
- 6.52 The external materials proposed are timber cladding for the walls under a tile roof. These materials in principle will harmonise with other nearby rural buildings and are similar to the existing structures. The building would have an authentic rural character whilst meeting modern sustainability standards. If permission is forthcoming a condition would be imposed for the finer details of the materials to be submitted to and approved by the LPA.
- 6.53 In terms of the positioning of the dwelling within the site, as noted previously the dwelling would be sited on the location of the approved stables. This sees the building moved forward from the northern boundary increasing the distance away from the buffer area to the Ancient Woodland. The Planning Statement indicates that this area would be demarcated from the dwelling with fencing to preserve and enhance the Ancient Woodland buffer.
- 6.54 It is suggested that permitted development rights are removed for extensions to the dwelling as this will allow a level of control and ensure that any extension to the rear or side of the dwelling would not impact on the Ancient Woodland and Green Belt.
- 6.55 The parking spaces have been located close to the entrance of the site in order to prevent the need for additional hard surfacing. The dwelling itself will then only be accessed via a pedestrian pathway. In order to ensure this is retained it is suggested that permitted development rights are removed in relation to hardstanding albeit it is noted that extending the parking area would be forward of the front elevation and therefore subject to a certain level of control.
- 6.56 To conclude on character and appearance, it is considered that the proposal would not harm the overall character and appearance of the immediate area in compliance with paragraph 135 (NPPF), Policy CP24 of the Tonbridge and Malling Borough

Core Strategy and Policy SQ1 Managing Development and the Environment
Development Plan.

Assessment on Access and Parking

- 6.57 Policy CP2 (TMBCS) states that any new development that is likely to generate a significant number of trips should adhere to policy requirements including being “(d)...compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated”.
- 6.58 This policy is also supplemented by Policy SQ8 (MDE DPD) which states 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.”*
- 6.59 Policy DC6 (MDE DPD) states: “In consideration of development proposal which are in the vicinity of, or are served by, rural lanes, permission will only be granted where: (a) the development conserves and, where appropriate, enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety”.
- 6.60 Turning first to the access the proposal would utilise the existing access from Riding Lane. Visibility from the existing access is considered to be good and the proposal being just for one dwelling will not significantly impact on vehicular movements at the access, especially having regard to the existing vehicle movements to the existing and proposed stables.
- 6.61 Turning next to parking, Kent County Council’s Parking Standards (January 2025) (Appendices Table 1) set out that the provision for a 3 bed house in a rural location, is 2 spaces per unit in the form of one or both spaces being allocated if possible. The application proposes two vehicle parking spaces located close to the existing access track. It is also noted that there is sufficient space within the site to accommodate a visitor space if required.

Assessment on Neighbour Amenity

- 6.62 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.63 Paragraph 135 (f) of the NPPF advises that:
- “Planning policies and decisions should ensure that developments 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”.

- 6.64 The nearest dwelling is Fir Tree Farm located some 60 metres to the south. Due to the size of the dwelling proposed and the distances between the properties, there would be no impact on Fir Tree Farm in terms of loss of privacy, overlooking or an overbearing effect from the proposed dwelling.
- 6.65 Therefore, to conclude on neighbour amenity, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF.

Living conditions of future occupiers

- 6.66 The Nationally Described Space Standards states that for a 3 bed, 5 person dwelling set over one floor, 86 square metres is required plus 2.5 sqm for storage. The proposed dwelling would comprise 98 square metres and therefore would comply with the minimum standards.
- 6.67 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Biodiversity and Ecology

- 6.68 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.69 Policy NE2 MDE DPD, outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 MDE DPD also states 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 an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.
- 6.70 The application is accompanied by a Preliminary Ecological Appraisal (PEA) (Greenlink Ecology dated March 2025). KCC Ecological Advice Service has reviewed the submitted information and whilst raising a comment in relation to the PEA not referring to reptiles, great crested newts (GCN) and dormice, are satisfied

that sufficient information has been submitted. KCC Ecology note that due to the small scale of proposals it is likely that through the implementation of precautionary impacts to GCN can be avoided without the need for a mitigation licence/DLL application.

- 6.71 It is also noted that the site appears to be heavily grazed modified grassland, which is largely unsuitable for reptiles, though they may be present onsite in low numbers due to the suitability of surrounding habitats or seeking refuge within the woodland and hedgerow boundaries. As with GCN, precautionary measures may be implemented to avoid adverse impacts on this species.
- 6.72 In regard to dormice no loss of woodland habitat is proposed, and moreover due to the scale and nature of works it is considered that impacts to dormice can be avoided through the implementation of sensitive working methods, without the need for further survey.
- 6.73 In consideration of the above, a pre commencement Construction Environmental Management Plan (CEMP) condition is suggested. The CEMP will include measures to avoid impact to GCN, reptiles, hedgehog and dormice.
- 6.74 In addition, KCC Ecology also suggest a lighting condition to mitigate against potential adverse effects on bats.
- 6.75 Turning next to Biodiversity Net Gain (BNG) - Under section 40 of the NERC Act (2006) and paragraph 187 of the NPPF (2024), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 193 of the NPPF (2024), the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged.
- 6.76 Under the Environment Act 2021, all planning applications for small scale development (unless exempt), will have to deliver at least a 10% biodiversity net gain.
- 6.77 In this case whilst the proposal is for a self build dwelling, this exemption applies only if the self build meets certain criteria, one of which relates to the size of the site. In this regard the site exceeds the 0.5 hectares exemption and therefore the self build exemption does not apply.
- 6.78 A BNG metric and associated report have been provided (Greenlink Ecology, May 2025). This demonstrates that a net gain of +2.09 units (+76.31%) can be achieved onsite through new woodland creation and enhancement of modified grassland to other neutral grassland. Additionally, a net gain of +0.41 hedgerow units (+135.43%)
- 6.79 KCC Ecology consider a net gain of biodiversity onsite to be achievable, and that these gains are considered significant due to the extent of medium distinctiveness habitat creation. KCC Ecology note that the new woodland creation is to occur

within the area mapped as hardstanding at baseline, however the area of newly created woodland does not equate to the amount of hardstanding to be lost, and no other created woodland appears to be shown on the post-development habitats plan. This will need addressing within final BNG calculations; however it is not considered to significantly impact net gain calculations.

- 6.80 As net gains on site are significant, there is a need for a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.
- 6.81 The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery. In regard to the above KCC Ecology has suggested a pre commencement condition for a Habitat Management and Monitoring Plan (HMMP) to be submitted. However, as the BNG requires monitoring, the applicant is required to enter into a S106 agreement and will be subject to BNG monitoring fees.
- 6.82 Additional opportunities to secure enhancements from biodiversity, otherwise not secured within the HMMP, should be sought onsite. The PEA (Greenlink Ecology, March 25), recommends the incorporation of 4 x tree mounted bat boxes within retained woodland, and 8 x vegetation mounted bird boxes within retained woodland. In addition to this we also recommend that log piles, hedgehog houses, dormouse boxes and insect hotels are provided onsite.
- 6.83 As stated above the PEA has not made consideration of the potential presence of dormice, though it is considered that they may be present onsite and within the immediate area, due to the suitability of woodland habitat and the strong connectivity to areas of offsite ancient woodland. Proposals should include 2 x dormouse boxes within suitable areas of woodland to provide enhancements for this species. These biodiversity Enhancements would be secured via a condition.

Flooding / Drainage

- 6.84 Developments can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, Core Policy CP10 provides the framework for guiding development away from areas at high risk from flooding. Policy CC3 of MDE DPD relates sustainable drainage. This notes, *“Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development”*.

- 6.85 The application forms indicate that surface water will be dealt with via SuDs, however, in regard to foul sewage this is currently unknown.
- 6.86 There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case.
- 6.87 In regard to Foul sewage the Councils Environmental Health Officer suggests details are secured via a suitably worded condition together with an informative advising the applicant that any report needs to have regard to National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.
- 6.88 In addition, the site is also near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply.
- 6.89 Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.
- 6.90 The Board has reviewed the documents submitted in support of the above planning application and has noted works which may require Land Drainage Consent from the Board. The Board cannot see that the applicant has identified a drainage strategy for the site within their application and as such recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, or to discharge treated foul water to a watercourse consent would be required under Byelaw 3.
- 6.91 A condition is therefore suggested to be imposed for details of both surface water and foul drainage to be submitted to and approved by the LPA.

Contamination

- 6.92 The Council's Environmental Health Protection Officer has reviewed the application and considers due to the age of the building to be demolished and the potential for made ground to be present beneath it, a watching brief condition is recommended.

Public Sector Equality Duty – Equality Act 2010

- 6.93 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

- 6.94 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.
- 6.95 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.
- 6.96 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.97 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.98 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

Planning Balance

- 6.99 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for housing.
- 6.100 Consequently, permission should be granted unless as the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed

- 6.101 In regard to Green Belt it has been established that the proposed development would not cause sustainable harm to openness of the Green Belt, (also having regard to footnote 55 NPPF) and as such there would be no strong reason to refuse the proposal under paragraph 11 d i) in relation protected areas
- 6.102 It has also been established that the site would comprise Grey Belt land.
- 6.103 Therefore paragraph 11 d ii) is engaged and planning permission should only be refused if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taking as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination
- 6.104 In weighing the proposal in the overall planning balance required by 11 d (ii) the Council acknowledged that the scheme would provide the provision of a new dwelling, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, this attracts substantial weight in favour of the proposal even acknowledging that the provision is for only one dwelling.
- 6.105 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.
- 6.106 The fallback position, which sees planning permission granted for the erection of a stable building of comparable size is extant and therefore a material consideration in the assessment of harm to the openness of the Green Belt attracting significant weight in the planning balance.
- 6.107 It has been concluded that that there would be no unacceptable impact on character and appearance, neighbouring properties, ecology, highway safety or parking provision subject to conditions and the proposal would be acceptable in terms of design and living conditions. However, absence of harm in relation to these matters is not a benefit of the scheme, but rather, weighs neutrally in the planning balance.

Conclusion of Planning Balance

- 6.108 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval subject to conditions.

7. Recommendation: Approved subject to S106 and conditions as follows:

Heads and Terms S106: Monitoring HMMP

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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

Site Location Plan Drawing No. SLP.01

Proposed Block Plan Drawing No. S.02 Rev P2

Proposed Floor Plan Drawing No P.01 (received 30 September 2025)

Proposed Elevations Drawing No. P.02

Planning Statement (Highgate, April 25)

BNG Metric and Report (Greenlink Ecology, May 25)

Preliminary Ecological Appraisal (Greenlink Ecology, March 25)

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.

3. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, 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.

Reason: In the interests of visual amenity

4. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft landscaping and boundary treatment 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 interest of visual amenity.

5. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread.
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level

Reason: In the interests of visual amenity

6. No development shall take place (including any ground works, site or vegetation clearance) until a construction environment management plan for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following and be based on the PEA (Greenlink Ecology, March 25), but should also include measures to avoid impacts to GCN, reptiles, hedgehog and dormice.
- a) Purpose and objectives for proposed mitigation works during construction:
 - b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
 - c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives
 - d) Extent and location of proposed mitigation works shown on appropriate scale maps and plans, with reference to: pollution avoidance measures (noise, dust, lighting and run-off), protection of retained trees, adjacent ancient woodland, and precautionary measures for breeding birds, roosting bats, hedgehog, dormouse, reptiles and great crested newts;
 - e) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction;

- k) Persons responsible for implementing the mitigation works, including any times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- l) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- m) Disposal of any wastes for implementing work.

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

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

7. Prior to occupation, a lighting plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity and will avoid adjacent woodland habitats.

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

Reason: to avoid adverse impacts on nocturnal species, including bats and owls

8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and including the information required by (a) to (e) below, has been submitted to, and approved in writing by, the local planning authority:
 - (a) A non-technical summary;
 - (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) The planned habitat retention, creation and enhancement works to conserve, create and/or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan. This shall include the provision of scaled and detailed soft landscaping plans, as well as planting schedules;
 - (d) The management measures to conserve, maintain and improve habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

- (e) The monitoring methodology and frequency by suitably qualified person, in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed, created and maintained in accordance with the approved HMMP

Reason: To satisfy the requirements of Biodiversity Net Gain.

9. Prior to the commencement of any works above slab level, the ecological enhancement measures detailed within KCC EAS Ecological Advice note dated 13/06/25 shall be implemented and maintained thereafter.

The development hereby permitted shall not commence until:

- At least 8 durable bird nest boxes targeting woodland species are installed in suitable retained woodland habitat.
- At least 4 durable bat boxes are installed in suitable retained woodland habitat
 - At least one hedgehog house is provided within retained habitat way from potential disturbance
- At least one log pile is created within woodland or at woodland edge, sourced from local and sustainably sourced materials [from onsite resources if possible]
- At least one insect hotel is provided within retained habitat
- At least two dormouse boxes are installed within areas of retained woodland have been installed/created in accordance with best practice, as well as written and photographic evidence of the installation/creation has been submitted to the local planning authority.

Reason: In the interest of protective species.

10. No development other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul and surface water resulting from this development proposal are to be managed in accordance with the hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions

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

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

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

Reason: In the interests of amenity and public safety

- 12 The development hereby approved shall not be occupied until the parking spaces shown on Proposed Block Plan Drawing No. S.02 Rev P2 have been constructed for use of the proposed dwellings. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking space without the approval of the Local Planning Authority.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards

13. Prior to the occupation of the dwelling, detail of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwelling shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development falling within Classes A, D E or F of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development on the site and to avoid harm to visual and residential amenity that could otherwise occur without such restrictions.

Informatives

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
- (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
- (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

3. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. The applicant is therefore advised to prohibit fires on site during the development stage of this project

4. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

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

6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmhc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation

7. The report shall give due consideration to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided in the form of a report and must be submitted with the application for it to be registered.

Contact: Susan Field

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Hildenborough
Hildenborough

24 JUNE 2026

TM/24/00733/PA

Location: Riding Farm, Riding Lane, Hildenborough, Tonbridge TN11 9LN

Proposal: Demolition of existing buildings and erection of eight residential dwellings together with access, parking, drainage, landscaping, and associated works.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 This application proposes the demolition of the existing indoor riding arena to the north of the site together with other associated buildings and the erection of eight residential dwellings, together with access, parking, drainage, landscaping and associated works. This supplementary report should be read in conjunction with the original report at **Annex 1**.

2. Reason for reporting to Committee:

- 2.1 This application was presented to Area 1 committee on 08 January 2026, where Members voted to grant planning permission subject to a Section 106 agreement in relation to securing open space contributions and subject to conditions.
- 2.2 The S106 agreement is ready for completion.
- 2.3 As Members are aware the representations made by South East Water in response to the emerging Local Plan in regard to capacity, is now a material consideration. Therefore, this application is being referred back to Committee, for members to consider this specific element. There have been no other material changes to the application.

3. Determining Issues:

- 3.1 Policy SQ5 (Water Supply and Quality) of the MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users.
- 3.2 The proposal would relate to eight dwellings. South East Water's consultation response to the draft Local Plan is that there is sufficient capacity for up to 2566 dwellings from 2025 to 2029. Due to the small scale of the proposal, it is considered that there is sufficient water infrastructure capacity, at the present time for the development proposed and therefore the proposal would accord with policy SQ5.

- 3.3 In line with current practice, there is no planning reason to impose a Grampian style condition as the development is for less than 30 dwellings and SE Water would not undertake a capacity check for less than 30 dwellings.
4. **Recommendation: Approval subject to the original S106 and original conditions.**

Contact: Susan Field

Hildenborough
Hildenborough

8 JANUARY 2026

TM/24/00733/PA

Location: Riding Farm, Riding Lane, Hildenborough, Tonbridge TN11 9LN

Proposal: Demolition of existing buildings and erection of eight residential dwellings together with access, parking, drainage, landscaping, and associated works.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the demolition of the existing indoor riding arena to the north of the site together with other associated buildings and the erection of eight residential dwellings, together with access, parking, drainage, landscaping and associated works.
- 1.2 The proposal comprises two pairs of semi-detached 2 and 3 bed dwellings, together with two further detached 3 bed dwellings, and a detached 4 and a detached 5 bed dwelling. (2 x 2 bed, 4 x 3 bed, 1 x 4 bed and 1 x 5 bed).
- 1.3 Each dwelling is afforded two allocated parking spaces located at the front, with a further three visitor spaces within the courtyard area.

2. Reason for reporting to Committee:

- 2.1 The application is present to committee at the request of Councillor Rhodes, as the site is located within the Metropolitan Green Belt.

3. The Site:

- 3.1 The site which relates to part of the Riding Farm equestrian centre is located on the western side of Riding Lane. The site lies outside of any defined settlement boundary within the Metropolitan Green Belt and Countryside.
- 3.2 The site comprises and large indoor riding arena and other associated buildings, together with hardstanding and a pond. The remaining elements of Riding Farm Equestrian Centre located to the south and west (outside the red line area) are to remain.
- 3.3 The site is surrounded by built form to the east, south and west. To the north is woodland, beyond which is linear residential development fronting Vines Lane. To the east is Riding Lane, to the northeast is Hadlow College and to the southeast is Farm Cottage, beyond which is agricultural land. To the south is the residential cul-de-sac Garlands, and to the west is agricultural land.

- 3.4 Bridleway MT53 runs along Riding Lane and to the east of the site. Public footpath MT24 passes close to the southern part of the site

4. Planning History (relevant):

23/03117 - Approved - 03 June 2024

The construction of a 20m x 50m sand school to be fenced with post and rail fencing together with all engineering operations.

21/01571/FL - Approved - 06 September 2021

Provision of a sand school roof.

5. Consultees:

- 5.1 **Hildenborough Parish Council:** Object to the proposed planning application.
Summary of Points:

- Metropolitan Green Belt and National Planning Policy– The application is neither sympathetic nor appropriate development in the Metropolitan Green Belt. Also, it is not compliant with National or local planning policy.
- Volume and Density of Development – Proposing 8 properties in this relatively small plot of a previous barn, sitting very close to neighbouring properties, feels overly ambitious and leads to various other negative impacts to the surrounding properties such as overlooking on their privacy, visual harm, noise and light pollution
- Access and Highways - There is concern surrounding site access, lack of public transport and safety concerns due to poor access to the public highway. Riding Lane is rural, has no footpaths and is dark at night. The single site entrance, currently also used by a busy riding school which is expanding, will put pressure on traffic and potentially cause queues in and out, danger to pedestrians and other road users.
- Flooding and Water Management – Surrounding properties already experience surface water flooding due to the impermeability of clay soil, additional hardstanding development would increase this risk. This will be further exacerbated by the proposed tree clearance on the site.
- The development would result in a net biodiversity loss with little consideration for the existing environmental situation, particularly the suggestion that there is little impact to bats despite being in such an optimal location, along with Greater Crested Newts for which there does not appear to have been a survey.
- There has been no planning consideration within the application for sufficient, efficient or sustainable utilities provision and plans made for waste removal are deemed unsustainable.

- If, planning officer is minded to approve the application The Parish Council would suggest several conditions, listed at the end of the detailed comments.
- In summary, this is an over development in a rural lane and out of keeping with the setting, sitting very close to local residents' properties and an ever growing riding school facility and sitting in Metropolitan Green Belt. It is not appropriate development within the NPPF and does not justify any exemptions and will have a negative impact on the local residents and road users, setting a precedent.

5.2 **Housing Services:** No comments received.

5.3 **Leisure Services:** Open space demand generated by the development (net, sq. m) 1222.40.

In regard to the level of financial contribution that should be sought, this has been calculated using the approved open space contributions shown in Figure 7 in Annex D to the MDE DPD and the Open Space Calculator (please Figure 8 in Annex D for a worked example). With respect to the development proposal, the following contributions should be sought:

Parks & Gardens – £8,356

Amenity Green Spaces – £378

Outdoor Sports Facilities - £15,330

Children's and Young People's Play Areas - £2,013

Natural and Semi Natural Green Spaces – £2,096

If provision is not made on or off-site, a sum total contribution of £28,172 should be sought (this is further highlighted on the Open Space Calculator attached).

5.4 **Environmental Health Protection:**

Noise

The applicant has provided a noise assessment produced by Dice Environmental reference 101161-R02 dated 4 December 2023 which considers the noise environment of the site and makes acoustic design recommendations. The report's contents have been assessed, and it is advised a condition be placed requiring, prior to construction, a report to be provided detailing all noise mitigation measures to be incorporated into the development including an assessment of plant noise limits and of overheating requirements.

Odour and flies

It is critical that the position of the manure waste pile produced by the stables and the arrangements for its disposal do not cause detriment to the amenity of the new occupiers. Further information is required to ensure this is not the case.

Hours/bonfires informative

During the demolition/construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. Therefore, if it is possible to prohibit the use of bonfires by way of a planning condition, I would advise that a suitable condition be attached if planning permission is to be recommended. Alternatively, an informative should be attached to this effect.

Contaminated land

Based on the review of Geo-Environmental Investigation (Ground and Environmental Services Limited, May 2023)

The report presents the findings of a desk study and intrusive investigation. It adequately reviews the history and environmental setting of the site. Intrusive works included soil sampling and ground gas monitoring. Significant contamination was not identified. A single positive asbestos sample and a single slightly elevated lead concentration were identified in the soil,

However both of these were to be located under proposed buildings so did not require any remediation. It should be noted that this conclusion was based on a different proposed site layout and as such there should be some consideration as to whether this would change the recommendations. A clean cover system is recommended in residential gardens due to the lack of suitable growth media. As the report should be updated to reflect the proposed site layout, I would recommend conditions.

5.5 Waste Services: I note from the documentation that:-

“Refuse for the proposed residential development will be collected via the private contractor that currently looks after the stables within the existing equestrian centre. This will ensure all refuse associated with the site is collected via the same private contractor. With the existing arrangement notably working efficiently to date. “

This is unusual as it is usually the LA that deals with the collection of waste from domestic properties. If this arrangement is to stand then T&M will not be providing wheeled bins for the containment/collection of materials from the development. Is the existing private contractor able to offer the range of recycling facilities and garden waste collections that we currently offer our borough residents.

If the residents are paying Council Tax, then they should be allowed the choice to opt in to the range of refuse, recycling, food and garden waste collections we offer as a minute part of their council tax payments. For ease I think it would have to be all in or

all out and not a mixture. Also, need to bear in mind Government targets and expectations for domestic properties in relation to refuse and recycling.

5.6 **West Kent PRow:**

The first part of the bridleway physically and legally follows the alignment of the current vehicular access from Riding Lane as far as the first mature tree on the north side at the corner.

From this point northwards, the used route continues along the access road to the gate into the enclosed bridleway although, legally from this point, it should start to cross onto the verge, although over the years this space has become occupied by a post and rail fence, two telephone poles and three mature trees and these would all have to be removed if the intention is to return the bridleway to the verge. If this is not the intention, then the shared nature of use (private vehicular and public equestrian/cycle/pedestrian) will need to be taken into account, as it will on the initial shared use section.

At present, no measures appear to have been considered with regard to mitigating the impacts of this shared use, beyond the placement of one rubber hump across the proposed new driveway to the houses, just beyond the existing bridleway gate.

If the Council is minded to grant permission for this development, I would ask that a condition is applied that no development shall commence until agreement has been reached with the Public Rights of Way and Access Service of Kent County Council with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles. This condition is required to protect the safety of members of the public using the public bridleway.

5.7 **Southern Water Services:**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and

surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

5.8 Kent Highway Services:

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

Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

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

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

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).

Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

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

Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, prior to the use of the site commencing.

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.

5.9 KCC Heritage Conservation: No comments received

5.10 KCC Ecological Advice Service: No objection subject to conditions

We have reviewed the information submitted by the applicant and advise that sufficient ecological information has been provided.

We have taken this view due to the site consisting of mostly hardstanding or existing buildings, which are likely to be of low ecological value. For the woodland and Mixed scrub that are proposed to be lost, we are satisfied that through Biodiversity Net Gain (BNG) these habitats will be to be mitigated for by on-site and off-site habitat enhancements and creation.

There is a pond on site but it is currently not managed and eDNA tests showed that it is not currently used by Great Crested Newts (GCN). Therefore, we are satisfied that it is unlikely GCN are using the site and no further surveys regarding GCN are required. We are satisfied that the pond is to be retained and proposed to be enhanced from poor to moderate condition through BNG requirements.

We are satisfied that for protected species potentially on site, appropriate precautionary approaches have been proposed. We recommend that the site be managed to remain in its current state to deter protected species from establishing on site.

Precautionary Measures

Reptiles - The improved grassland, dense scrub, broadleaved woodland and tall ruderal provide some foraging, commuting and sheltering habitat for reptiles, but is not optimal/preferred by reptiles. The brash/rubble piles provides suitable sheltering habitat for reptiles. The surrounding area around site is either residential or agricultural, both of which are unlikely to be suitable for reptiles.

Due to the suboptimal habitats on site and lack of connectivity to suitable habitats, we are satisfied that it is unlikely that reptiles are on site and no further surveys regarding reptiles are required. As a precautionary measure due to suboptimal habitats and brash piles being present on site, suitable clearance methods of the onsite habitats have been set out in the EcIA (Section 6.4.28-6.4.31). We advise that these measures are followed during the clearance works.

Badger - No setts or signs of badger were found during survey. As 12 months will have lapsed since the last survey (conducted in February 2024), an updated survey is required before the start of works to ensure that badgers have not colonised the site. This updated survey has been identified as necessary in the Ecological Impact Assessment (EcIA) (section 6.4.2).

Bats A preliminary roost assessment of the buildings and trees on site was conducted. Some of the buildings were assessed as having potential roosting features for crevice dwelling bats as small gaps and spaces were identified, and suitable access to these features was available for bats. However, due to lack of insulation or way of regulating the temperature, plus when inspected there were no signs of bats using them, it has been deemed that these features are of negligible

suitability for roosting bats. We are satisfied that no suitable roosting features were found in any of the trees. Therefore, we are satisfied that no further surveys regarding roosting bats are required.

As a precautionary measure due to the presence of potential roosting features in some of the buildings to be demolished, suitable bat precautionary method of works have been provided for the dismantling of the buildings in the EclA (Section 6.4.9). We advise that these measures are followed during the clearance works.

Dormouse - The boundary vegetation, dense scrub and to a lesser extent the broadleaved woodland provide suitable habitat for dormice and these habitats have some connection to areas of suitable habitat in the wider landscape. The majority of suitable boundary vegetation is to be retained, with predominantly the woodland and scrub to be impacted through clearance works. Because the boundaries are to remain, the site consisting of a small area of habitat to be impacted, plus there are no records of dormice within 1km of the site, it is unlikely that dormouse will be present on site and we are satisfied that no further surveys regarding dormice are required.

As a precautionary measure, suitable vegetation clearance timings have been set out in the EclA (section 6.4.18-19). We advise that these measures are followed during the clearance works.

Breeding Birds - It is possible that breeding birds may be using the vegetation on site. We are satisfied that suitable precautionary measures regarding vegetation clearance and breeding birds have been set out in the EclA (section 6.4.12-14).

We are satisfied that the proposed mitigation set out in section 6.4 of the EclA for reptiles, bats, badger, dormouse and breeding birds, identified as having potential to be on site, are sufficient.

We advise that the applicant follow the precautionary mitigations set out in section 6.4 of the EclA and advise that if planning permission is granted, a condition is included to secure those precautionary measures in a Construction Environmental Management Plan (CEMP). We have not provided suggested condition wording as we feel Tonbridge and Malling Borough Council would be best placed to write that condition. We suggest that the following bullet point is included in the condition wording:

- Inclusion of section 6.4 of the Ecological Impact Assessment (Greenspace Ecological Solutions Ltd, 08 May 2024), which covers the precautionary measures for reptiles, bats, dormouse and breeding birds, plus the requirement for a pre-commencement survey for badgers.

As part of this, we highlight that the current management of the site must continue so as not to develop suitable habitat which may encourage the presence of protected species.

Lighting - Lighting can negatively impact nocturnal species, like bats, that may be foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted. Therefore, if bats are present foraging/commuting within the area, there is a risk that any lighting may have a negative impact.

If external lighting is proposed to be installed, we recommend that if planning permission is granted the lighting condition has the following requirements:

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
- Site plan showing the location and types of lighting and details of light spill.
- Timings of when the lighting will be operational.

Biodiversity Net Gain

This application was received on 09 May 2024 according to the information available on the planning portal. Having reviewed the proposal and submitted documents, we consider this application to fall under mandatory biodiversity net gain.

A statutory BNG metric has been submitted that shows the proposals will result in a combined on-site and off-site net change of 0.7 habitat units and 0.4 hedgerow units. This equates to a combined net % change of 47.17% habitat units and 730.38% for hedgerow units.

We are satisfied that:

- The baseline habitats for both on-site and off-site have correctly been identified and that sufficient information has been provided at this stage to determine the application;
- A net gain of more than 10% has been achieved for both area and hedgerow habitats;
- The trading rules have been satisfied through offsite provisions; and
- The proposed habitat enhancements and condition can be achieved within the required 30-year management period.

The applicant should submit a biodiversity gain plan form along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered. The biodiversity gain plan must include the following information:

- Information about steps taken or to be taken to minimise the adverse effects of the development on biodiversity;
- The pre-development biodiversity value of the on-site habitat;
- The post-development biodiversity value of the on-site habitat;
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- Any biodiversity credits purchased for the development; and
- Any other matters that the Secretary of State may be regulations specify.

To off-set the trading error regarding the loss of mixed scrub onsite, the current landowner has agreed to the off-site planting and long term management of 0.02ha of mixed scrub within a nearby horse paddock. We advise that this will need to be secured through a Section 106 agreement and approved in writing by the Local Planning Authority (LPA).

In addition to the off-site habitats to be secured, the following on-site habitats, which under the guidance set out by DEFRA would constitute these as significant gains, will also need to be secured via a legal agreement:

- Existing or created habitats of Medium Distinctiveness, including Species-rich native hedgerow, Other neutral grassland, Urban tree, Mixed scrub, and Other woodland; broadleaved.
- Ponds (non-priority habitat) and Other woodland; broadleaved enhanced from poor condition to moderate.

Where achieving a minimum 10% biodiversity net gain from proposals is reliant on implementation of a detailed planting plan and the implementation of a suitable habitat management and monitoring plan secured through planning condition or obligation, we recommend the following condition is included if planning permission is granted:

No development shall be undertaken (including any site and/or vegetation clearance) until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a. Description and evaluation of the features to be managed;
- b. Ecological trends and constraints on site that may influence management;

- c. Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d. Description of the management operations necessary to achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a works schedule, including annual works schedule;
- g. Details of the monitoring needed to measure the effectiveness of management;
- h. Details of the timetable for each element of the monitoring programme;
- i. Details of the persons responsible for the implementation and monitoring;
- j. Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- k. Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

Ecological Enhancements

We advise that the ecological enhancements are secured with a condition if planning permission is granted. Suggested condition wording.

Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.

5.11 Upper Medway Internal Drainage Board:

The site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board has reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the

end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

5.12 **British Horse Society:**

We wish to object to this application on behalf of local equestrians.

It appears from the plans that bridleway MT53 is proposed to be used as the access point to this development. Whilst we accept that there has always been vehicular ingress and egress over part of this route for Riding Farm, new houses are likely to require a surface which is entirely unsuited to a bridleway for which the primary intended user is horse and rider. Further, the traffic would be likely to increase, not just by the number of vehicles in use by the houses but by all those ancillary services (post, courier deliveries, refuse collection, etc) that come with domestic properties. Currently, those vehicle drivers using the bridleway to access the farm are likely to anticipate meeting a horse. A courier driver unfamiliar with the area is unlikely to and the limited space available means that there is a risk of accident and/or conflict.

If the Council is minded to approve this application, we agree with KCC that a condition is applied that no development shall commence until agreement has been reached with the Public Rights of Way and Access Service of Kent County Council with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles. This condition is required to protect the safety of members of the public using the public bridleway.

5.13 **Interested Parties:**

- The application appears to be invalid as the applicant has not served a Certificate B.
- This is an inappropriate proposed development in the green belt, which could set a precedent for further green belt development. Housing is not seen as compatible with the openness of the green belt.
- Minimal visitor parking provision on the proposed development would lead to overspill onto Riding Lane increasing the danger to pedestrians, existing traffic and horse riders.
- Footprint expansion – the proposed new footprint is well outside the existing building lines and so makes the dwellings unnecessarily close to the boundary which will impact our current aspect.
- It is unclear from the plans if the dwellings will be the same height as the existing buildings. We assume the new dwellings will be no taller than the existing buildings. However, even at the same height, the closer proximity of the dwellings will give the perception of greater height.

- The current access to the site is very narrow and already busy with cars for the riding stables. We are concerned that a single lane access is not suitable and will cause danger when cars are entering and leaving to Riding Lane especially given the road is national speed limit and close to a blind bend.
- The properties will overlook neighbouring properties and, as such, windows must be positioned to minimise this along with substantial fencing and hedging/trees. The bedroom 2 window in Unit 1 will look directly over our garden and into our bedroom and bathroom windows through a large gap in the deciduous trees.
- We have a clear, uninterrupted view from our property 100m away overlooking Riding Farm, including the plot proposed for development and the Riding School.
- There are no measures in place to safeguard the ecology.
- The application lacks a roosting bat study. Several nearby properties have bats and bat tiles meaning a survey should be undertaken.
- The Planning Statement mentions cycle parking in rear garden sheds, causing more hardstanding. These sheds are not shown in any drawings.
- The development itself makes very little parking provision for the number of houses which would then force parking onto Riding Lane.
- The development will undoubtedly increase artificial light levels (especially with the number and position of windows and the possibility of additional security lighting), noise (cars and residents) and pollution. 5 species of bats were recorded at the last environmental survey and we have glow worms and slow worms, hedgehogs, foxes and deer, a variety of wildflowers including orchids and a diversity of birdlife within 100m of the site.
- The water table in the area is high. There has been an increase in flooding in the field, along the bridle path and indeed in our garden since the previous developments. There is much surface water in both Riding Lane and Vines Lane. There is no mention of the use of porous surfaces but once the houses and cycle storage is built, patios can be extended and additional sheds and working from home offices installed. Unfortunately, these are not monitored but lead to even less soakaway land.
- The right of way is narrow approaching Riding Lane and the proposed additional use by vehicles is incompatible with the equestrian use of our clients land and Riding Farm Equestrian Centre.
- The KCC Highways and Transportation letter of 5th June 2024 states that the TS sets out that access to the development would be achieved from the existing, all be it upgraded access onto C30 Riding Lane. Amendments include the widening

of the access to allow simultaneous two-way flow of traffic and visibility sight lines of 2.4 by 90.98. metres in either direction.

- As a neighbouring property to the access (Riding Cottage, Riding Lane), I am not aware of any such amendments in the plans for the widening of the access road and this would require use of my land. No such consent has been given by myself or the other neighbour.

6. Determining Issues

Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework (“NPPF Dec 2024”) and the associated National Planning Practice Guidance (“NPPG”) are also important material considerations together with Kent Design Guide, Kent County Council’s Parking Standards (January 2025) and the Hildenborough Character Area SPD.

Emerging Local Plan

- 6.4 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council’s cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025.
- 6.5 The emerging Local Plan sets out how the Council will meet the government’s objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.

Principle of development

- 6.6 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing

against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”.

6.7 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council’s latest published position indicates a 2.89 year supply of housing.

6.8 As a consequence, the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) would need to be considered when assessing any development for housing. In this case for decision taking this means:

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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

6.9 In relation to Paragraph 11d (i), footnote 7 (NPPF) provides a list of those policies that relate to protected areas and assets of particular importance, this includes Green Belt. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a ‘strong’ reason for refusing the development.

Green Belt

6.10 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.

6.11 Paragraph 153 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds, when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.12 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). This includes:

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings) which would not cause 'substantial' harm to the openness of the Green Belt.

- 6.13 In this case, there is no dispute that the site would comprise PDL being that its lawful use is equestrian, as such the principle of development is acceptable providing the proposal would not cause 'substantial' harm to the openness of the Green Belt.

Assessment on Openness

- 6.14 With regard to openness, the leading court cases of Turner [2016] and Samuel Smith [2020] and numerous subsequent appeal decisions have confirmed that Green Belt openness has a spatial dimension and a visual dimension. The Turner judgment asserted that the consideration of openness cannot depend on a volumetric approach alone; rather, it is also necessary to consider the spatial implications of the proposal.
- 6.15 Moreover, it must not be forgotten that these dimensions work in tandem and not in isolation, and in context, a synergy that is not always transparent in assessments of effects on openness, which can appear heavily weighted towards the spatial aspect.
- 6.16 Therefore, when assessing whether the development as a whole would cause substantial harm to openness of the Green Belt, it is necessary to look at the wider implications of the proposal and to consider it within its context. The impact on openness will vary according to factors such as size and scale, and the prominence from public and private viewpoints.
- 6.17 Turning first to spatial aspect, in this instance the proposal which would replace a large building and other associated buildings with eight residential dwellings, and would result in a reduction in floor space of 57% and a reduction in overall volume on the site of 59%. This clearly results in a substantial improvement to Green Belt openness.
- 6.18 Turning to the 'visual' perception the perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.
- 6.19 Due to the contained nature of the site, views of the proposal from outside of the site along Riding Lane would be limited. The existing indoor arena is 7.8 metres at

its highest point, in comparison the dwellings, (whilst taller to the eaves than the existing indoor arena) would be approximately 7.4 metres in height. The positioning of the dwellings are largely contained to within and around the footprint of the existing buildings on the site, and the redevelopment allows for the existing mass and built form to be broken up allowing views between the proposed dwellings.

- 6.20 Whilst the dwellings would be visible from within the site, in this case given the significant reduction in volume and footprint and the overall reduction in height it is considered that the proposed development would not cause substantial harm to the openness of the Green Belt.
- 6.21 Therefore, to conclude, on the impact on openness, in this case the proposal would not cause substantial harm to openness of the Green Belt. The proposal which would be considered 'limited infilling or complete redevelopment on previously developed land' as such would comply with Paragraph 154 g) NPPF thus being appropriate development in the Green Belt.
- 6.22 Comments in relation to the site being inappropriate development and setting a precedent have been noted. However, members are directed to paragraph 154 NPPF which sets out when development in the Green Belt is not inappropriate and the site comprises PDL and would not result in substantial harm to the openness of the Green Belt.
- 6.23 Furthermore, whilst paragraph 153 states that substantial weight is given to any harm to the Green Belt including harm to its openness, Footnote 55 (NPPF) is clear that this weight is not afforded in cases of development on previously developed land where development is not inappropriate.
- 6.24 As it has been concluded that the site would not cause substantial harm to openness of the Green Belt in compliance with criterion g) of paragraph 154 NPPF as "limited infilling or the partial or complete redevelopment of previously developed land" it should not be necessary to consider the site against Grey Belt policy.
- 6.25 However, whilst Officers are of the opinion that the site would not cause 'substantial' harm to openness of the Green Belt and therefore meets criterion g) of paragraph 154 NPPF, should members consider that the site would cause 'substantial' harm to openness, then consideration would need to be given to whether the site comprises Grey Belt.

Grey Belt

- 6.26 In regard to Grey Belt, paragraph 155 states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b) There is a demonstrable unmet need for the type of development proposed;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.

6.27 Turning first to criterion a) Para. 155 the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:

"Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development".

6.28 The site is not located in any of the other assets referred to in footnote 7. Therefore, the next test would be to establish if the parcel of land 'strongly' contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:

- a) To check the unrestricted sprawl of large built-up areas.
- b) To prevent neighbouring towns merging into one another
- d) To preserve the setting and special character of historic towns

6.29 In relation to purpose a) unrestricted sprawl of large built-up areas. Hildenborough lies within TMBCS Policy CP13 and is defined as a Rural Service Centre, therefore the proposal would not result in unrestricted sprawl of large built-up areas.

6.30 Moreover, the PPG has recently been updated to reflect the changes to the NPPF and now provides detailed guidance on how to assess Green Belt purposes [Paragraph: 005 Reference ID: 64-005-20250225].

6.31 As set out in the PPG, assessment areas that contribute 'strongly' are likely to be free of existing development and lack physical feature(s) in reasonable proximity that could restrict and contain development. They are also likely to include all of the following features:

- be adjacent or near to a large built-up area

- if developed, result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
- 6.32 The site itself is not free of development and has strong physical features which would restrict and contain the development, these being the established boundaries marking all four sides. To the north and within the site is a pond and wooded area, the east and south are dwellings and to the west the remaining built development in relation to Riding Farm. Therefore, Officers are of the opinion that the site would not ‘strongly’ contribute to purpose a).
- 6.33 Turning next to purpose b) - To prevent neighbouring towns merging into one another. In this case the proposal due to the location of the site would not result in neighbouring towns merging into one another.
- 6.34 In regard purpose d) - To preserve the setting and special character of historic towns. Hildenborough is not considered a historical town.
- 6.35 Therefore, to conclude on Para 155 criteria a), Officers are of the opinion that the site does not ‘strongly’ contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as ‘Grey Belt’ land. This is confirmed by PPG which states “After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development”. [Paragraph: 007 Reference ID: 64-007-20250225].
- 6.36 Turning back to criterion b of paragraph 155) – the Council cannot demonstrate a five-year housing land supply as such there is a demonstrable unmet need for the type of development proposed.
- 6.37 In regard to c), this requires development to be in a sustainable location having specific regard to paragraphs 110 and 115 of the NPPF.
- 6.38 Paragraph 110 (NPPF) identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also, in paragraph 115, states that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
- 6.39 However, paragraph 110 also advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Paragraph 83 states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

- 6.40 Whilst the site is outside of the settlement boundary of Hildenborough it is not considered to be in an isolated location where new homes should be restricted except in limited circumstances in accordance with the NPPF. As noted above the site is surrounded by development and other housing.
- 6.41 Furthermore, whilst it is acknowledged that as you travel north along Riding Lane from Hildenborough leaving the 30 mph speed restriction, this latter part of Riding Lane does not benefit from street lighting or a footpath, there are bus stops within easy walking distance from the site (approximately 105 metres from the access to the site) which provide an alternative mode of transport and links to the wider area. In addition, there is also a network of public rights of way within the immediate area and given that the sites distance to the 30-mile zone which is approximately 800 metres in this case it is considered there is potential to cycle.
- 6.42 Therefore, whilst a residential scheme in this location would be to some extent car reliant, having regard for paragraph 110 NPPF which acknowledges that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be take into account in both plan making and decision taking” on balance officers consider the site to be of moderate sustainability.
- 6.43 Turning the criteria d), the proposal is for eight dwellings and as such would not constitute a major development therefore the Golden Rules do not apply to the site.
- 6.44 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all ‘relevant’ criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.
- 6.45 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area’s adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].

Conclusion on Paragraph 11 (d) (i)

- 6.46 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no “restrictive policies” in the NPPF which provide a ‘strong’ reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

Countryside

- 6.47 The site lies outside the defined settlement confines of Hildenborough within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy pre-dates the NPPF and is not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.
- 6.48 Furthermore, it is recognised that the site currently contains buildings, which would be demolished as part of this scheme and, albeit these are smaller in footprint and scale than those proposed to replace them. The NPPF makes clear that planning decisions should seek to make the most effective use of land available, especially brownfield land.

Impact on Character and Appearance

- 6.49 Paragraph 135 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.50 Policy SQ1 Managing Development and the Environment Development Plan, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.
- 6.51 Policy CP24 of the TMBCS requires all development proposals to be well designed and of a high quality in terms of detailing and use of materials. Proposals must through scale, layout, siting, character and appearance be designed to respect the site and its surroundings. Policy SQ1 MDE DPD, requires development to protect, conserve and where possible to enhance the character and local distinctiveness of the area.
- 6.52 The layout of the dwellings within the site, follows a courtyard approach. Four dwellings are located to the north of the access road and four to the south, with parking to the front of dwellings and gardens to the rear. The positioning of proposed dwellings is largely contained within the footprint of the existing buildings on site. As such rather than one large mass of built form the redevelopment of the site allows for increased landscaping and gaps between the built form which would open up the site and allow views through. Officers are satisfied that the layout is in keeping with the character of the area.

- 6.53 In regard to scale, the existing indoor arena is 7.8 metres at its highest point, in comparison the dwellings, (whilst taller to the eaves than the existing indoor arena) would be approximately 7.4 metres in height. Moreover 7.4 metres for a two storey dwelling is considered appropriate in scale.
- 6.54 The proposed dwellings are all of a two storey traditional form albeit with a contemporary approach to materials and fenestration. Material features include horizontal and vertical boarding, brick and Kentish ragstone. Whilst these details are considered acceptable in principle, should permission be forthcoming a condition is recommended for the finer details of materials to be submitted to and approved by the LPA.
- 6.55 The application is also accompanied by a landscape and visual appraisal. The visual assessment was undertaken in winter (December 2023) with no leaf cover on the existing deciduous vegetation and visibility at a maximum. Consideration has also been given to the effect on visibility with the vegetation having full leaf cover, with minimum visibility. The report concludes,
- “the proposed residential development would not physically change the key landscape characteristics or elements and features, identified in either the published landscape character assessment or the author’s own assessment for the local landscape, beyond the site boundary. There would be a notable and noticeable change to the appearance and character of the site with the proposals in place, but the site itself is comparatively small and its contribution to the wider landscape is limited”.*
- 6.56 The proposals would introduce new tree, shrub and hedgerow planting to the site. Such planting once fully established would mitigate for the loss of any existing vegetation from the site and would enhance the retained vegetation so as to contribute further to the wider local landscape.
- 6.57 The introduction of the proposed residential properties on the site would be entirely consistent and sympathetic to the form and appearance of the existing pattern of development. The proposals are broadly consistent to the scale height and form of the nearby existing residential properties in the host landscape, which are eclectic in their styling and detailing. As stated above the choice of materials is reflective of the Kentish vernacular and the rural setting of the local landscape.
- 6.58 The change in the visual appearance of the site with the proposed development in place, would not substantially alter the material perception of the local host landscape. The existing pattern of development, built form, agricultural fields, paddocks, gently undulating topography would all continue to prevail with the proposed development in place.
- 6.59 In terms of landscape character, officers do not disagree with the conclusions of the landscape visual assessment. Should permission be forthcoming a condition would be imposed in relation to hard and soft landscaping details.

- 6.60 To conclude on character and appearance, it is considered that the proposal would not be harmful in design terms, nor would it harm the character and appearance of the site, street scene or local area. As such, subject to those conditions detailed above, the application accords with Policies CP1 and CP24 of the Core Strategy, Policy SQ1 of the MDE DPD and complies with the NPPF in this regard.

Impact on residential amenity

- 6.61 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.62 Paragraph 135 (f) of the NPPF advises that:
- “Planning policies and decisions should ensure that developments 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”.*
- 6.63 The Parish Council and interested parties have raised concerns in relation to overlooking to the neighbouring properties and the dwellings being sited outside of the existing building lines and therefore resulting in the dwellings being closer to neighbouring boundaries. Comments have also been raised in regard to the loss of views over riding farm.
- 6.64 Turning first to the loss of a view, this is not a material consideration in the determination of a planning application. Regard needs to be given to the loss of natural day and sun light, which officers consider that, due to the scale of the proposed buildings, location and separation distances involved (in excess of 50 metres) the proposal would not result in the loss of natural day and sun light to the neighbouring properties.
- 6.65 Officers acknowledge that a few of the dwellings fall outside of the footprint of the existing built form, however, this does not automatically make the proposal unacceptable. All of the dwellings proposed would be a significant distance from the rear elevations of neighbouring properties.
- 6.66 The first-floor windows to proposed units 1 to 4, face south and towards the side elevation of Riding Farm a two storey dwelling. However, whilst the proposed first floor windows would look towards the rear garden of this dwelling it is not considered, due to the separation distance of approximately 34 metres, (elevation to elevation) together with the location of existing buildings along the side boundary of the existing dwelling, that the proposed dwellings would create unacceptable overlooking or the significant loss of privacy.

- 6.67 Units 5 to 7 due to their orientation would not create any unacceptable overlooking. Lastly with respect to unit 8, it would be sited close to the eastern boundary, however there is a substantial distance between the flank elevation of the proposed dwelling and the rear elevations of those dwellings fronting Riding Lane (in excess of 50 metres) and moreover the first floor window serving bedroom 2 would not be in direct alignment. In addition, the eastern boundary is marked by mature trees that would provide a degree of screening.
- 6.68 Therefore, to conclude on neighbour amenity, officers are satisfied the proposal would not harm neighbour amenity and as such accords with Policy CP24 TMBCS and the aims of the NPPF.

Living conditions of future occupiers

- 6.69 Confirmation has been sought on bedroom sizes, and it has been subsequently confirmed that all the dwellings would meet Nationally Described Space Standards.
- 6.70 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Noise / Odor Assessment

- 6.71 Paragraph 198 of the NPPF states that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life”.

- 6.72 Policy SQ6 MDE DPD requires proposals for noise sensitive development, including housing, to demonstrate that noise levels are appropriate for the proposed use.
- 6.73 A Noise Impact Assessment (NIA) prepared by Dice Environmental has been submitted with the application. The report concludes development would comply with national guidance and appropriate external amenity noise levels would be achieved and no further mitigation is required.
- 6.74 Recommendations on ventilation have been suggested for some bedroom windows to ensure that the internal noise levels are compliant with the guidance.

- 6.75 The Council's Environmental Health Protection Officer has reviewed the application and the NIA and considers it necessary to impose a planning condition, requiring that prior to construction, a report should be provided detailing all noise mitigation measures to be incorporated into the development including an assessment of plant noise limits and of overheating requirements.
- 6.76 The Council's Environmental Health Protection Officer has also, due to the location of the development to the adjacent Riding Stables, raised a comment in relation to the position of the manure waste pile produced by the stables and the arrangements for its disposal so as not to cause detriment to the amenities of the new occupiers. However, the location of any manure waste pile would be outside of the application site and does not form part of this application.
- 6.77 Therefore, subject to conditions the proposal would comply with Policy SQ6 Managing Development and the Environment DPD.

Impact on highway safety and parking provision

- 6.78 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.79 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 6.80 Parish Council and interested parties have raised comments in relation to access and parking, in regard to access comments have stated that the existing access is a single access, which is currently also used by the riding school, this will put pressure on traffic and potentially cause queues in and out, resulting in danger to pedestrians and other road users.
- 6.81 The existing access is 3.3m wide upon entry to the site, widening to 5.5m approximately 50m within the site. The access will continue to be used by the equestrian centre, with access to the proposed dwellings provided further to the north, from where a 1.2m footpath will be available from and into the site. A turning head will be provided which will enable larger vehicles to enter and leave the site in a forward gear.
- 6.82 The application is supported by a Transport Statement which reviews the existing transport conditions local to the site, provides an assessment of applicable transport planning policy, forecasts vehicle trip generation as a result of the

development and concludes the proposal is acceptable in transport planning terms.

- 6.83 KCC Highways has reviewed the application together with the Transport Statement and initially raised a holding objection requesting confirmation as to whether a stage 1 RSA had been completed. Following additional information being received KCC Highways confirmed no objection to the proposal on highway safety grounds subject to standard conditions in relation to visibility splays, CMP, bound surface for 5 metres and cycle parking provision.
- 6.84 Turning next to parking, comments have also been raised on the level of visitor and parking provision in general provided for the development. Kent County Council's Parking Standards (January 2025) (Appendices Table 1) sets out that the provision for 2 bed houses in a suburban area 1 space is required. For 3, 4 and 5 bed houses 2 spaces are required together with 0.2 visitor space per unit. The proposal provides 2 allocated parking spaces per unit together with 3 visitor space, as such would comply with KCC parking standards.
- 6.85 Accordingly, the development is not anticipated to cause an unacceptable impact upon highways safety and parking provision subject to conditions, as such the proposal would adhering to Policy SQ8 of the MDE DPD, the KCC Parking Standards (2025) Policy SQ8 of the MDE DPD and paragraphs 115 and 116 of the NPPF.
- 6.86 The Council's Waste service team noted that the documentation submitted with the application indicates that "Refuse for the proposed residential development will be collected via the private contractor that currently looks after the stables within the existing equestrian centre. This will ensure all refuse associated with the site is collected via the same private contractor. With the existing arrangement notably working efficiently to date. "
- 6.87 This is unusual as it is usually the LPA that deals with the collection of waste from domestic properties. If this arrangement is to stand then the Council will not be providing wheeled bins for the containment/collection of materials from the development. The Council's waste team question whether the existing private contractor is able to offer the range of recycling facilities and garden waste collections that the LPA currently offer our borough residents.
- 6.88 Moreover, the Council's waste team also note that if the residents are paying Council Tax, then they should be allowed the choice to opt in to the range of refuse, recycling, food and garden waste collections the Council offers as a small part of their council tax payments. For ease the Waste team consider it would have to be all in or all out and not a mixture. It is considered that the finer details of refuse storage can be secured via a condition.

Public Right of Way

- 6.89 As stated above Bridleway MT53 runs along the access and along the eastern boundary of the site connecting Riding Lane with Vine Lane. There are no other Bridleways feeding into Bridleway MT53.
- 6.90 Third party comments have raised concerns in relation to the safety of pedestrians utilising the Bridleway and that the application does not appear to provide details on how this risk will be mitigated.
- 6.91 The application has been reviewed by both the British Horse Society and KCC Public Rights of Way and Access Service, (PRoW) both raise concerns in relation to the details submitted.
- 6.92 PRoW notes “the first part of the bridleway physically and legally follows the alignment of the current vehicular access from Riding Lane as far as the first mature tree on the north side at the corner. From this point northwards, the used route continues along the access road to the gate into the enclosed bridleway although, legally from this point, it should start to cross onto the verge, although over the years this space has become occupied by a post and rail fence, two telephone poles and three mature trees and these would all have to be removed if the intention is to return the bridleway to the verge. If this is not the intention, then the shared nature of use (private vehicular and public equestrian/cycle/pedestrian) will need to be taken into account, as it will on the initial shared use section”.
- 6.93 At present, no measures appear to have been considered with regard to mitigating the impacts of this shared use, beyond the placement of one rubber hump across the proposed new driveway to the houses, just beyond the existing bridleway gate. PRoW consider that if the Council is minded to grant permission for this development, a condition should be applied so that no development could commence until agreement has been reached with the Public Rights of Way and Access Service of Kent County Council with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles.
- 6.94 Given the above, it does not appear that the concern raised by PRoW and the BHS is not insurmountable. Indeed, the imposition of the recommended planning condition would ensure that an acceptable access arrangement that accommodates the need of future residents and those of pedestrians and horse riders would be agreed prior to commencement of the development and delivered upon first occupation of the dwellings proposed. This condition is reasonably necessary to protect the safety of members of the public using the public bridleway.

Ecology and Biodiversity.

- 6.95 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.96 Policy NE3 of the MDE DPD also states 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 an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.
- 6.97 Paragraph 180 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 186 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.98 Parish Council and interested parties have raised concerns in relation to ecology in general and the loss of biodiversity. Comments have also been made that the application lacks a bat roosting survey and a survey in relation to great crested newts and there are no measures in place to safeguard the ecology. Concerns are also raised in relation to artificial light levels.
- 6.99 Turning first to Ecology, an ecological impact assessment which includes a preliminary ecological appraisal, has been submitted in support of the application. A Phase 1 habitat survey was undertaken, this covered, badgers, bats, breeding birds, hazel dormouse, great crested newts and reptiles
- 6.100 KCC Ecological Advice Service has reviewed the submitted documents and advise that sufficient ecological information has been provided to determine the application. This view has been taken due to the site consisting of mostly hardstanding or existing buildings, which are likely to be of low ecological value. For the woodland and Mixed Scrub that are proposed to be lost, KCC Ecology are satisfied that through Biodiversity Net Gain (BNG) (referred to further in this report) these habitats will be to be mitigated for by on-site and off-site habitat enhancements and creation.
- 6.101 It is noted that there is a pond on site, but it is currently not managed and eDNA tests showed that it is not currently used by Great Crested Newts (GCN).

Therefore, KCC ecology is satisfied that it is unlikely GCN are using the site and no further surveys regarding GCN are required. Moreover the pond is to be retained and is proposed to be enhanced from poor to moderate condition through BNG requirements.

- 6.102 KCC Ecology is satisfied that for protected species potentially on site, appropriate precautionary approaches have been proposed, and it is recommend that the site be managed to remain in its current state to deter protected species from establishing on site.
- 6.103 Due to the suboptimal habitats on site and lack of connectivity to suitable habitats, KCC Ecology is satisfied that it is unlikely that reptiles are on site and no further surveys regarding reptiles are required. As a precautionary measure due to suboptimal habitats and brash piles being present on site, suitable clearance methods of the onsite habitats have been set out in the EcIA (Section 6.4.28-6.4.31). We advise that these measures are followed during the clearance works
- 6.104 No setts or signs of badgers were found during survey. However, suitable habitat existing on site for sett building in the woodland, and commuting and foraging in the grassland and scrub. As 12 months will have lapsed since the last survey (conducted in February 2024), an updated survey is required before the start of works to ensure that badgers have not colonised the site. This updated survey has been identified as necessary in the Ecological Impact Assessment (EcIA) (section 6.4.2).
- 6.105 KCC advise that no more than one month prior to site clearance/construction, a precautionary walkover of the site and a 30m radius around the site should be undertaken, by a suitably qualified ecologist, to search for badger setts. If a badger sett is discovered on site, or within 30m of site, a suitably experienced ecologist will need to provide advice on any necessary mitigations for badgers. This should include whether a badger mitigation licence from Natural England is required prior to the commencement of any works on site.
- 6.106 A preliminary roost assessment of the buildings and trees on site was conducted. Some of the buildings were assessed as having potential roosting features for crevice dwelling bats as small gaps and spaces were identified, and suitable access to these features was available for bats. However, due to lack of insulation or way of regulating the temperature, plus when inspected there were no signs of bats using them, it has been deemed that these features are of negligible suitability for roosting bats. KCC Ecology is satisfied that no suitable roosting features were found in any of the trees. Therefore, we are satisfied that no further surveys regarding roosting bats are required.
- 6.107 As a precautionary measure due to the presence of potential roosting features in some of the buildings to be demolished, suitable bat precautionary method of works have been provided for the dismantling of the buildings in the EcIA (Section 6.4.9). We advise that these measures are followed during the clearance works.

- 6.108 The boundary vegetation, dense scrub and to a lesser extent the broadleaved woodland provide suitable habitat for dormice and these habitats have some connection to areas of suitable habitat in the wider landscape. The majority of suitable boundary vegetation is to be retained, with predominantly the woodland and scrub to be impacted through clearance works. Because the boundaries are to remain, the site consisting of a small area of habitat to be impacted, plus there are no records of dormice within 1km of the site, it is unlikely that dormouse will be present on site and no further surveys regarding dormice are required.
- 6.109 As a precautionary measure, suitable vegetation clearance timings have been set out in the EcIA (section 6.4.18-19). We advise that these measures are followed during the clearance works.
- 6.110 It is possible that breeding birds may be using the vegetation on site. Suitable precautionary measures regarding vegetation clearance and breeding birds have been set out in the EcIA (section 6.4.12-14).
- 6.111 To conclude on ecology KCC Ecology advise that the applicant follow the precautionary mitigations set out in section 6.4 of the EcIA and advise that if planning permission is granted, a condition is included to secure those precautionary measures in a Construction Environmental Management Plan (CEMP)
- 6.112 Lighting can negatively impact nocturnal species, like bats, that may be foraging and commuting on site and in the surrounding habitat. Currently there is no lighting plan or information submitted a condition would be imposed for these details to be submitted to and approved by the LPA.
- 6.113 KCC Ecology advise that the ecological enhancements are also secured via a condition if planning permission is granted. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.
- 6.114 Turning next to BNG, under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site.
- 6.115 A BNG metric, baseline habitat plan and BNG assessment document have been provided. KCC Ecology are satisfied that these are representative. The metric shows the proposals will result in a combined on-site and off-site net change of 0.7 habitat units and 0.4 hedgerow units. This equates to a combined net % change of 47.17% habitat units and 730.38% for hedgerow units.
- 6.116 KCC Ecology is satisfied that:

- The baseline habitats for both on-site and off-site have correctly been identified and that sufficient information has been provided at this stage to determine the application;
- A net gain of more than 10% has been achieved for both area and hedgerow habitats;
- The trading rules have been satisfied through offsite provisions; and
- The proposed habitat enhancements and condition can be achieved within the required 30-year management period.

6.117 The applicant should therefore submit a biodiversity gain plan form along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered. The biodiversity gain plan must include the following information:

- Information about steps taken or to be taken to minimise the adverse effects of the development on biodiversity;
- The pre-development biodiversity value of the on-site habitat;
- The post-development biodiversity value of the on-site habitat;
- Any registered off-site biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development;
- Any biodiversity credits purchased for the development; and
- Any other matters that the Secretary of State may be regulations specify.

6.118 To off-set the loss of mixed scrub onsite, the current landowner has agreed to the off-site planting and long term management of 0.02ha of mixed scrub within a nearby horse paddock. KCC Ecology advise that this will need to be secured through a Section 106 agreement and approved in writing by the Local Planning Authority (LPA).

6.119 In addition to the off-site habitats to be secured, the following on-site habitats, which under the guidance set out by DEFRA would constitute these as significant gains, will also need to be secured via a legal agreement:

- Existing or created habitats of Medium Distinctiveness, including Species-rich native hedgerow, Other neutral grassland, Urban tree, Mixed scrub, and Other woodland; broadleaved.
- Ponds (non-priority habitat) and Other woodland; broadleaved enhanced from poor condition to moderate.

- 6.120 Where achieving a minimum 10% biodiversity net gain from proposals is reliant on implementation of a detailed planting plan and the implementation of a suitable habitat management and monitoring plan secured through planning condition or obligation

Trees/Landscaping

- 6.121 Policy NE4 of the Managing Development and the Environment DPD states, amongst other things, 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 as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.

- 6.122 Paragraph 136 of the NPPF recognises the importance of trees and states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”

- 6.123 Those trees on the site are to the boundaries and therefore no trees are required to be removed within the site to facilitate the development per se. It is noted that three trees are proposed to be removed but these are of poor quality the BNG assessment notes that a total of 19 small trees will be planted onsite as part of the development. Standard conditions in relation to the requirement to submit an AIA, tree protection plan and method statement are required to ensure that the remaining trees are not harmed during the construction of the development.
- 6.124 Limited details have been submitted in relation to soft and hard landscaping for the dwellings. The LVA notes that there is opportunity to introduce tree planting, shrubs and hedgerows onto the site, and as notes above the BNG assessment indicates that 19 small trees are proposed as such a further condition is suggested for these details to be secured via a soft and hard landscaping condition.

Land Contamination

- 6.125 Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:
- 6.126 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.

- 6.127 Paragraph 197 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.
- 6.128 A Geo Environmental been carried out by Ground and Environmental Services Limited. This notes contamination across the site is low and would not be considered to pose a significant risk to human health. The report concludes the site would not be “Contaminated Land” based on its proposed residential redevelopment end use and following implementation of the remedial measures listed in chapter 13 of the report. This includes recommendations for foundation depths and widths and implementation of watching brief on site during demolition/enabling works and should any contamination or potentially contaminative sources be discovered during the proposed enabling works all site works would cease, and suitably competent consultants/engineers will attend site.
- 6.129 The Council’s Environmental Health Protection Officer has reviewed the supporting information and notes that it adequately reviews the history and environmental setting of the site. Intrusive works included soil sampling and ground gas monitoring. Significant contamination was not identified. A single positive asbestos sample and a single slightly elevated lead concentration were identified in the soil, however both of these were to be located under proposed buildings so did not require any remediation. It should be noted that this conclusion was based on a different proposed site layout and as such there should be some consideration as to whether this would change the recommendations. A clean cover system is recommended in residential gardens due to the lack of suitable growth media. As the report should be updated to reflect the proposed site layout, conditions are recommended.

Flooding/ Drainage

- 6.130 Paragraph 170 of the NPPF sets out the “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”.

- 6.131 Policy CP10 (Flood Protection) TMBCS ultimately seeks to reduce flood risk and Policy CC3 (Adaptation – sustainable Drainage) MDE DPD comments that development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations.
- 6.132 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for development which increases the demand for off-site water and sewerage infrastructure where: a) sufficient capacity already exists; or b) extra capacity can be provided in time to serve the development.
- 6.133 Parish Council has raised concerns that surrounding properties already experience surface water flooding due to the impermeability of clay soil, additional hardstanding development would increase this risk. Interested parties also state the water table in the area is high. There has been an increase in flooding in the field, along the bridle path and indeed in our garden since the previous developments. There is much surface water in both Riding Lane and Vines Lane.
- 6.134 The site is within Flood Zone 1 and the site also has a low risk of surface water flooding. However, it is noted that developments can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, Policy CP10 provides the framework for guiding development away from areas at high risk from flooding. Policy CC3 of MDE DPD relates sustainable drainage. This notes, “Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development”.
- 6.135 The application forms indicate that surface water would be dealt with via Suds, which may be a suitable option, but further information is required to demonstrate its feasibility at the application site. In regard to foul sewage the forms indicate that this is unknown at this stage. There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal. If non-mains drainage is to be pursued, the applicant will need to demonstrate why this is not practicable in this specific case. Full details will be required, including size, location and maintenance regimes. Due consideration should be given to the National Planning Policy Guidance, Paragraph: 002 Reference ID: 34-002-20140306 in respect of Non-Mains Sewerage and Building Regulations Approved Document H - Drainage and Waste Disposal. This information should be provided

in the form of a report prepared by a suitably qualified and competent person and must be submitted with the application for it to be registered.

- 6.136 Therefore, to conclude on flood risk and drainage, a drainage strategy covering both surface water and foul sewage would be secured by way of a planning condition. Porous surfaces for patios etc will be secured via the hard and soft landscaping condition.

Open Space

- 6.137 Policy OS3 Managing Development and the Environment DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.138 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.
- 6.139 The proposal seeks to erect eight dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3. In this case the provision requirement would be 1222.40 net sqm. If provision is not made on or off-site, a sum total contribution of £28,172 would be sought as set below.

Parks & Gardens – £8,356

Amenity Green Spaces – £378

Outdoor Sports Facilities – £15,330

Children's and Young People's Play Areas – £2,013

Natural Green Space – £2,096

- 6.140 Contributions as set out above can be agreed in the event of a permission and secured by S.106 agreement. A S106 agreement is currently being progressed.

Archaeology

- 6.141 The site lies within a wider area for archaeological potential, therefore a condition would be required in relation to geo-archaeological and archaeological field evaluation works being undertaken prior to commencement.

Other considerations

- 6.142 Officers note that Farm Cottage which is to the south east of the existing access to the site is a Grade II heritage asset.

- 6.143 Paragraph 201 states that LPA 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.
- 6.144 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.
- 6.145 In this case, officers consider, given that there would be no significant change to the access itself and the introduction of eight dwellings would not result in an unacceptable impact on the road network, coupled with the location of the dwellings themselves, the proposal would not harm the heritage asset.
- 6.146 Third party comments in relation to certificate B, where resolved prior to the recommendation.

Public Sector Equality Duty – Equality Act 2010

- 6.147 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:
- 6.148 Eliminate unlawful discrimination, harassment, and victimisation;
- 6.149 Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- 6.150 Foster good relations between people who share a protected characteristic and those who do not.
- 6.151 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.
- 6.152 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy

Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legalisation and the Council's obligations under the PSED.

- 6.153 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.154 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.155 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

Planning Balance

- 6.156 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for house(s).
- 6.157 Consequently, permission should be granted unless as in this case the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed
- 6.158 It has been established that there are no adverse impacts that provide a 'strong' reason for refusing the development. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on Green Belt grounds.
- 6.159 The scheme would involve the provision of eight dwellings, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, and this attracts substantial weight in favour of the proposal due to the lack of 5 year housing supply, whilst acknowledging that the provision is only for eight dwellings.
- 6.160 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.

- 6.161 The application has therefore been considered against paragraph 11(d)(ii) of the NPPF, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.162 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval.

7. Recommendation: Approve subject to Section 106 agreement and conditions as set out below:

Heads and Terms Section 106 agreement

Open Space contributions

BNG – HMMP monitoring

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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

Site Location Plan – Drawing No. PH-09 01 Rev C
Existing Landowner Plan Retained Parking – Drawing No. PH-09 07 Rev B
Existing and Proposed Volume Analysis – Drawing No. PH-09 09 Rev A
Existing and Proposed Area Analysis - Drawing No. PH-09 10 Rev D
Existing Elevations - Drawing No. PH-09 11
Existing Plans - Drawing No. PH-09 12 Rev A
Proposed Site Layout – Drawing No. PH-09 200 Rev C
Proposed Roof Layout - Drawing No. PH-09 201 Rev A
Proposed Long Front Elevations - Drawing No. PH-09 202 Rev E
Proposed Long Rear Elevations - Drawing No. PH-09 203 Rev E
Proposed Electric Charging Locations – Drawing No. PH-09 206 Rev A
Proposed Retained Shed Plans & Elevations - Drawing No. PH-09 207
Proposed Layouts House Type Plot 1 - Drawing No. PH-09 210 Rev A
Proposed Layouts House Type Plots 2 & 3 - Drawing No. PH-09 211 Rev A
Proposed Layouts House Type Plot 4 – Drawing No. PH-09 212 Rev B
Proposed Layouts House Type Plot 5 - Drawing No. PH-09 213 Rev A
Proposed Layouts House Type Plots 6 & 7 - Drawing No. PH-09 214 Rev A

Proposed Layouts House Type Plot 8 – Drawing No. PH-09 215 Rev A
Planning Statement – by DHA – Document Ref: DHA/31637 Dated May 2024
Design & Access Statement by OA – residential – Document ref: PH-09. Dated December 2023.

Noise Impact Assessment by Dice Environmental - Report ref: 101161-R02 Version 2
Geo-Environmental Investigation by Ground and Environmental Services Limited – Document Ref: 12952. Dated May 2023

Landscape and Visual Appraisal by Briarwood Landscape Architecture. Document ref: BLA323 Dated December 2023.

Ecological Impact Assessment by Greenspace Ecological Solutions – Document ref: J21309_P2_Rev B Dated May 2024

Biodiversity Net Gain Report by Greenspace Ecological Solutions – Document ref: J21309_P3. Dated March 2024

BNG Statutory Metric received 16 May 2024

Transport Statement by DHA Document Ref: PL/TV/LC31716 Dated May 2024

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.

3. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. The details shall include photographs, source and manufacturer of all bricks, roof tiles and hanging tiles to be used.

Reason: In the interests of visual amenity

4. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a report has been submitted to and approved in writing by the Local Planning Authority, provided detailing all noise mitigation measures to be incorporated into the development including an assessment of plant noise limits and of overheating requirements. These details shall then be carried out in accordance with the approved details.

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

5. 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 in writing 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 the National Planning Policy Framework.

6. 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 to and approved in writing by the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

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

7. No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management 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.

The Construction Management Plan shall thereafter be implemented in accordance with the approved details throughout the course of construction.

Reason: To ensure the safe and free flow of traffic

8. Prior to the first occupation of the dwellings the access shall be implemented as shown on the approved plans. No obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access, and thereafter retained and maintained as such.

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

9. Material used for the first 5 metres of the access from the edge of the highway shall comprise of a bound surface.

Reason; In the interest pedestrian and driver safety in compliance with policy DC4 of the Managing Development and the Environment DPD.

10. The development hereby approved shall not be occupied until the parking spaces shown on Proposed Block Plan Drawing No PH-09 200 Rev C have been constructed for use of the proposed dwellings. Thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards

11. Prior to the occupation of the dwellings, details of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority.

The dwellings shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

12. Prior to the commencement of development details with regard to the safe management of the shared access in respect of surface treatment, visibility and the control of the speed of vehicles shall be submitted to and approved in writing by the Local planning authority. The dwellings shall not be occupied until the approved details have been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: In the interest of safety of members of the public using the public bridleway.

13. Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft landscaping and boundary treatment 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 five 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 interest of visual amenity.

14. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

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

lowered in relation to the existing ground level.

Reason: In the interests of visual amenity.

15. No development other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul and surface water resulting from this development are to be managed in accordance with the hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

16. The development here by approved shall be carried out in strict accordance with the mitigation details within Section 6 of the Ecological Impact Assessment (Greenspace Ecological Solutions Ltd, 08 May 2024), which covers the precautionary measures for reptiles, bats, dormouse and breeding birds. As part of this the current management of the site must continue so as not to develop suitable habitat which may encourage the presence of protected species.

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

17. One month prior to any site clearance/construction, a precautionary walkover of the site and a 30m radius around the site (where possible) shall be undertaken by a suitably qualified ecologist, to establish if there are any badger setts within the search area. If a badger sett is discovered on site, or within the 30m radius, a report by a suitably experienced ecologist setting out the necessary mitigation for badgers shall be submitted to and approved by local planning authority. This should include whether a badger mitigation licence from Natural England is required prior to the commencement of any works on site. Any mitigation measures required by the submitted details must then be implemented on site and retained for the duration of the construction phase of the development.

Reason: To protect habitats and species that may be present onsite from adverse impacts during construction.

18. Prior to occupation, an external lighting plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity and will avoid adjacent woodland habitats.

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

Reason: To avoid adverse impacts on nocturnal species, including bats and owls

19. No development shall be undertaken (including any site and/or vegetation clearance) until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a. Description and evaluation of the features to be managed;
- b. Ecological trends and constraints on site that may influence management;
- c. Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d. Description of the management operations necessary to achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a works schedule, including annual works schedule;
- g. Details of the monitoring needed to measure the effectiveness of management;
- h. Details of the timetable for each element of the monitoring programme;
- i. Details of the persons responsible for the implementation and monitoring;
- j. mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- k. Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

20. Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the LPA. This will include details of integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

21. Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the development works are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved written programmes and specification.

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

Informatives:

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
 - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
 - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

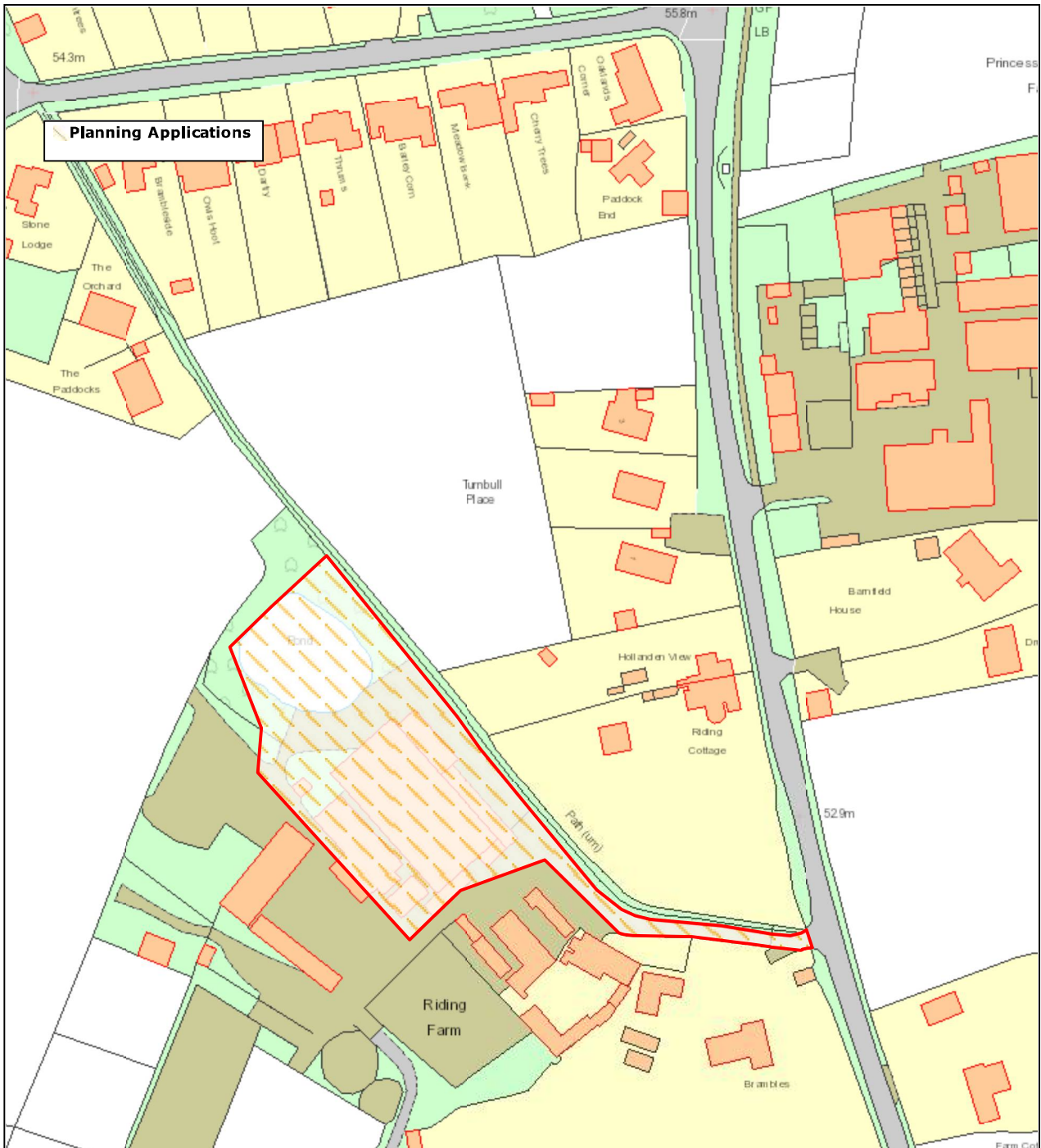
The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to

Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.

3. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. The applicant is therefore advised to prohibit fires on site during the development stage of this project.
4. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority
6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmhc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation
7. Your attention is drawn to the comments within Upper Medway Internal Drainage Board response dated 11 June 2024.
8. Your attention is drawn to the comments within the Councils Water services response dated 16 May 2024.

Contact: Susan Field



Planning Applications 24/00733/PA

Scale: 1:1250



Tonbridge & Malling Borough Council
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Date: 16/12/2025 9:56

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**East Malling and Larkfield, Aylesford,
Ditton**

TM/24/00372/OAEA

East Malling West Malling and Offham,
Aylesford South and Ditton

Location: Land east of Kiln Barn Road and west of Hermitage Lane Aylesford

Proposal: Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

This application was previously reported to Area 3 and Area 2 Planning Committees on 9 March 2026 – see **Annex 1 Planning report and Map**. At the Committee meeting of Area 3 it was decided that the application should be deferred for the following reasons – see **Annex 2 for the meeting minutes**.

- (1) Further information be obtained in respect of potable water supply and related infrastructure capacity.

At the Committee meeting of Area 2 it was decided that the application should be deferred for the following reasons – see **Annex 3 for the meeting minutes**.

- (1) potable water supply and related infrastructure capacity;
- (2) clarification on mineral extraction and whether this could be extracted prior to the development of housing;
- (3) assessment of impact of the bus gate at Chapelfield Way, Maidstone and its effectiveness; and
- (4) strengthening of the wording and enforceability of Condition 7 relating to the definition of permitted users of the Sustainable Movement Corridor to secure future consistent use of the road as designed.

Constitutional changes

Since this application was considered by Area 3 and Area 2 Planning Committees, the Council at its Annual meeting on 12 May 2026 agreed to the introduction of a single Planning Committee to replace the three Area Planning Committees. These proposals are detailed in agenda item 9. This has also involved some Constitutional changes. The consequence of this is that this application will now be considered by the new Planning Committee as Area 2 and 3 Planning Committees have been replaced by the new Planning Committee.

Additional Supporting Information

The following additional supporting information has been submitted since the application was considered by the Area Planning Committees.

Water supply

As previously set out to Members, the adequacy of water supply is a material planning consideration. Policy SQ5 of the Managing Development and the Environment DPD is the main policy basis for decision-taking in the Borough on water issues, and this policy seeks to ensure that adequate water and sewerage infrastructure is present or can be provided. Policy CP25 of the Core Strategy does not add further water-specific requirements beyond policy SQ5.

If a proposal appears to conflict with policy SQ5, the Council will need to consider the nature and extent of the conflict, and whether it means the proposed development is in conflict with the plan as a whole. If so, the Council will need to consider whether other material considerations nevertheless indicate that permission should be granted in the usual way.

Recent Counsel advice confirmed that:

- planning permission should not be refused where impacts can be made acceptable through conditions or planning obligations;
- the use of Grampian-style conditions are an appropriate and lawful way to manage water infrastructure constraints, subject to the usual tests for imposing conditions being applied; and
- there is no lawful basis for a pause or deferral of planning decisions because of water supply uncertainty.

Following the deferral of the application, the applicant has submitted a Potable Water Delivery Strategy, produced by Premier Energy who are specialists in utility infrastructure.

The Strategy confirms the approach to ensuring the supply of potable water to the development through:

- agreeing a point of connection to the existing public mains with South East Water;
- formally making an application for connection, where South East Water will conduct a detailed network modelling exercise to confirm the existing network capacity and requirements for any offsite reinforcement works;

- where existing network capacity is insufficient, off-site reinforcement works to deliver the development with potable water will be identified and designed by South East Water;
- South East Water must provide a formal offer of terms. This will include a design for the new water main from the point of connection (POC) to the site, details of any off-site reinforcement work that may be required, and a site-specific estimate of cost for the delivery of the new water main(s);
- following making an application for connection, South East Water must provide a quote/offer of terms within 28 days, which will include, amongst other things, a design for the new water main from the point of connection to the site and details of any off-site reinforcement work that may be required; and
- following issue of the formal offer and design from South East Water, the developer may appoint a Self-Lay Provider to complete the contestable elements of the formal offer. This may allow any off-site works to commence in advance of construction commencing on the site.

It is agreed that this Strategy provides a robust and policy-compliant framework for delivering potable water infrastructure to serve the development.

It outlines a 'roadmap' to ensure all dwellings within the development will receive a safe and reliable water supply in accordance with policy SQ5 of the Managing Development and the Environment DPD.

The conclusion is therefore drawn that a Grampian-style condition will satisfactorily manage water infrastructure constraints in this instance, and a suitably worded condition is proposed below.

South East Water have been consulted on the application but to date no response has been received. It should be noted that South East Water are not a statutory consultee on planning applications.

Mineral extraction

In response to the application being deferred for clarification on the potential mineral extraction process, the applicant has submitted a Minerals Statement, which considers whether the ragstone identified beneath the eastern portion of the site could be extracted prior to the development of housing.

The Statement concludes that if the whole site is quarried ahead of the proposed development, this would lead to:

- significant negative ecological impacts caused by the removal of trees and hedgerows across the site to allow for extraction;
- significant environmental impacts from heavy large vehicle movements on the road network to export ragstone from the site and then also to import spoil and aggregate material to in-fill the site; and

- significant delay to the construction and delivery of much needed new affordable and market homes when TMBC currently has a significant under-supply of new houses.

Based on these negative effects, it is considered that it is not suitable to quarry the site before constructing homes at the site.

The Statement also concludes that if the site were quarried in a phased approach, alongside the construction of new homes, this would not be feasible, practical and would have negative environmental effects. Seeking planning permission for phased ragstone removal would in itself be a lengthy process, also requiring Environment Impact Assessment requiring detailed assessment of many environmental matters, and with no certainty regarding a positive outcome. This approach would negatively affect the amenity of residents moving into the new homes due to the adjacent quarrying activities, also have the potential to cause negative financial implications on the construction of new homes, which could adversely affect the amount of affordable homes or other infrastructure that the application can viably support.

Given these effects, it is concluded that the phased extraction of ragstone, alongside the phased construction of the proposed development, is not feasible.

In both instances, the Statement outlines that quarrying of the site would cause significant negative effects to the surrounding area through noise, vibration, dust, air quality, highways and ecological disturbance. Furthermore, in both scenarios, delivery of new housing would be significantly delayed. As a result, quarrying at the site cannot take place without significant negative effects.

Due to the above factors, the Statement concludes that mineral extraction prior to the development of housing at the site is not feasible, practical or viable.

Officers consider the findings of the submitted Minerals Statement are accepted and it remains the case that the development of this site is meets one of the exemptions to the safeguarding of a mineral resource. Accordingly, it is considered that the development would comply with policy DM7 of the Kent Mineral and Waste Local Plan.

Bus gate

KCC Highways have reported that they are not aware of any surveys linked to the Chapelfield Way development bus gate. It is, therefore, not possible to assess the impact of the bus gate or its effectiveness.

KCC Highways have outlined that they supported the bus gate as part of the Chapelfield Way development because it was in line with policy. Buses gain from the shorter route, saving operating costs, and passenger journey time is reduced compared to a car journey from the site into Maidstone. These factors make bus

services more viable in the longer term and contribute to the sustainability of the development.

These factors can also be applied to this application, in respect of the proposed Sustainable Movement Corridor (SMC) which includes a bus gate. The development will secure a significant contribution, and provides KCC with flexibility in how they spend the funds to build on the bus network in the area. The key destination will be towards Maidstone, but there will be other important destinations which the SMC will enable buses to serve and this will benefit residents of East Malling and beyond.

Condition 7

In order to strengthen the wording and enforceability of condition 7 recommended to Members in the original Committee report, which related to the use of the SMC, this condition has been reworded as set out below.

Representation

One additional representation has been received comprising an objection to the proposals raising the following matters:

- Increase in traffic;
- Highway safety;
- Impact on local wildlife; and
- Over development of the site.

These matters have each been considered in detail within the Committee report, and so it is not considered that the matters raised at this stage alter the recommendation to Members contained within the main report and previous supplementary report.

Conditions

The following amended condition is proposed to replace condition 7 listed under paragraph 7.3 of the Committee report:

“i) The Sustainable Movement Corridor (SMC), including the western section, shall be constructed and made available for use prior to the occupation of the 130th dwelling.

ii) Use of the SMC west of the bus gate shall be restricted solely to the following users:

- a) Public bus services
- b) Cyclists
- c) Pedestrians

- d) Staff, visitors and deliveries accessing the East Malling Trust site from New Road.”

The following condition, relating to water supply, is proposed to be added to the existing list of conditions recommended to Members under paragraph 7.3 of the Committee report:

“No development (within each phase of development) shall take place until a strategy detailing the proposed delivery of potable water for each building (in that phase) and an implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with South East Water. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.”

Recommendation

The Officer recommendation as set out in section 7 of **Annex 1** remains the same, to **Grant Outline Planning Permission** subject to:

- the applicant entering into a planning obligation with the Council to provide on-site affordable housing and financial contributions towards the provision of education facilities and community services, health provision, public transport, and Network Rail contributions for upgrading Barming Station as set out in paragraph 6.172 of the main report;
- the planning conditions and Informatives set out in the main report (**Annex 1**) and numbered 1 – 43 and Informatives numbered 1 – 11;
- the changes set out in the supplementary report dated 9 March 2026 (**Annex 1.1**) which included changes to wording in the Heads of Terms, to certain conditions and to add additional Informatives; and
- the amended and additional condition listed above.

**East Malling and
Larkfield, Aylesford,
Ditton**

9 March 2026

TM/24/00372/OAEA

East Malling West Malling
and Offham, Aylesford
South and Ditton

Proposal: Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

Location: Land east of Kiln Barn Road and west of Hermitage Lane Aylesford

Go to: [Recommendation](#)

1. Description of Proposal:

1.1 Planning permission is sought in outline form with all matters reserved for future consideration with the exception of access, which is to be determined at this stage and includes the section of the proposed sustainable movement corridor between Kiln Barn Road and New Road, East Malling. The proposed development comprises:

- The erection of up to 1,300 dwellings (of which 25% would be affordable due to issues of viability)
- The potential for care accommodation
- A two-form entry primary school
- A local centre with community uses
- A central formal open space and other areas of open green spaces and play areas
- A retained public right of way network
- A biodiversity net gain of 10%

- A sustainable movement corridor (SMC) through the residential element of the site and linking to East Malling with a sustainable bus, pedestrian and cycle link
 - New tree planting and retention of existing trees and hedgerows wherever possible
- 1.2 In addition, parameter plans which will guide the detailed design of the scheme (the reserved matters), in the event that outline planning permission is granted, have been put forward as set out below.
- 1.3 A land use parameter plan has been provided setting out the areas of residential development, the central location of the primary school, the position of the mixed use area towards the eastern end of the site – closer to Barming railway station, the position of Ancient Woodland and the proposed minimum 20m buffer, as well as the SMC and areas of open space and landscaping.
- 1.4 An access and circulation parameter plan has been submitted identifying the areas of development, the areas of open space and landscaping, the SMC and local highway improvements.
- 1.5 A green and blue infrastructure plan has been submitted, which provides greater detail to the two plans referred to above, and indicates the areas of public open space and drainage along with the developed areas, primary school, Ancient Woodland and minimum 20m buffer.
- 1.6 A density parameter plan has been submitted setting out the differing densities for the proposed residential development across the site. The majority of residential development is proposed to be provided at a density of 30 dwellings per hectare (dph), with areas of 40dph and 65dph located within and around the mixed-use area of the development.
- 1.7 Lastly for the parameter plans, a building height parameter plan has been provided, with the majority of buildings proposed to stand at two and two and a half storeys in height. In certain key areas, landmark buildings will be positioned with a height of three and four storeys proposed, for example in the mixed-use area of the site.
- 1.8 Since access is a matter for consideration of this application, the application is accompanied by several drawings providing detailed layout of points of access between the site and the existing highway network, and also of the proposed SMC.
- 1.9 The points of access include the two proposed on to Hermitage Lane to the east, the realignment and new junctions along Kiln Barn Road, the proposed bus gate to the west of Kiln Barn Road, the layout of the western section of the SMC, the

junction between the SMC and New Road to the west and also the junctions between the SMC and the existing network of public rights of way.

- 1.10 The bus gate will be designed to only allow buses to pass along the road that forms part of the SMC. Vehicular access to the East Malling Trust research site will continue to be from New Road to the west. Any vehicles passing through the bus gate will be observed by the CCTV / ANPR cameras installed to monitor this, with Kent County Council (KCC) being responsible for enforcing the bus gate through the issuing a penalty charge notice to the vehicle owner.
- 1.11 Finally, illustrative drawings of how the development could be laid out and landscaped are provided. Since these are illustrative, they do not form part of the basis of the Council's decision. However, they are helpful in understanding how the development could be set out and landscaped when it comes to the submission of the necessary reserved matters application.
- 1.12 In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations) the applicant has submitted an Environmental Impact Assessment (EIA) with the application. This is because the proposals fall within paragraph 10(b) of Schedule 2 of the EIA Regulations. The reporting of the EIA is in the form of an Environmental Statement (ES), which covers the following topics:
- Transport and Access
 - Air Quality
 - Noise and Vibration
 - Landscape and Visual Impacts
 - Ecology and Biodiversity
 - Water Quality, Hydrology and Flood Risk
 - Soils, Geology, Contaminated Land
 - Waste Management
 - Archaeology and Heritage
 - Socio-Economics, Population and Human Health
 - Climate Change

1.13 In addition to the ES, the following documents have also been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Assessment
- Tree Survey and Arboricultural Impact Assessment
- Framework Ancient Woodland Management Plan
- Heritage Statement
- Archaeological Evaluation Report
- Historic Landscape Assessment
- Flood Risk Assessment and Drainage Strategy
- Minerals Resource Assessment
- Statement of Need of Sustainable Movement Corridor
- Viability Report
- Statement of Community Engagement
- Energy Statement
- Sustainability Assessment
- Agricultural Land Quality Report

2. Reason for reporting to Committee:

2.1 This application is reported to the Area 3 and Area 2 Planning Committees given the scale of the development, the strategic nature of the proposals, and due to the fact that the site lies within both Planning Committee Areas.

2.2 The application has also been called in by Cllr Roud, Cllr Cannon, Cllr Hammond and Cllr Williams for the following reasons:

- Due to the sheer size and density of the proposed development which will have a significant impact on the Aylesford South and Ditton ward and its surrounding area.
- Associated access and highway issues.
- Impact on the character of the area.
- Loss of trees and ecological habitats.
- Over development of this area will have a detrimental effect on the villages of East Malling and Ditton.
- It will produce excessive traffic movements in East Malling, West Malling, Ditton, Watlington and Teston. Watlington crossroads is the worst area of Air Quality in the Borough.
- Reduces the current Green Space between the settlements of Maidstone and East Malling.
- The proposal is on land which is mostly Grade 2 which according to the Agricultural Land Classification (ALC) is very good quality land, suitable for a wide range of crops. Since the country should endeavour to grow more food, we should not be promoting building on green field sites.
- All proposed accesses to this site would lead to further traffic congestion with drivers heading to the M20 motorway.
- When this area was put forward in the TMBC rejected Local Plan the officers agreed that NO access was to be made to the West of the development in order to protect Ditton and East Malling and the surrounding countryside from excessive traffic congestion. The suggestion was to exit onto Hermitage Lane and Quarry Wood Industrial Park.
- The proposed road through the East Malling Research land will open this area for future development which will exacerbate the over development of the area and further reduce the Green Space between Maidstone, Ditton and East Malling.
- The proposal will require demolition of listed walls where it exits onto New Road, East Malling.
- The developers obviously have not identified the area correctly since they believe Chapel Street to run East/West through the Research Facility when in fact it runs North/South beyond the Railway through the village of East Malling.
- The proposed housing site is contrary to the current Local Plan

3. The Site:

- 3.1 The site is located between Ditton to the north, Maidstone to the east, East Malling to the west and the railway line between Barming and East Malling to the south and has an irregular shape covering just under 80 hectares.
- 3.2 The site is indirectly accessible from the strategic road network via the M20 and rail services to London and Ashford are provided by East Malling and Barming train stations, located within close proximity to the site.
- 3.3 The land within the application site largely follows the existing internal access road within the East Malling Estate, and comprises research fields, orchards, and the buildings and glass houses that make up part of the East Malling Research Campus.
- 3.4 To the east of the site of the proposed residential development is a distribution depot, Barming train station and residential development currently under construction all off Hermitage Lane. To the north of the site of the proposed residential development is the Quarry Wood business park. The levels of the business park lie below the site to the east and rise above the site to the west. To the west of the residential development site are the open fields and the East Malling Research Campus. There is established residential development at 'Orchard Gate', which borders part of the western area of the proposed residential development. To the west of the western element of the SMC is New Road and the existing development within East Malling
- 3.5 There are existing public rights of way (PROW), including a bridle way, that cross the site and will be retained within the layout of the proposed development.

4. Planning History (relevant):

24/00392/LB

Pending consideration

8 May 2024

Listed Building Consent Application: Proposed partial demolition of a section of curtilage listed boundary wall to support the widening of the internal estate road access point with New Road

23/01418/EASP

EIA required

22 December 2023

Request for an EIA Scoping Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as Amended)

22/00134/FL

Approved

18 May 2022

Demolition of existing bungalow and ancillary structures, upgrading and widening of existing estate access road along with associated amendments to boundary wall, erection of two new 2 storey dwellings (Use Class C3), car ports, landscaping and associated hardstanding

22/00135/LB

Approved

18 May 2022

Listed Building Application: Proposed partial demolition of a section of curtilage listed boundary wall in connection with planning application TM/22/00134/FL: Demolition of existing bungalow and ancillary structures, upgrading and widening of existing estate access road along with associated amendments to boundary wall, erection of two new 2 storey dwellings (Use Class C3), car ports, landscaping and associated hardstanding.

5. Consultees:

- 5.1 **Aylesford Parish Council** (08/05/24) - At the Parish Council Planning Committee meeting held on Tuesday 7 May 2024 the Council Agreed to raise a Strong Objection to TM/24/00372/PA - Development Site Land East of Kiln Barn Road and West of Hermitage Lane – Outline application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure. Application supported by an Environmental Statement.
- 5.2 The Parish Council agrees with and fully supports the report and Traffic Assessment submitted by Ditton Parish Council.
- 5.3 Aylesford Parish Council is very concerned about the increase in traffic in Hermitage Lane and the surrounding roads as this area is already at breaking point. The proposed development will inevitably create high levels of traffic movement and would have a negative effect on the free flow of traffic as the area will become gridlocked, especially at peak times. There is also the issue of air quality, pollution and the detrimental effect this will have on residents due to standing vehicles stuck in traffic.
- 5.4 **Aylesford Parish Council** (09/01/25) - It was Resolved to raise a Strong Objection and to fully support the comments made by Ditton Parish Council.
- 5.5 **Ditton Parish Council** (17/04/24) - Please see below Ditton Parish Council's initial objections to this application. Please note this document is the initial response in order to register the Council's objections within the very short deadline given. Ditton Parish Council is continuing with requests for information but due to the time required for other organisations to respond, we are unable to include more at this time and trust that when we do provide this information it will be given the weight it deserves.
- 5.6 Ditton Parish Council held a public meeting for local people and over 240 attended, demonstrating there is a great public interest in this application.

Summary

5.7 Ditton Parish Council (DPC) strongly objects to the planning application, as specified, in the following areas of concern:

1. Loss of Privacy
2. Overshadowing and Overlooking
3. Adequacy of parking
4. Highway safety
5. Traffic Generation
6. Noise Dust and Air Pollution
7. Impact on Conservation Area(s)
8. Facilities
9. Intrusion into the countryside
10. Public Rights of Way (PRoWs)
11. Archaeology
12. Tree Protection Order / Species Protection
13. Water Usage and Sewage
14. Hazardous Waste and Contaminated Ground

The council's objections are described in more detail below.

1 Loss of Privacy

5.8 DPC is concerned that the development of Orchard Gate in Ditton (developed in 2010 – 2012) will be subject to a significant loss of privacy from the proposed development on three sides. When the development was considered (and approved) Ditton Parish Council asked questions about future development and was assured that there were no plans to further develop on that (the East) side of Kilbarn Road. This loss of privacy is a detrimental effect on people living in properties which were considered to be at a premium rural location with no overlooking properties.

5.9 DPC strongly believes that residents of Orchard Gate will face considerable additional traffic from this development and these small Cul-de-sacs will be

enveloped and absorbed within a large estate, which was not expected in the original design, to the detriment of the existing residents.

2 Overshadowing and Overlooking

- 5.10 Ditton Parish Council believe that properties in Orchard Gate will face being overlooked by three sides of the proposed development. The design of this estate never factored being overlooked and despite gaps planned for, we believe that the houses will be overlooked to a detrimental effect to those already living in this area.

3 Adequacy of Parking

- 5.11 Ditton Parish Council has little confidence in the analysis completed by Tonbridge and Malling Borough Council and Kent County Council on the parking solutions being proposed. Historical evidence of the past twenty years has shown these analyses have consistently facilitated the delivery of poorly designed road and parking schemes including: Brampton Fields, Ditton; Holborough Lakes, Snodland; and Leybourne Chase, West Malling; which have all delivered inadequate parking and consequential traffic problems.
- 5.12 DPC believes that the current development's plan fails to include a realistic number of cars/vans per household. Further, the plan does not include sufficient opportunities to park cars/vans off the road.
- 5.13 DPC believes, having read the travel plans and the detailed reports, that there has been no serious consideration of the additional traffic essential for servicing the new development. For example, the development will be a major attractor for traffic arising from: supermarket deliveries; take-away food deliveries; on-line retailers such as Amazon; as well as traditional services such as: Royal Mail, Milk deliveries, etc. These delivery vehicles will need to park, albeit temporarily, on the development throughout the day as well as during the evenings and early mornings when the residents are at home, and the residents' vehicles are parked on the development. DPC do not believe that the accommodation of realistic quantities of delivery vehicles has been accurately reflected in the modelled simulations and consequent design.
- 5.14 Ditton Parish Council, again from experience, are aware that a proposed school will result in significantly more traffic than predicted. The primary driver for traffic arises because staff do not live within a walkable distance, which is exacerbated by the teacher shortages faced by Kent schools. There is also no submitted proposed travel plan which is expected from schools. DPC is aware from experience of Ditton Infant School, Ditton Junior School, Valley Invicta at Aylesford, Aylesford School, Malling School and Wrotham School that there is a lot of vehicle traffic on drop off and pick up. This includes traffic arising from those living in "walkable" areas – including estates (such as at Kings Hill). The proposal does not include adequate parking provision for this foreseeable demand

4 Highway Safety

- 5.15 The current proposed design has allowed for a new B Road to be formed, linking Kilnbarn Road to the A20 through this planned development via the “Poppies” development, under construction, to the East of Hermitage Lane. This new B road joins the A20 at the A20 Poppy Fields (aka 20/20) roundabout and provides a new alternative route which will be available for people to use instead of the A20. The traffic modelling shows that this will result in an increase of traffic in Ditton on Kilnbarn Road, thence New Road Ditton neither of which were designed for these increased levels of traffic, on top of that which would be expected from the development itself. This greatly increased traffic will increase the risk of accidents and collisions between vehicles, vehicles and two-wheeled vehicles and pedestrians including the cohorts of children attending the schools accessed from New Road, Ditton.
- 5.16 A further accident hazard will accrue from traffic heading South along Kilnbarn Road to access Red Hill (and the A26 at Wateringbury) via Easterfields and Sweets Lane. These roads form a continuous single-track lane with high hedges and passing places over much of its length, and two blind bends, one at the junction with Rocks Road.
- 5.17 DPC specifically noted that the traffic modelling significantly underestimated² the existing peak traffic on this well-used route, as shown in Figure 1 below.

Origin-Destination Data					
Demand (PCU/hr)					
		To			
		A - New Link Road E	B - Kiln Barn Road S	C - New Link Road W	D - Kiln Barn Road N
From	A - New Link Road E	0	0	0	211
	B - Kiln Barn Road S	0	0	0	15
	C - New Link Road W	0	0	0	0
	D - Kiln Barn Road N	61	10	0	0

Figure 1 AM Peak traffic assumption, reproduced from Transport_Assessment_Vol_5_-_Multi_Modal_Assessment.pdf

- 5.18 The developers proposed new junction arrangement will add delays to this route (in both directions) as the traffic exiting the development to head North will have priority over the extant and well-used North-South route. This change in priority is likely to increase the number of vehicle collisions at this junction.
- 5.19 The plans to prohibit vehicles from the new development from turning South at this junction, whilst allowing the existing North South traffic to flow, by signage only is unlikely to succeed. The North-South route is already very busy in the morning and evening rush-hours and any additional traffic will disproportionately increase the probability of head-on accidents.

- 5.20 Whilst Ditton Parish Council approve in principle of the increase in footpaths and cycle lanes, we notice that the proposal does not guaranteeing the funding to complete the work. DPC is aware of the promises linked to Brampton Fields and dedicated funding for a purpose-built entrance. We are also aware that the funding from the Orchard Gate development for the proposed footpaths from that site to the extant paths in Ditton never materialised either. We are therefore objecting to the plans on the grounds that there exists no hypothecated funding, which the council believes is imperative to reduce pedestrian/vehicle and two-wheeler/vehicle collisions and deliver these road safety measures on Kiln Barn Road.
- 5.21 Ditton Parish Council expects an increase of accidents due to the planned reduction in width of Kilnbarn Road/New Road at the approach to Ragstone Court⁴ due to cycle lanes. The road being proposed is not designed to be widened; but vehicles encountering cycles coupled with narrowness could result in higher rate of accidents occurring. The enhanced hazard to cyclists by narrowing the road continues onto the start of New Road, Ditton.
- 5.22 Ditton Parish Council is concerned that the development is between two railway stations which are not main stations with regular services both ways (see section 5.2). This promotion of green travel and consequent reduction in road traffic, is not in line with the current offering in the area.

5 Traffic Generation

- 5.23 Having reviewed the traffic analysis, DPC is concerned that there are false assumptions and many material errors. DPC have also found typographical errors indicating that the supporting reports have not being suitably checked, particularly with respect to cross-references⁹.
- 5.24 DPC is concerned that the analysis shows small, unsuitable roads (such as St Peters Road and Bradbourne Lane) holding large numbers of queueing cars diverted from the more direct route of: New Road, Ditton. St Peters Road and Bradbourne Lane are residential roads with a mandatory width restriction, which do not support the free passage of vehicles due to the residents' parked cars; and are already subject to congestion during the morning and afternoon peaks.
- 5.25 DPC is concerned that the proposed design drawings of Kilnbarn Road/Link Road junction do not appear to correspond to the stated modelling assumptions. The analysis suggests that no access will be possible from the new link roads onto Kilnbarn Road South, but this is not supported by the drawing.
- 5.26 Further, the traffic analysis of Kilnbarn Road only considers a peak of 10 Passenger Car Units (PCU) per hour for traffic travelling South and 15 PCU / hour peak heading North, at morning peak. This route already carries far more PCU than this. Indeed, other studies on the TMBC planning portal have indicated that a development of only 50 homes exiting onto Kiln Barn Road further North than this

proposed development, will generate an additional North-South Traffic flow of more than 10 PCU on this route.

- 5.27 DPC would ask reference be given to two surveys carried out locally to give actual figures of the number of vehicles using the routes of particular concern:-
- 5.28 Firstly the objection submitted by Mr R Wareham on 16th April 2024 between 6.00am – 9.30am. Mr Wareham surveyed traffic on Easterfields which leads to Sweets Lane and Rocks Road and counted a total of 153 road users, the data in the application estimates the road users to only be 25 so this is far below the actual number using this road now, without further development.
- 5.29 Secondly the objection submitted by Mr G Roach on 16th April 2024. Mr Roach surveyed traffic on New Road, Ditton. Again this actual current data disputes the lower figures suggested in the data submitted by the applicant.

5.1 Road Traffic

- 5.30 DPC is concerned, from inspection of the analysis methodology supplied, that the predictions of traffic expected as a result of this development may be an underestimate. Even so, the predicted traffic flows result in junction saturation, leading to increased congestion (See Annexes A and B).
- 5.31 DPC see within the traffic prediction model a reliance of unsuitable roads such as St Peters Road, which feeds into Bradbourne Lane, both of which are not wide enough to reflect the increase of traffic; and which regularly have parked vehicles along their length. Bradbourne Lane also has a 6'6" width restriction and a blind brow, with no footpath at that point. We are also aware of poor pedestrian visibility on Bradbourne lane, particularly from the new footpath added to accommodate the new Lidl store; and the egress from the public footpath onto Bradbourne Lane.
- 5.32 Ditton Parish Council note the KCC Modelling Advisory Service large-scale model significantly underestimates the traffic to and from East Malling (over 20% in some cases). There have not been and there are no known future plans to deal with traffic generated from this development, under scenario 3, adding to the already saturated flow through East Malling village centre. DPC accepts the developer's findings that the access road from Kiln Barn Lane to New Road, East Malling will: offer no additional support to East Malling traffic; will not work due to saturation of the village roads; and is not a plausible viable option.
- 5.33 Ditton Parish Council find the projected increase of traffic on Kiln Barn Road at 811% to be completely unacceptable. DPC also noted that the traffic generated from the 300 property housing development at Ditton Edge already being built, that discharges traffic solely onto that road had not been identified in the analysis. DPC is concerned that the projected increase is actually an underestimate. Ditton Parish Council find the increase traffic of St Peters Road, a residential road to be

unacceptable – and the suggestions that the project will encourage rat runs to avoid large chunks of the A20.

- 5.34 Ditton Parish Council is concerned that the plans for improving the A20 have not been completed and there are currently no proposed plans in place to complete the works that were originally promised.
- 5.35 Ditton Parish Council is concerned about the Hermitage Lane developments which have also not been considered in the analysis. Hermitage Lane has experienced large traffic problems for the last few years which the traffic analysis has not considered. The road is the main route for Ditton's residents to Maidstone Hospital. DPC is aware of delays to emergency ambulances travelling on this road, even when showing blue lights and sounding their sirens.
- 5.36 The proposal shows that traffic from the development is linking up to existing plans for a roundabout for a new development to the East of Hermitage Lane. This surely admits that the traffic issues from the housing developments is accepted by Kent County Council and Tonbridge and Malling Borough Council.
- 5.37 DPC is aware that there are plans to improve the J5 and J6 of the M20 to improve traffic flow. These improvements will be short lived due to the additional housing already under construction that will result in the capacity being filled in again.

5.2 Mitigation – Trains

- 5.38 The current proposals for reducing road traffic over the medium to long term includes the utterly implausible suggestion that the local train operator, SE Trains Ltd, double the number of services, at peak times, that stop at Barming station:
- 5.39 *The station [Barming] currently operates a half-hourly service in both directions during peak periods and hourly off-peak. For the purposes of this TA, it is envisaged that, as a minimum, the peak hour services will be increased to every 15 minutes to cater for additional demand derived from the development.*
- 5.40 This is such an improbable suggestion that the inclusion of this statement further reinforces the view that the transport assessment modelling is flawed.

5.3 Mitigation – Buses

- 5.41 The current proposals discuss the ability of new and enhanced bus routes to reduce traffic generation from the development.
- 5.42 *The specific [bus] routes and service frequencies will be determined by KCC at the appropriate time, however, for the purposes of this TA it has been reasonably assumed that there will be an increase in peak hour services which will provide increased opportunities for travel by bus between the site and surrounding key employment and/or education hubs. In particular, it is anticipated that service*

provision to/from Maidstone, Kings Hill and along the A20 corridor will be markedly improved.

- 5.43 These plans are reliant on private enterprises being able to justify a new commercial route or additional services. The commercial justification for new routes, or greater frequency of services, to serve this development is implausible, and it would need to be subsidised. Funding from other sources, in part or fully is not credible in the medium to long term.
- 5.44 KCC submitted their Bus Service Improvement Plan with a bid for £213m; but were actually granted £35.1m. The consequence of this was a county-wide reduction in bus services and routes particularly for school users, some being cut completely. Examples include Aylesford School and Wrotham School who have both experienced bus restrictions. DPC is also aware that some Parish Councils are now subsidising routes for areas such as Ightham, Trottiscliffe, and Offham.

6 Noise, Dust, and Air Pollution

- 5.45 DPC is aware of evidence seen by Tonbridge and Malling Borough Council over the past 20 years that Ditton Corner (Junction between New Road/A20/Station Road) was one of the most polluted areas in Kent. We are also aware that all monitoring units were removed over the past ten years which means up to date data are not available to support or argue against any plans on the grounds of measured pollution levels.
- 5.46 DPC is aware of housing developments such as those on Kiln Barn Road which are in compliance with noise and dust levels. We are however constantly aware of the levels being not acceptable to those that are living close to the developments, with dust being a persistent nuisance in the summer months.
- 5.47 DPC is concerned that airborne pollution and in particular dust will have an adverse effect on the broad leaved plants within the Ditton Quarry Local Nature Reserve (LNR), which lies to the north of the proposed development.
- 5.48 Noise of the construction was graded as a 'major' impact to local residents in the environmental study and contradicts the low concerns that reports highlight. This may be intolerable to residents of Orchard Gate.
- 5.49 Ditton Parish Council note the Defra Damage cost calculation tool with the calculations suggesting £376,10021. As the cost of mitigation will be higher than this figure – no mitigation is expected. This is unacceptable to the residents that will be affected from this.
- 5.50 We are concerned that light pollution will affect a known dark-sky area used for star gazing due to the lack of artificial lighting. DPC noted that the checks on sky glow were done on a cloudy night and the observers would have been unable to note the value this area has.

7 Impact on Conservational Area(s)

- 5.51 An associated planning permission application. The plan is to demolish parts of the brick wall on the East side of New Road, East Malling. This wall is part of the curtilage associated with the Grade one listed building that is on the estate. This junction widening forms part of the junction of the access road with New Road, East Malling.
- 5.52 The planned road safety improvements in New Road, Ditton would require changes of use and groundworks on land that does not belong to Tonbridge and Malling Borough Council or East Malling Research. This land has protected village green status, lies within the Ditton Conservation Area, and could not be used for cycle lanes.

8 Facilities

- 5.53 Ditton Parish Council contest the view of Kent County Council assessment that another primary school is required. The recent educational reviews suggest the fall in PAN numbers will continue. Schools such as St Katherines have shut a third of available classrooms over the past few years.
- 5.54 The reports highlight that local doctors are still able to take patients. We believe this is linked to an increase of patient per doctor ratio that has been allowed by the NHS. DPC is also aware that St Peters Village and Leybourne Chase provisions for GP surgeries have not been taken up. There is therefore a shortfall of GP provision in this area.
- 5.55 DPC is concerned that the inclusion of shops / restaurants will act as an attractor to traffic, and increase traffic flows into and out of the development. This is potentially worse if it increases the number of local take-away options. DPC have noted the detrimental effect on litter from existing facilities such as McDonalds; and these takeaways have generated additional traffic from delivery drivers. DPC is also aware of issues such as increased traffic heading to and from popular restaurants such as Papas' Barn following their rebuild in the past 15 years.

9 Intrusion into the countryside

- 5.56 This development represents a Change in Landscape Character at the local scale from horticulture and orchards to an urban area.
- 5.57 Recently the Area 3 section of the borough has seen considerable housing developments, occurring at a faster rate, than the other two areas of the borough. This development plan is counter to the existing aims and philosophy of Tonbridge and Malling Borough Council cabinet for all the borough to share housing.
- 5.58 Further, this development plan if implemented would allow a tenth of all planned housing for TMBC to land within a single Parish Council.

Loss of Good Quality Agricultural Land

- 5.59 This development is contrary to TMBC Sustainability Assessment Objective 9: (To conserve and enhance soil resources and guard against land contamination).
- 5.60 The developer's Agricultural Land Quality assessment confirms that this development would result in the loss of 62.3ha of "Very Good" (Grade 2) and "Good" (Grade 3a) quality arable land.

Table 1: Areas occupied by the different land grades.

<i>Grade/subgrade</i>	<i>Area (ha)</i>	<i>% of the land</i>
Grade 2	51.9	81
Subgrade 3a	10.4	16
Non-agricultural	1.6	3
Total	63.9	100

Grades defined in: Ministry of Agriculture, Fisheries and Food Agricultural Land Classification of England and Wales

10 Public Rights of Way

- 5.61 The development plans will have a major adverse impact upon the amenity value provided by the existing public rights of way. The current Public Rights of Way allow residents to have pleasant views across agricultural farmland and horticultural fruit production.
- 5.62 The developer has identified this loss of amenity:
- 5.63 *In the short term it is judged that for those PRow that cross the main site east of Kiln Barn Road there would be a major adverse impact upon the amenity value associated with these PRow first as a result of the construction activity and then in the medium term by the permanent altering of the views from these sections of PRow which currently experience pleasant views across open agricultural farmland and horticultural fruit production.*
- 5.64 The impact of this development would be to downgrade these pleasant views to a largely urban landscape.
- 5.65 Further, The PRowS crossing the development are some of the very few places locally where light pollution is low enough to see the stars of the night sky, and our own galaxy, the Milky Way. DPC note that these PRowS permit public access to

an “intrinsically dark landscape” 24 that supports habitats for native nocturnal animals and permits visibility of the stars. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light and which require protection from light pollution; and where any new lighting would be conspicuously out of keeping with existing local nocturnal light levels.

- 5.66 This amenity would not have been detected by the developer as they undertook their study on a cloudy night! DPC believe that this dark sky area is a valuable amenity that is highly valued to those who go out on clear nights to see the stars.
- 5.67 DPC believes that the light pollution arising from this development is contrary to national, planning policy, and government circulars, will be harmful to native nocturnal wildlife, and will prevent enjoyment of the night sky.

11 Archaeology

- 5.68 Ditton Parish Council objects to this proposal because of the risk of damage to archaeological sites that within the development boundary. This is also recognised by the developers:
- 5.69 The Proposed Development lies in an area of archaeological potential, especially for the Palaeolithic and Bronze Age periods within the Main Site and the Romano-British period in the Access Site. Foundations and other groundworks in this area have the potential to disturb and destroy archaeological heritage assets; destruction of a high significance receptor constitutes a long-term, substantial adverse effect.
- 5.70 DPC is aware of the remains of the Roman Villa adjacent to St James the Great church near the Access site.
- 5.71 Lidar imagery of the Main Site, and satellite imagery (especially from 2003), suggests there may be a prehistoric (Bronze Age) ring ditch or round barrow within the site boundary to the immediate west of Dog Kennel Wood.
- 5.72 The development site has been largely unchanged for centuries a fact that is accepted by the developers:
- 5.73 *The general setting of the Main Site is within an unlisted historic landscape relating to postmedieval woodland and agriculture. The landscape and the changes to it over time, provide historic information, and should be conserved.*
- 5.74 The developers propose “sensitive lighting”, including the use of low glare fixtures, appropriate positioning, appropriate brightness and consideration to the orientation and optical qualities of the beam, will minimise the effect of the illumination of the Access Site on nearby Listed Buildings in the Conservation Area and on designated views of the historic landscape.

12 Tree Protection Order / Species Protection

- 5.75 DPC is concerned about the effect on the ancient woodland. The proposed 15-meter gap might still result in damage to a historical woodland.
- 5.76 Ditton Parish Council note there are there are several trees, group of trees and woodlands on the site which are the subject of a Tree Preservation Order. The TMBC Order References are as follows:
- Woodland TPO 80/10069/TPO dated 7/3/1980.
 - Area TPO 76/10068/TPO dated 14/4/1977.
 - Various TPO 86/10051/TPO dated 22/5/1986.
 - Individual TPO 72/10084/TPO dated 10/5/1972.
- 5.77 DPC is concerned that the development will cause the destruction of many trees including five mature pendulate oak trees. One of these is a tree of high quality with an estimated remaining life expectancy of at least 40 years; while the other four are trees of moderate quality with an estimated remaining life expectancy of at least 20 years, in their current condition. Mature oak trees are recognised as a haven for 2,300 wildlife species, providing vital spaces to eat, shelter and breed; and their loss to the local wildlife will be significant. Replacement planting of young oak trees will not provide significant mitigation over the short to medium term.
- 5.78 There is one confirmed and 3 other trees that have the potential to be homes for Bat species; and DPC is aware that two properties on the development due to be demolished are also currently housing for bats.
- 5.79 The reports confirm there are eight species of bat currently living on the site that would be adversely affected by the planned development. The reports also highlight a range of other animals living on the site including dormice, deer, fox, hedgehogs, stag beetles, and a variety of birds.
- 5.80 There is the potential for adverse impacts due to damage to habitat and the loss of certain animals during the clearance works. Long term effects include the introduction of stray light and glare onto bat foraging sites and corridors, as a result of lighting.
- 5.81 The developer has recognised the impact of this development on habitats of principal importance within the site boundary as follows:
- 5.82 *.....there are some Habitats of Principal Importance (HPIs), which are of ecological value. The Application Site provides foraging habitat and shelter for a range of common and protected species. In addition, part of the site is noted as Deciduous Woodlands HPI and Ancient and Semi-natural Woodland HPI. Temporary disturbance from the construction phase (such as increased noise, dust generation, lighting and increased human activity) could have an adverse impact on these habitats and there could be accidental damage from machinery*

- 5.83 DPC is concerned that this development will result in loss of wildlife habitat over the short to medium term, from which the native fauna will never recover.
- 5.84 The development is in an intrinsically dark landscape where any new lighting would be conspicuously out of keeping with local nocturnal light levels. DPC believes that the light pollution arising from this development is contrary to national, planning policy, and government circulars, and will be harmful to native nocturnal wildlife.

13 Water Usage and Sewage

- 5.85 DPC is concerned on the levels of flooding that have occurred on the last few years including on the A20 and surrounding roads. The naturally permeable soakaway provided by the site will be lost if built upon.
- 5.86 DPC is concerned that there are no plans for additional reservoirs to cope with the increased demand from the new housing for potable water; and the now regular reliance on the cutting of water usage to meet the future requirements.
- 5.87 Ditton Parish Council is also aware that the sewage developments in Kent are not coping with the current demand and have seen regular and routine sewage leaks. To minimise risks to the public, the infrastructure to deal with domestic waste from this development must be in place before the buildings are occupied.
- 5.88 At present, while the Ditton Waste Water Treatment Works could potentially deal with the effluent from this development; the fundamental issue appears to be how this effluent actually gets to the water treatment plant. The developer implies that the existing 150mm foul sewer in Kilbarn Road together with the existing foul sewer in Hermitage Lane will successfully accommodate the foul effluent from 1300 additional homes as well as all the other developments around Hermitage Lane. However, Southern Water have confirmed that
- 5.89 *“there is currently inadequate capacity within the foul sewerage network to accommodate a foul flow ... for the above development”*

And

“the proposed development would increase flows to the public sewerage system which may increase the risk of flooding to existing properties and land”.

- 5.90 DPC is concerned that infrastructure plans never consider the impact additional housing will have on their efficacy and no stakeholders are ever accountable for the issues arising.

14 Hazardous Waste and Contaminated Ground

- 5.91 DPC is concerned with regard to the chemicals that were sprayed on the land. Produce on the land was never for human consumption and we are concerned

that previous developments on East Malling Land have shown concerns after planning permission was granted and the concerns of residents were not considered strongly at this stage.

- 5.92 DPC is concerned that previous research activities on the site could pose an enduring risk to human health in particular: agricultural research activities have left a potentially toxic legacy in the soil. It is important to note that the crops on site were not grown for human consumption; and these crops were subject to experimental treatments using pesticides, and herbicides. Limited research has revealed that the site was used for research using: organochlorides like DDT, Lindane and Dieldrin; Organophosphorus chemicals such as Azinphos-methyl. Many of the pesticides legally used are now banned because of effects on wildlife, fish and humans; however a risk persists because crops grown in resident's gardens for human consumption can take up and concentrate these chemicals.
- 5.93 DPC is concerned that asbestos was almost universally used in the past to strengthen items such as plant pots, in particular, factory made plant pots cast out of asbestos, such as window boxes and big plant pots on commercial sites. There remains a credible risk that asbestos containing artifacts could be found on site posing a risk to residents and construction workers.
- 5.94 **Ditton Parish Council** (30/04/24) - Further to the initial objections to the above application submitted on 17th April 2024, as advised Ditton Parish Council is submitting further objections to this application.
- 5.95 Ditton Parish Council is submitting the attached Technical Appraisal from Les Henry Associates giving this Council's further objections to this application.
- 5.96 Ditton Parish Council would also like to refer to the statement made by KCC Highways in relation to another application – TM/23/03298 – on Kilnbarn Road [which is much smaller at 300 dwellings]:
- 5.97 KCC Highways' response is summarised as:
- 5.98 *it is not considered that the applicant has satisfactorily overcome this authority's concerns, and as such, KCC Highways continue to raise objection on the basis that the proposals would unacceptably impact upon overall levels of highway safety.*
- 5.99 If KCC Highways continue to object to the occupation of just 50 dwellings because of the impact on Highway Safety – this application for 1300 should be refused also.

1.0 Introduction

- 5.100 1.1 Les Henry Associates Limited have been instructed by Ditton Parish Council to provide this Technical Appraisal of outline planning application reference: 24/00372/PA for the proposed development of 1,300 dwellings, a primary school

and ancillary retail and community uses near East Malling in, Kent, known as Bradbourne.

- 5.101 1.2 My name is Leslie James Henry. I am an Incorporated Engineer, a Fellow of the Institute of Highway Engineers and a Member of the Chartered Institution of Highways and Transportation.
- 5.102 1.3 I have been involved in highway and traffic engineering issues for 40 years in connection with new development and road safety schemes within both the private and public sector.
- 5.103 1.4 I have assisted numerous Parish Councils in this area of Kent in respect many development proposals and highway improvement schemes since 2007.
- 5.104 1.5 This Technical Assessment identifies several problems associated with the proposed development, traffic analyses and subsequently the prediction of the impact of the proposals on the strategic and local highway network.
- 5.105 1.6 The report is produced in support of the objections raised by Ditton Parish Council.

2.0 Site Highway and Transport Characteristics

- 5.106 2.1 The East Malling Trust (EMT) have submitted planning application reference: 24/00372/PA for the proposed development of 1,300 dwellings, a primary school and ancillary retail and community uses near East Malling in, Kent, known as Bradbourne.
- 5.107 2.2 The development site is located immediately south of the existing settlement of Ditton and adjacent to the county town of Maidstone, to the southeast. It is bounded to the east by Hermitage Lane, to the west by Kiln Barn Road, and to the south by a railway line.
- 5.108 2.3 The nearest railway stations are East Malling and Barming which provide 2 services per peak hour to London Victoria.
- 5.109 2.4 A Transport Assessment (TA) report has been prepared by Charles and Associates in accordance with the National Planning Practice Guidance (NPPG) for Travel Plans, Transport Assessments and Statements, March 2014.
- 5.110 2.5 The Local Planning Authority for this development site is Tonbridge and Malling Borough Council (TMBC) and the Local Highway Authority is Kent County Council (KCC).
- 5.111 2.6 Other statutory consultees in relation to transport are anticipated to be National Highways (NH) and Active Travel England (ATE). During the preparation of this TA, KCC and NH were consulted extensively through preapplication protocols, while at the time, no such service was available at ATE.

- 5.112 2.7 The TA submitted in support of the application suggests that historically, development and infrastructure planning has endeavored to predict the anticipated traffic outcomes of development, using historical trends and patterns, and thereafter provide interventions to support those predictions.
- 5.113 2.8 The applicant suggests this approach has failed and simply promotes car dominated developments, increasing traffic congestion and worsening air quality.
- 5.114 2.9 It is suggested that, more recent research indicates that society is experiencing significant changes in terms of travel behaviors, and technological advances are providing more opportunities and choice in how we work, shop etc. These changes have been accelerated by the effects of the COVID-19 pandemic, with increased levels of working from home, online shopping, and access to services remotely.
- 5.115 The applicant suggests the traditional Predict and Provide (P&P) approach risks an over-provision of highway capacity which, in turn, encourages travel by car.
- 5.116 The application documents suggest new methods of planning for and assessing residential development which seek to learn from past mistakes and deliver much needed housing in a fully sustainable manner have been developed and are becoming more widespread across the UK.
- 5.117 2.10 These methods would be adopted with respect to this development to lay the building blocks towards a highly accessible development and a transport network that prioritises sustainable modes of travel.
- 5.118 2.11 The applicant suggests these objectives will never be achieved by continuing to build development which is dependent on the delivery of supporting highway infrastructure that simply perpetuates historical trends.
- 5.119 2.12 Traffic congestion is often cited as a reason for development not to take place, particularly in areas where numerous amenities are provided and strategic movement corridors are present, as is the case with this proposal.
- 5.120 2.13 The applicant suggests the site is located in a highly sustainable location with proximity to and good accessibility to/from an exceptional range of local services and amenities providing for all aspects of daily life, as well as access to public transport, which can be enhanced further through the development proposals.
- 5.121 2.14 Apparently, the geographic location of the site, which is in close proximity to existing employment, shops, and services, is considered a significant opportunity. In particular, the numerous shops and services in the immediate surrounding areas and an even wider range of amenities in the county town of Maidstone are accessible for future residents of the application site. Furthermore, the presence of Barming rail station immediately to the southeast of the site would facilitate commuting trips to London and other destinations by non-car modes.

- 5.122 2.15 The development would seek to take full advantage of the opportunities provided by its excellent location, whilst remaining aware of and responsive to specific local context. The primary constraints of the site in transport terms relate to existing peak hour traffic congestion on the surrounding network and existing levels of and access to public transport provision.
- 5.123 2.16 With respect to the operation of the surrounding highway network it is evident that simply promoting a car dominant development of this scale would not be desirable or acceptable.
- 5.124 2.17 It is important to note that simply trying to overcome highway capacity constraint to facilitate the development would serve only to encourage car use for residents of the site and the surrounding communities. Whilst some mitigation may be necessary at critical locations, it is considered that the long term solution is to facilitate and promote travel by sustainable modes wherever possible.
- 5.125 2.18 Notwithstanding the above statements in the TA a brief analysis of the 2021 Census data for car availability, distance of travel to work and mode of travel to work indicate a high degree of car ownership/availability, travel to and from work by car or van.
- 5.126 2.19 Car availability within the study area, Ward and Borough would suggest average car availability per household is between 1.3 and 1.5 and the percentage of people travelling to work by car/van ranges between 47% and 57% across the various Census output areas.
- 5.127 2.20 On the other hand travel to work by public transport is recorded within the 2021 Census data as being between 3% and 4% across all Census output areas.
- 5.128 2.21 It is therefore unlikely that the proposals would be able to meet the applicant's ambitions for a majority of trips to and from the site to be undertaken by sustainable modes.
- 5.129 2.22 Furthermore, it is most likely that the development would generate considerable levels of additional vehicular traffic which have adverse effects on the safe and free flow of traffic, would give rise to condition prejudicial to highway safety and would have adverse effects on air quality.

3.0 Highways Implications

- 5.130 3.1 The Transport Assessment predicts the following junction will require some mitigation works as a result of the proposed development: -
1. A20/Hermitage Lane
 2. A20 /Bradbourne Lane (Scenarios 1 & 2 only)
 3. M20 J5

4. M20 J6

5. Watlington Crossroads (Scenario 3 only)

6. East Malling Village (Scenario 3 only)

5.131 3.2 It is worth noting that Scenarios 1 and 2 inflict the lowest increases in vehicular traffic and scenario 3 the largest.

5.132 3.3 It can be seen in the predicted scenarios that the above junctions are already operating at or over capacity with large vehicle queues developing at peak times.

5.133 3.4 The proposals do not provide any details regarding additional public transport services that would enable or entice future residents away from using private motor vehicles.

4.0 Conclusions

5.134 4.1 The additional vehicular traffic generated by the proposals for will have a significant impact on the local highway network, particularly on Kilbarn Road and routes through to existing junctions with A20 to the north.

5.135 4.2 The Transport Assessment (TA) has not correctly identified the existing traffic conditions within the local area and subsequently has not accurately assessed the implications of the proposals on the local highway network or identified any appropriate mitigation.

5.136 4.3 The transport issues associated with the proposals have therefore not been correctly considered and therefore the impacts of the proposed development have not been addressed.

5.137 4.4 The environmental impacts of traffic and transport infrastructure have not been correctly identified, assessed, and considered.

5.138 4.5 The significant impact from the proposed development in terms of capacity, congestion, highway safety, pollution and the possible effects on public health have not been fully identified and therefore no appropriate mitigation is proposed.

5.139 4.6 The proposals have therefore been prepared by a strategy that fails to meet the infrastructure requirements and cannot therefore satisfy the NPPF, requirement for soundness and does not comply with the Council's Planning Policies.

5.140 4.7 The proposals should therefore be refused planning permission.

5.141 **Ditton Parish Council** (07/01/25) - Please see below Ditton Parish Council's objections to this application. Please note that this document was produced in order to register the Council's objections within the very short deadline given. Ditton Parish Council is continuing with requests for information; but due to the

time required for other organisations to respond, we are unable to include more at this time; and trust that when we do provide this information, it will be given the weight that it deserves.

Summary

5.142 Ditton Parish Council assessed the proposal against the requirements of the National Planning Policy Framework (NPPF), December 2024 and found that this proposed development is not compliant with those requirements. Consequently, Ditton Parish Council (DPC) strongly objects to the planning application in the following areas of concern:

1. Lack of Infrastructure (para 77 of NPPF)
2. Traffic Generation / Transport (paras 89, 110, and 116 of NPPF)

2.1 Review of Traffic Modelling

2.2 Road Traffic

2.3 Mitigation – Trains

2.4 Mitigation – Buses

2.5 Mitigation – Cycling

3. Loss of Agricultural Land and Species Habitats (para 187 of NPPF)

5.143 Additionally, DPC objects to the proposed development with respect to the following additional areas of concern:

4. The loss of Heritage Assets
5. Loss of Privacy
6. Overshadowing and Overlooking
7. Adequacy of Parking
8. Highway Safety
9. Noise, Dust and Air Pollution
10. Impact on Conservation Area(s)
11. Facilities
12. Public Rights of Way (PRoWs)
13. Archaeology

14. Disproportionality

5.144 The council's objections are described in more detail below.

1 Lack of infrastructure

5.145 Paragraph 77 of the NPPF states that *"The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes)."* DPC is concerned on the levels of flooding that have occurred during the last few years including on the A20 and surrounding roads. The natural soakaway provided by the site will be lost if built upon; which will increase the risk of pluvial flooding.

5.146 DPC is concerned that, even without this development, that there are no plans for additional reservoirs; and the increased abstraction due to the additional boreholes recently installed, and currently planned, will deplete the aquifer to a level where it will be unable to cope with the increased demand from the new housing for potable water. Even without this development the increased potable water demand will increase the now regular reliance on the cutting of water usage to meet the current need. Should this development go ahead then the situation will be much worse.

5.147 DPC is aware that the sewage developments in Kent are not coping with the current demand and have seen regular and routine sewage leaks. To minimise risks to the public, the infrastructure to deal with domestic waste from this development must be in place before the buildings are occupied. At present, while the Ditton Waste Water Treatment Works could potentially deal with the effluent from this development; the fundamental issue appears to be how this effluent actually gets to the water treatment plant. The developer implies that the existing 150mm foul sewer in Kilnbarn Road together with the existing foul sewer in Hermitage Lane which is also being used to carry the extra effluent from the houses being built along it will successfully accommodate the effluent from 1300 additional homes arising from this development. DPC is concerned that this may not be the case.

5.148 DPC is concerned that infrastructure plans never consider the impact additional housing will have on their efficacy and no stakeholders are ever accountable for the issues arising.

2 Traffic Generation

5.149 Paragraph 89 of the NPPF states *"it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for*

example by improving the scope for access on foot, by cycling or by public transport).”

- 5.150 Paragraph 110 of the NPPF also states: *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”*
- 5.151 Further, the NPPF states in paragraph 116: *“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, following mitigation, would be severe, taking into account all reasonable future scenarios.”* DPC believes that the evidence provided covering the impact of this development on traffic meets this requirement and that the development should therefore be refused.

2.1 Review of Traffic Modelling

- 5.152 Having reviewed the traffic analysis, DPC is concerned that there are false assumptions and many material errors. DPC is also concerned that measures to limit the need to travel have not been adequately addressed; and that a genuine choice of transport modes is not available.
- 5.153 The analysis is showing small, unsuitable roads such as St Peters Road and Bradbourne Lane holding large numbers of queueing cars diverted from the more direct route of: New Road, Ditton. St Peters Road and Bradbourne Lane are residential roads which have lots of on-street parking; and consequently provide a constriction on free-flowing traffic. The plan is simply pushing traffic at all times on areas already dealing with sufficient traffic to overload capacity.
- 5.154 The proposed design drawings of Kilnbarn Road/Link Road junction do not correspond to the modelling assumptions. The analysis suggests that no access from the new link roads onto Kilnbarn Road South, but the drawings do not show this.
- 5.155 Further, the traffic analysis of Kilnbarn Road only considers a peak of 10 Passenger Car Units (PCU) per hour for traffic travelling South and 15 PCU / hour peak heading North, at morning peak. This route already carries far more PCU than this. Indeed, other studies on the TMBC planning portal have indicated a development of 50 homes will generate an additional North-South Traffic flow of >10 PCU on this route.

2.2 Road Traffic

- 5.156 DPC is concerned, from inspection of the analysis methodology supplied, that the predictions of traffic expected as a result of this development may be an underestimate, even with the aspirational (and implausible) mitigation proposed.

Even so, the predicted traffic flows result in junction saturation, leading to increased congestion.

- 5.157 DPC see within the traffic prediction model a reliance of unsuitable roads such as St Peters Road, which feeds into Bradbourne Lane, both of which are not wide enough to reflect the increase of traffic; and which regularly have parked vehicles along their length. Bradbourne Lane also has a 6'6" width restriction and a blind brow, with no footpath at that point. We are also aware of poor pedestrian visibility on Bradbourne lane, particularly from the new footpath added to accommodate the new Lidl store.
- 5.158 Ditton Parish Council note the KCC Modelling Advisory Service large-scale model significantly underestimates the traffic to and from East Malling (over 20% in some cases). There have not been and there are no known future plans to deal with traffic generated from this development adding to the already saturated flow through East Malling village centre; and accept the findings that the link road will offer no additional support to East Malling traffic and is not a viable option.
- 5.159 Ditton Parish Council find the planned increase of traffic on Kiln Barn Road at 811% to be completely unacceptable particularly with a new 300 housing development already being built that discharges traffic solely onto that road. The traffic generated by this development was not considered in the analysis.
- 5.160 Ditton Parish Council find the increase traffic of St Peters Road, a residential road to be unacceptable – and the suggestions that the project will encourage rat runs to avoid large chunks of the A20.
- 5.161 Ditton Parish Council is concerned that the plans for improving the A20 have not been completed and there are currently no proposed plans in place to complete the works that were originally promised.
- 5.162 Ditton Parish Council is concerned about the Hermitage Lane developments which have also not being considered in the analysis. Hermitage Lane has experienced large traffic problems for the last few years which the traffic analysis has not considered. The road is the main route for Ditton's residents to Maidstone Hospital. DPC is aware of delays to emergency ambulances travelling on this road, even when showing blue lights and sounding their sirens.
- 5.163 The proposal is linking up to existing plans for a roundabout for a new development. This surely admits that the traffic issues from the housing developments is accepted by Kent County Council and Tonbridge and Malling Borough Council.
- 5.164 DPC is aware that there are plans to improve the J5 and J6 of the M20 to improve traffic flow. The improvements will be short lived due to the additional housing that will result in the capacity being filled in again.

2.3 Mitigation – Trains

- 5.165 The current proposals for reducing road traffic over the medium to long term includes the utterly implausible suggestion that the local train operator, SE Trains Ltd, double the number of services, at peak times, that stop at Barming station:
- 5.166 *The station [Barming] currently operates a half-hourly service in both directions during peak periods and hourly off-peak. For the purposes of this TA, it is envisaged that, as a minimum, the peak hour services will be increased to every 15 minutes to cater for additional demand derived from the development.*
- 5.167 This is such an improbable suggestion that the inclusion of this statement further reinforces the view that the transport assessment modelling is flawed.

2.4 Mitigation – Buses

- 5.168 The current proposals discuss the ability of new and enhanced bus routes to reduce traffic generation from the development.
- 5.169 *The specific [bus] routes and service frequencies will be determined by KCC at the appropriate time, however, for the purposes of this TA it has been reasonably assumed that there will be an increase in peak hour services which will provide increased opportunities for travel by bus between the site and surrounding key employment and/or education hubs. In particular, it is anticipated that service provision to/from Maidstone, Kings Hill and along the A20 corridor will be markedly improved.*
- 5.170 These plans are reliant on private enterprises being able to justify a new commercial route or additional services. The commercial justification for new routes, or greater frequency of services, to serve this development is implausible, and it would need to be subsidised. Funding from other sources, in part or fully is not credible in the medium to long term.
- 5.171 KCC submitted their Bus Service Improvement Plan with a bid for £213m; but were actually granted £35.1m. The consequence of this was a county-wide reduction in bus services and routes particularly for school users, some being cut completely. Examples include Aylesford School and Wrotham School who have both experienced bus restrictions. DPC is also aware that some Parish Councils are now subsidising routes for areas such as Ightham, Trottiscliffe, and Offham.

2.5 Mitigation – Cycling

- 5.172 The cycling routes identified in the Sustainable Travel Strategy are misleading, and in some cases illegal. For example, in section 4.5.29, it states: *“From Hermitage Lane the route takes an off-road path, which runs immediately to the north of the hospital before connecting into Giddyhorn Lane and Malling Terrace. The path is signposted for pedestrians and cyclists and provides a direct traffic free route, while Malling Terrace (which leads to Queens Road) is a lightly*

trafficked route with tarmac surfacing.” This path (MR489) is shown as a footpath only on the definitive map and the use or carriage of a bicycle on that route is therefore illegal trespass!

5.173 Further, while it is claimed that all public rights of way crossing the proposed development will be upgraded to bridleways (if not already bridleways); this leads to the interesting issue that these new bridleways will revert to footpaths at the edges of the development; and are not legal routes for cyclists. This happens at (or near) the following locations:

- The pedestrian footbridge on MR 488;
- MR485 near the junction with Upper Mills Road; and
- The pedestrian footbridge over the railway on MR102.

5.174 This strategy will therefore encourage trespass by cyclists onto footpaths contiguous to the site.

3 Loss of Agricultural Land and Species Habitats

5.175 Paragraph 187 of the NPPF1 states that:

5.176 *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

b) 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;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;”

5.177 This development represents a significant Change in Landscape Character at the local scale from horticulture and orchards to an urban area, destroying the existing intrinsic character and beauty of the site.

5.178 Additionally, this development will result in a loss of 62.3ha of the best and most versatile agricultural land¹¹ as described in Table 1 below:

Table 1: Areas occupied by the different land grades.

<i>Grade/subgrade</i>	<i>Area (ha)</i>	<i>% of the land</i>
Grade 2	51.9	81
Subgrade 3a	10.4	16
Non-agricultural	1.6	3
Total	63.9	100

Table 1 agricultural land quality assessment

- 5.179 Ditton Parish Council note there are there are several trees, groups of trees and woodlands on the site which are the subject of a Tree Preservation Order. The TMBC Order References are as follows:
- Woodland TPO 80/10069/TPO dated 7/3/1980.
 - Area TPO 76/10068/TPO dated 14/4/1977.
 - Various TPO 86/10051/TPO dated 22/5/1986.
 - Individual TPO 72/10084/TPO dated 10/5/1972.
- 5.180 DPC is concerned that the development will cause the destruction of many trees including five mature pendulate oak trees. One of these is a tree of high quality with an estimated remaining life expectancy of at least 40 years; while the other four are trees of moderate quality with an estimated remaining life expectancy of at least 20 years, in their current condition. Mature oak trees are recognised as a haven for 2,300 wildlife species, providing vital spaces to eat, shelter and breed; and their loss to the local wildlife will be significant. Replacement planting of young oak trees will not provide significant mitigation over the short to medium term.
- 5.181 There is one confirmed and 3 other trees that have the potential to be homes for Bat species; and DPC is aware that two properties on the development due to be demolished are also currently housing for bats.
- 5.182 The reports confirm there are eight species of bat currently living on the site that would be adversely affected by the planned development. The reports also highlight a range of other animals living on the site including dormice, deer, fox, hedgehogs, stag beetles, and a variety of birds.
- 5.183 There is the potential for adverse impacts due to damage to habitat and the loss of certain animals during the clearance works. Long term effects include the introduction of stray light and glare onto bat foraging sites and corridors, as a result of lighting.

- 5.184 The developer has recognised the impact of this development on habitats of principal importance within the site boundary as follows:

.....there are some Habitats of Principal Importance (HPIs), which are of ecological value. The Application Site provides foraging habitat and shelter for a range of common and protected species. In addition, part of the site is noted as Deciduous Woodlands HPI and Ancient and Semi-natural Woodland HPI. Temporary disturbance from the construction phase (such as increased noise, dust generation, lighting and increased human activity) could have an adverse impact on these habitats and there could be accidental damage from machinery

- 5.185 DPC is concerned that this development will result in loss of wildlife habitat over the short to medium term, from which the native fauna will never recover.
- 5.186 The development is in an intrinsically dark landscape where any new lighting would be conspicuously out of keeping with local nocturnal light levels. DPC believes that the light pollution arising from this development is contrary to national, planning policy, and government circulars, and will be harmful to native nocturnal wildlife.
- 5.187 DPC believes that the tests for acceptance of this development under paragraph 187 of the NPPF are not met and that the planning application should be refused.

4 Loss of Heritage Assets

- 5.188 Paragraph 203 of the NPPF states: *“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:.....*

d) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;”

- 5.189 A review of the archaeological and Heritage reports indicated a potential loss of the few remaining elements relating to the 19c. parkland landscape of Preston Hall.
- 5.190 The proposed development claims that by planting non-native trees along the lines of the 19c. rides that: *“The proposed changes will affect the setting of heritage assets by changing the character of the mid-late nineteenth century landscape by removing its agricultural character. In themselves, the physical remains of the drives will remain largely unaffected, and will remain part of the evolving landscape.*
- The eastern drive in particular will remain a public route much as it has done since the nineteenth century.”*

- 5.191 These proposed measures should be translated into planning conditions should this development be approved.

5 Loss of Privacy

- 5.192 DPC is concerned that the development of Franklin Kidd Lane and Cyril West Lane in Ditton (developed in 2010 – 2012) will be subject to a significant loss of privacy from the proposed development on three sides. When the development was considered (and approved) Ditton Parish Council asked questions about future development and were assured that there were no plans to further develop on that (the East) side of Kilnbarn road. This loss of privacy is a detrimental effect on people living in properties which were considered to be at a premium rural location with no overlooking properties.
- 5.193 DPC strongly believes that residents on Franklin Kidd Lane and Cyril West Lane will face considerable additional traffic from this development and these small Cul – de – sacs will be enveloped and linked to a large estate, which was not expected in the original design, to the detriment of the existing residents.

6 Overshadowing and Overlooking

- 5.194 Ditton Parish Council believe that Franklin Kidd Lane and Cyril Way Lane will face being overlooked by three sides of the proposed development. The design of this estate never factored being overlooked and despite gaps planned for, we believe that the houses will be overlooked to a detrimental affect to those already living in this area.

7 Adequacy of Parking

- 5.195 Ditton Parish Council have little confidence in the analysis completed by Tonbridge and Malling Borough Council and Kent County Council on the parking solutions being proposed. Historical evidence of the past twenty years has shown these analyses have consistently facilitated the delivery of poorly designed road and parking schemes including: Brampton Fields, Ditton; Holborough Lakes, Snodland; and Leybourne Chase, West Malling; which have all delivered inadequate parking and consequential traffic problems.
- 5.196 DPC believe that the current development's plan fails to include a realistic number of cars/vans per household. Further, the plan does not include sufficient opportunities to park cars/vans off the road.
- 5.197 DPC believes, having read the travel plans and the detailed reports, that there has been no serious consideration of the additional traffic essential for servicing the new development. For example, the development will be a major attractor for traffic arising from supermarket deliveries, take-away food deliveries, on-line retailers such as Amazon, as well as traditional services such as Royal Mail, Milk deliveries, etc. These delivery vehicles will need to park, albeit temporarily, on the

development throughout the day as well as during the evenings and early mornings when the residents are at home, and the residents' vehicles are parked on the development. DPC do not believe that the accommodation of realistic quantities of delivery vehicles has been accurately reflected in the modelled simulations and consequent design.

- 5.198 Ditton Parish Council, again from experience, are aware that a proposed school will result in significantly more traffic than expected. The primary driver for traffic arises because staff do not live within a walkable distance, which is exacerbated by the teacher shortages faced by Kent schools. There is also no submitted proposed travel plan which is expected from schools. DPC is aware from experience of Ditton Infant School, Ditton Junior School, Valley Invicta at Aylesford, Aylesford School, Malling School and Wrotham School that there is a lot of vehicle traffic on drop off and pick up. This includes traffic arising from those living in "walkable" areas – including estates (such as at Kings Hill). The proposal does not include adequate parking provision for this foreseeable demand.

8 Highway Safety

- 5.199 The current proposed design has allowed for a new B Road to be formed. Linking Kilnbarn Road to the A20 through this planned development via another development, under construction, to the East of Hermitage Lane. This new B road joins the A20 at the A20 Poppy Fields (aka 20/20) roundabout provides a new alternative route which will be available for people to use instead of the A20. The traffic modelling shows that this will result in an increase of traffic in Ditton on Kilnbarn lane, thence New Road Ditton which was not designed for these increased levels of traffic, on top of that which would be expected from the development itself. This greatly increased traffic will increase the risk of accidents and collisions between vehicles, vehicles and two-wheeled vehicles and pedestrians including the cohorts of children attending the schools accessed from New Road, Ditton.
- 5.200 A further accident hazard will accrue from traffic heading South along Kilnbarn Lane to access Red Hill via Easterfields and Sweets Lane. These roads form a continuous single-track lane with high hedges and passing places over much of its length, and two blind bends, one at the junction with Rocks Road.
- 5.201 DPC specifically noted that the traffic modelling underestimated the peak traffic on this well used route, as shown in Figure 1 below.

Origin-Destination Data					
Demand (PCU/hr)					
From	To				
	A - New Link Road E	B - Kiln Barn Road S	C - New Link Road W	D - Kiln Barn Road N	
	0	0	0	211	
	0	0	0	15	
	0	0	0	0	
	61	10	0	0	

Figure 1 AM Peak traffic assumption, (reproduced from Transport Assessment Vol 5 - Multi-Modal Assessment - Bradbourne, East Malling; 22-031-R1005 Rev B)

- 5.202 The developers proposed junction arrangement will add delays to this route (in both directions) as the traffic exiting the development to head North will have priority over the extant North-South route. This route is already very busy in the morning and evening rush-hours and additional traffic will increase the probability of head on accidents.
- 5.203 Whilst Ditton Parish Council approve of the plans to increase footpaths and cycle lanes, we notice that the proposal does not guaranteeing the funding to complete the work. DPC is aware of the promises linked to Brampton Fields and dedicated funding for a purpose-built entrance. We are also aware that the funding from the Cyril West Lane development for the proposed footpaths from that site to the extant paths in Ditton never materialised either. We are therefore objecting to the plans on the grounds that there exists no hypothecated funding imperative to deliver these road safety measures.
- 5.204 Ditton Parish Council expects the increase of accidents due to the restrictions of width of Kilnbarn Road/New Road due to cycle lanes. The road being proposed is not designed to be widened; but vehicles encountering cycles coupled with narrowness could result in higher rate of accidents occurring.
- 5.205 Ditton Parish Council is concerned that the development is between two railway stations which are not main stations with regular services both ways (see section 2.3). This promotion of green travel is not in line with the current offering in the area.

9 Noise, Dust, and Air Pollution

- 5.206 DPC is aware of evidence seen by Tonbridge and Malling Borough Council over the past 20 years that Ditton Corner (Junction between New Road/A20/Station Road) was one of the most polluted areas in Kent. We are also aware that all monitoring units were removed over the past ten years which means data are not available to support or argue against any plans on the grounds of measured pollution levels.

- 5.207 DPC is aware of housing developments such as those on Kiln Barn Road which are in compliance with noise and dust levels. We are however constantly aware of the levels being not acceptable to those that are living close to the developments, with dust being a persistent nuisance in the summer months.
- 5.208 DPC is concerned that airborne pollution will have an adverse effect on the Ditton Quarry local nature reserve which lies to the north of the proposed development.
- 5.209 Noise of the construction was graded as 'major' on the environmental study and contradicts the low concerns that reports highlight. This may be intolerable to residents of the Franklin Kidd enclave.
- 5.210 Ditton Parish Council note the Defra Damage cost calculation tool with the calculations suggesting £376,100. As the cost of mitigation will be higher than this figure – no mitigation is expected. This is unacceptable to the residents that will be affected from this.
- 5.211 We are concerned that light pollution will affect a known dark-sky area used for star gazing due to the lack of artificial lighting. DPC noted that the checks on sky glow were done on a cloudy night and the observers would have been unable to note the value this area has.

10 Impact on Conservational Area(s)

- 5.212 DPC is concerned about the effect on the ancient woodland. The proposed 15-meter gap might still result in damage to a historical woodland.
- 5.213 DPC is concerned in regard to the chemicals that were sprayed on the land. Produce on the land was never for human consumption and we are concerned that previous developments on East Malling Land have shown concerns after planning permission was granted and the concerns of residents were not considered strongly at this stage.
- 5.214 The plan is to demolish the brick wall on the side of New Road, East Malling. This wall is associated with the Grade one listed building that is on the estate.
- 5.215 The planned road safety improvements in New Road, Ditton would require changes of use and groundworks on land that does not belong to Tonbridge and Malling Borough Council or East Malling Research. This land has protected village green status and could not be used for cycle lanes.

11 Facilities

- 5.216 Ditton Parish Council contest the view of Kent County Council assessment that another primary school is required. The recent educational reviews suggest the fall in PAN numbers will continue. Schools such as St Katherines have shut a third of available classrooms over the past few years.

- 5.217 The reports highlight that local doctors are still able to take patients. We believe this is linked to an increase of patient per doctor ratio that has been allowed by the NHS. DPC is also aware that St Peters Village and Leybourne Chase provisions for GP surgeries have not been taken up. There is therefore a shortfall of GP provision in the expected areas.
- 5.218 DPC is concerned that the inclusion of shops / restaurants will act as an attractor to traffic, and increase traffic flows into and out of the development. This is potentially worse from increasing the number of local take-away options which have had a detrimental affect on existing facilities such as McDonalds and have generated additional traffic from delivery drivers. We are also aware of issues such as increased traffic heading to and from popular restaurants such as Papas' Barn following their rebuild in the past 15 years.

12 Public Rights of Way

- 5.219 The development plans will have a major adverse impact upon the amenity value provided by the existing public rights of way. The current Public Rights of Way allow residents to have pleasant views across agricultural farmland and horticultural fruit production.
- 5.220 The developer has identified this loss of amenity:

In the short term it is judged that for those PRow that cross the main site east of Kiln Barn Road there would be a major adverse impact upon the amenity value associated with these PRow first as a result of the construction activity and then in the medium term by the permanent altering of the views from these sections of PRow which currently experience pleasant views across open agricultural farmland and horticultural fruit production.

- 5.221 The impact of this development would be to downgrade these pleasant views to a largely urban landscape.
- 5.222 Further, The PRowS crossing the development are some of the very few places locally where light pollution is low enough to see the stars of the night sky, and our own galaxy, the Milky Way. DPC note that these PRowS permit public access to an "intrinsically dark landscape" that supports habitats for native nocturnal animals and permits visibility of the stars. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light and which require protection from light pollution; and where any new lighting would be conspicuously out of keeping with existing local nocturnal light levels.
- 5.223 This amenity would not have been detected by the developer as they undertook their study on a cloudy night! DPC believe that this dark sky area is a valuable amenity that is highly valued to those who go out on clear nights to see the stars. DPC believes that the light pollution arising from this development is contrary to

national, planning policy, and government circulars, will be harmful to native nocturnal wildlife, and will prevent enjoyment of the night sky.

13 Archaeology

- 5.224 Ditton Parish Council objects to this proposal because of the risk of damage to archaeological sites that within the development boundary. This is also recognised by the developers:

The Proposed Development lies in an area of archaeological potential, especially for the Palaeolithic and Bronze Age periods within the Main Site and the Romano-British period in the Access Site. Foundations and other groundworks in this area have the potential to disturb and destroy archaeological heritage assets; destruction of a high significance receptor constitutes a long-term, substantial adverse effect.

- 5.225 DPC is aware of the remains of the Roman Villa adjacent to St James the Great church near the Access site.

- 5.226 Lidar imagery of the Main Site, and satellite imagery (especially from 2003), suggested there may be a prehistoric (Bronze Age) ring ditch or round barrow within the site boundary to the immediate west of Dog Kennel Wood. The archaeological investigation found that the feature was natural however finds indicating late Iron Age/early Roman activity elsewhere in the development area that would be of potential regional significance.

- 5.227 The development site has been largely unchanged for centuries a fact that is accepted by the developers:

The general setting of the Main Site is within an unlisted historic landscape relating to postmedieval woodland and agriculture. The landscape and the changes to it over time, provide historic information, and should be conserved.

- 5.228 The developers propose “sensitive lighting”, including the use of low glare fixtures, appropriate positioning, appropriate brightness and consideration to the orientation and optical qualities of the beam, will minimise the effect of the illumination of the Access Site on nearby Listed Buildings in the Conservation Area and on designated views of the historic landscape.

14 Disproportionality

- 5.229 Recently the Area 3 section of the borough has seen considerable housing developments, occurring at a faster rate, than the other two areas of the borough. This development plan is counter to the existing aims and philosophy of Tonbridge and Malling Borough Council cabinet for all the borough to share housing.

- 5.230 Further, this development plan if implemented would allow a tenth of all planned housing for TMBC to land within a single Parish Council.

- 5.231 **Ditton Parish Council** (06/01/26) - Ditton Parish Council has considered the above application and observations thereon are as follows:
- 5.232 Resolved this Council continues to strongly object to this application as a whole and objects to the proposed modification submitted in December 2025:
- The council accepts the adaption which will improve access for East Malling – particularly the church which was concerns from Historic England.
 - The suggestion of hedge row has no legal standing and can be easily withdrawn or if part of the conditions – allowed to be modified. We have experience of what was believed to be cast iron agreements being removed years later.
 - The concern of development of a large road will allow areas of high quality agricultural land to be available for housing. The suggestion in the TMBC plan for employment areas is unlikely.
 - The route for a bus service still is relying on commercial partners – examples of this not being established on Panttoni Park suggest this is not viable
- 5.233 **East Malling and Larkfield Parish Council** (28/03/24) - Thank you for your letter about this application and I should say at this stage this is a considerable application with a lot of documents so it may take some time for Parish councillors to read all the documents and study the plans.
- 5.234 It is of course contrary to the existing local plan and affects Aylesford, Ditton, and East Malling. When the presentation was made by the Research it was also felt traffic ending up in East Malling would cause some to go on into West Malling.
- 5.235 The Parish Council therefore feels this will be a very controversial application and should be considered by the Area Committees meeting jointly if necessary.
- 5.236 I have copied this email to West Malling, Ditton, and Aylesford Parish Clerks.
- 5.237 **East Malling and Larkfield Parish Council** (07/05/24) - TM/24/00372/PA – Outline application for development of land to the west of Hermitage Lane and Kiln Barn Road by East Malling Trust
- 5.238 1. These comments are made on a preliminary basis given the volume of documents to be read by Parish Councillors for what is a significantly large site.
- 5.239 2. We have tried to reflect the concerns expressed at a Public Meeting held on 28th April 2024 in East Malling. We have also taken into account the response of Teston parish Council dated 3rd May 2024 plus those of Ditton Parish Council following their earlier public meeting.
- 5.240 3. Parish Councillors also attended the pre-application exhibition held by the Trust and have attended meetings with them.

Highway Issues

- 5.241 4. Both public meetings and public representations indicated a considerable level of concern regarding traffic impacts of the development in Hermitage Lane; New Road, Ditton and its junction with the A20; and also the southern part of Kiln Barn Road, Ditton with lanes in East Malling that lead either down to East Malling village or south to the A26 at Watlingbury crossroads. There is also the private road through the “Research” site from Kiln Barn Road to New Road, East Malling.
- 5.242 5. The documents clearly indicate a move away from the “Predict and Provide” model of assessing applications to a “Decide and Provide” one.
- 5.243 6. This “paradigm shift” has significant implications in assessing all applications as well as Local Plans. It fits in with the fact the Government through of its Planning Guidance states applications should only be refused if they create “severe” highway problems. The response from Teston Parish Council sets out the position clearly.

Road from Kiln Barn Road through to New Road, East Malling

- 5.244 7. The shift mentioned above seems to have changed what was proposed at the consultation stage namely making this road a public one open to the general public to a “Sustainable Movement Corridor”.
- 5.245 8. This is a term the Applicant’s seem to have devised meaning the route could be used by buses, cyclists and walkers. It envisages people working on the site would use the New Road access at East Malling and not from Kiln Barn Road.
- 5.246 9. The Parish Council welcomes this would not be a public road as such a through road would as the documents confirm create additional traffic in East Malling Village with its narrow streets and pavements. It would be detrimental to those living in the houses on the roads many being listed and in the Conservation Area. It means the idea of a second car park knocking down Cherry Villas has, we understand been dropped. In addition the idea of making Chapel Street, Gilletts Lane and The Rocks Road one way which we are aware had been explored. The Parish Council was completely opposed to this idea.

Questions

- 5.247 10. However, the following questions need to be answered:-
- 5.248 (a) Bus – where would this bus run and who would pay for it? For how long?
- 5.249 (b) Road Status Change – As we understand the legal position there is nothing to stop the Trust opening up the road, wrongly called Capel Street to public use. Would there be a Legal Agreement requiring its closure at Kiln Barn Road to all but buses, cyclists and pedestrians?
- 5.250 (c) Cycle Use/Public Path MR102 – Definitive path MR102 runs through from Church Walk through St. James Churchyard then on Trust land through to Kiln

Barn Road. The Parish Council consider this is satisfactory as a public path but arguably not so for cyclists through the churchyard. Presumably any status change would need the Church authorities to agree? However, a legally recognised cycleway would be welcome on an agreed route and signed.

- 5.251 (d) It is noted the road could be open to the public under the “Pessimistic Scenario”. This brings us back to (b) above. It should not be capable of a unilateral decision.
- 5.252 11. Lanes south of Railway Line The Parish Council is not convinced that changing the layout of Kiln Barn Road where it meets the new access into the development site would have much impact on discouraging the use of the narrow country lanes of Kiln Barn Road under the height restricted railway bridge; Easterfields; Sweets Lane or The Rocks Road down into East Malling village.
- 5.253 12. These road are unsuitable for more traffic and we would not wish to see them “improved” as they are rural lanes with high hedges in places; the pond close to Four Acres; and much used by horse riders. We would therefore wish to see them designated as Quiet Lanes and other restrictions imposed.

The Development Site

- 5.254 13. The site is within the parishes of Aylesford and Ditton so we ask that great weight is placed on the representations made by those Councils. However, we would wish to emphasise the following issues:-

Loss of Rural Public Footpaths

- 5.255 (a) If approved the planning application would result in a loss of an important network of rural public footpaths that are adjacent to the built up areas of Ditton and Aylesford to the north. Whilst the paths could largely be kept on the same routes and landscaped they would not be the same.

Effect on Ancient Woodland

- 5.256 (b) Whilst it is not proposed to build on Deadman Wood and Dog Kennel Wood there would be an adverse effect on such areas being surrounded by development. It is unclear how these would be protected into the future.

Archaeology

- 5.257 (c) We note the developers accept there may be heritage assets within the area. There particularly appears to be a round barrow adjoining Dog Kennel Wood. This needs investigation at the expense of the developer.

Urbanisation

- 5.258 (d) The development would result in the further urbanisation of the area especially when taking into account the already approved housing sites off Hermitage Lane. In effect merging Maidstone with the built up area of Medway Gap.

Woodland Strips and Trees

- 5.259 (e) Ditton Parish Council has recorded the existing Tree Preservation Orders under Section 12 of its representations. The Borough Council is urged to carry out a comprehensive survey of all T.P.Os so that such trees can be protected and taken into account during the Planning process.

Loss of agricultural land

- 5.260 (f) The Council continues to be concerned at the loss of agricultural land across the Borough and generally. Such land needs greater recognition for this country's food security into the future. Conclusion In consideration we emphasise this is an initial response and given the size of this site it considers it should be reported in due course to the Area Planning Committees.

- 5.261 **West Malling Parish Council** (16/04/24) - West Malling Parish Council Planning Committee has considered this application and objects for the following reasons:

- the proposals include access to the site from New Road in East Malling. This inclusion will encourage both residents and the large numbers of motorists already using Hermitage Lane to use this access as an alternative East/West route from Hermitage Lane towards West Malling. Commuters in particular will travel to West Malling train station to use the more regular train links. This is likely to have serious safety implications, as well as overload Mill Street and Clare Lane in East Malling, through onto Lucks Hill, Swan Street and Town Hill in West Malling. Furthermore, this access is not required for safe entry and egress to the site which has already been proposed to/from Hermitage Lane itself and directly onto the A20.
- the proposals will further add pressure to the existing road network, including Hermitage Lane and the critical junction with the A20. This is a key part of the local transport network, through which traffic heading from West Malling and other local communities to the hospital passes. While WMPC understands that there are plans to reduce pressure on this junction with the changes at Coldharbour Roundabout and the through road cutting West to the new Poppies development, it is not clear whether these plans were taken into account as part of the traffic analysis required for that scheme.
- this proposal will place further significant pressure on local public services, in particular the NHS. Access to primary care and general practice services locally is already at breaking point and these proposals do not even include a location where the provision of such services may be possible.
- the proposals will see the removal of high-quality agricultural land at a time when food security is increasingly important and as encouraging local food

consumption becomes a more pressing concern as part of our bid to reduce food miles and combat climate change.

- the proposals do not include any provisions for communal heating or energy, despite being of such a significant size that this would easily be economically feasible. Ground source boreholes could provide cheap, sustainable energy and should be made a condition for schemes of this size.
- the proposals will also place significant pressure on water resources locally, which are already very stressed.
- the proposals will further exacerbate the creeping urbanisation of this part of the Borough and the County that is seeing the green space which keeps settlements distinct removed.

5.262 **West Malling Parish Council** (31/01/25) - West Malling Parish Council reconsidered this major application at its recent Planning Committee.

5.263 Using your website for a major application such as this which has over 500 responses listed is virtually impossible as there is no guidance as to which respondent is which. We would urge that TMBC revises the website to make reading of documents easier and indeed even possible as a matter of urgency and in the interests of local democracy.

5.264 We made a submission to this application dated 16 April 2024 in which we stated why we object to this application and this submission, which also raises objections to the application, is supplemental to that. We note objections from both Ditton Parish Council and East Malling and Larkfield Parish Council and fully agree and support the well-reasoned and detailed responses each has made. We here below wish to add some additional comments to our April submission to further explain why we object to this application.

Sewage

5.265 The developer suggests that the new 1,300 homes will be connected using existing foul sewers pipes in Kiln Barn Lane and Hermitage Lane. This seems optimistic to us. Those pipes will be old and it is only once the houses are occupied that the veracity of this assumption will be found. If this proves not to be adequate, the consequences will be experienced by more households than just this development. We believe the infra structure planning of this application is not well considered.

Traffic

5.266 We are not convinced by the traffic analysis of the impact of this large development. Traffic will be using narrow roads which are residential streets and unsuitable for the increase in vehicle movements. In West Malling, we have already raised concerns that there will be major increases in traffic from this development using Lucks Hill to access West Malling Railway Station and on to Swan St to access facilities in West Malling and trying to turn right at the top of

Swan St to take Town Hill down to the A20. These roads are already very busy especially a school drop off and pick up times. We note another development in East Malling, very recently given approval and two other developments on site on the A20 adjoining West Malling. We are very concerned at the cumulative increase in traffic each of these will bring to our parish and the further pressure on parking within West Malling which is often above capacity. This will be detrimental to local businesses in a significant way.

- 5.267 We also note that the proposal suggests SE Trains increase services at Barming Station to provide mitigation to car usage. This seems highly unlikely. Both Barming and East Malling Stations have much lower numbers of stopping trains than West Malling, which is why people especially from East Malling choose to drive to West Malling to use the better service. This already causes West Malling Station car park to be usually full by 8.30 am on weekdays, This development will only make this worse.

Wildlife habitat

- 5.268 We note the diversity of wildlife living on the site, including various species of bats, badgers, dormice, deer, fox, hedgehogs, stag beetles and a variety of birds. All of these will be adversely affected by this development if not eradicated.

Cycle ways and footpaths

- 5.269 There is a history of local developments promising new or improved cycle ways and footpaths that never materialise. We can see no robust funding arrangements proposed to fund the building and maintaining of these.

Facilities

- 5.270 A principal concern to our parishioners is access to GP appointments. There are no proposals here to provide any additional services for this. 1,300 new homes, a development roughly the size of West Malling, will only make this key issue worse.

Energy usage and increase in local carbon footprint

- 5.271 There is nothing here that suggests how these new homes will be designed to be low energy usage, either by solar panels or more sensibly for this size of development by creating an estate based central energy plan working on geothermal heat pump, which investment would be affordable within such a large development. We find this very disturbing.
- 5.272 Lastly, Ditton Parish Council note that the Area 3 section of the borough has seen more considerable housing developments than the other two areas of the borough. Indeed West Malling sees these arising on many sides of our Parish and within. This is contrary to TMBC policy that the whole borough should equally share housing development. In particular, our residents are concerned that the

identity of West Malling, and other villages close to us is in real danger of being lost as the conurbation of Maidstone sweeps over us all.

- 5.273 The view of West Malling residents and the Parish Council is that we have enough already, further local development, especially without proper consideration of infrastructure will lead to severe quality of life issues for the population and for those who will live in such developments.
- 5.274 **Wateringbury Parish Council** (11/06/24) - It is evident from the developers TA that the proposed development's surrounding road infrastructure would not cope with the additional traffic generated and would unrealistically rely upon new residents using, buses, which currently run at 3-4% occupancy, bikes or walking, as their preferred means of transport rather than their own vehicles.
- 5.275 **National Highways** (16/04/24) - It is recommended that the application should not be determined until 16 July 2024.
- 5.276 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.277 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case, particularly within the vicinity of the M20 near East Malling.
- 5.278 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Trip Rates and Trip Generation

- 5.279 An "Aspirational" scenario has been put forward, which reflects the vision of the site and features various mode split, internalisation and localisation assumptions to baseline conditions as well as considering the Sustainable Transport Strategy proposals.
- 5.280 The Transport Assessment (TA) states that evidence of the analysis supporting the vision is contained within a spreadsheet in Appendix B of Volume 5 to substantiate the plausibility and practicality of aspirational forecasts. This spreadsheet has not been included within the files received and is not available on the planning portal, therefore this spreadsheet referenced at Appendix B of Volume 5 needs to be provided for review.
- 5.281 This evidence will aid decision making to determine a realistic scenario to be taken forward to inform any mitigation requirements. In addition, it may emerge that it is appropriate to implement a traffic monitoring regime coupled with defined triggers for any SRN mitigation requirements.

- 5.282 Whilst the TA identifies mitigation requirements for the development, owing to the various outstanding matters, it is not possible to comment on this at this stage.
- 5.283 The applicant considers the existing and proposed infrastructure and journeys which are more conducive to active travel and public transport using a Red, Amber, Green system to score key routes and links to adjust mode shares to represent the likelihood of certain mode shares being achieved. This principle of considering mode shares for journey types and routes based on infrastructure available is an approach that is in principle accepted, however given the evidence supporting this analysis is missing a review of this cannot be undertaken at this stage.
- 5.284 The applicant presents working from home assumption informed by an average of the 2011 and 2021 Census data outputs, recognising the challenges of using 2021 Census data for homeworking due to the national lockdown associated with Covid-19. Additionally, the applicant then includes a further 9.3% proportion for home working on top of the 20.7% average of Census 2011 and 2021 home working data. Further evidence is requested to review whether the 30% home working assumption is realistic.
- 5.285 In light of the missing evidence to support the trip generation assessment, the traffic modelling analysis has not been reviewed in detail at this time. Detailed review and comment on these assessments will therefore follow in due course upon agreement of the trip generation. Review of the principal inputs to the SRN assessments has been considered at this stage with comments to note detailed below.

Trip Distribution and Assignment

- 5.286 The proposed approach to distribute/assign trips onto the network is to utilise the KCC Strategic Transport Model. This approach is accepted in principle, and we will review the detail at such time that the vehicular traffic generation is agreed.

SRN Capacity Assessment / Junction Modelling

- 5.287 In light of the distribution / assignment of flows, the applicant considers that the M20 J4, J5 and J6 require localised junction assessment given the quantum of traffic flows assigned through these junctions. However, as the trip generation and trip distribution/assignment is not agreed at this time, we are not currently in a position to be able to confirm whether the geographical extent of the traffic modelling is appropriate.
- 5.288 The model scenarios presented include the 2037 Reference Case, 2037 With Development Scenario 1 (Aspirational), 2037 With Development Scenario 2 (Moderate) and 2037 With Development Scenario 3 (Pessimistic).

- 5.289 An opening year assessment to include trips generated by the proposed development, forecasted growth and committed development is required to align with the requirements of DfT Circular 01/2022.
- 5.290 If it is proposed that the development will be brought forward in phases, assessments should be provided based on the opening of each phase to align with DfT Circular 01/2022.
- 5.291 The applicant notes that Committed Developments have been extracted from the Planning portal and included within the modelling. Evidence of agreement of committed developments with TMBC needs to be provided.
- 5.292 Appendix H of Volume 5 details that observed queue lengths from September 2023 (M20 J4), February 2023 (M20 J5) and June 2022 (M20 J6) have been used to calibrate the base models for M20 J4,5 and 6 to represent a suitable baseline for forecast testing of future year scenarios.
- 5.293 M20 J4 assessment includes adjustments to green signal splits and offsets to better calibrate the model however detail needs to be provided on the amendments made to signals to reach the calibration presented.
- 5.294 M20 J5 uses intercept adjustments to calibrate the model, however significant discrepancies are noted between the M20 East modelled queue compared to the observed queue and this needs to be addressed.
- 5.295 M20 J6 uses intercept adjustments to calibrate the model, however the AM and PM model shows inconsistencies with the observed and modelled data on several arms which needs to be addressed.
- 5.296 It is requested that the junction model files, and geometric measurement drawings are provided for review.

Junction Mitigation

- 5.297 Whilst we note that the applicant has suggested potential SRN mitigation, because of the various outstanding matters, we are unable to comment on this at this time.
- 5.298 Regarding M20 J6 the applicant identifies that the situation around M20 J6 is complex as there are already several mitigation schemes at the junction which are at varying degrees of development or certainty.
- 5.299 The applicant summarises the mitigation that they are aware of at M20 J6 in Table 2.10 of the Transport Assessment.
- 5.300 It is noted that the applicant refers to the M20 J6 Appellant case, however the applicant should be aware of two conditions that were secured as part of the Planning Appeal for the Bushey Wood Site (Ref: APP/H2265/W/23/3321880).

Further detail can be obtained via the Planning Inspectorate using the reference aforementioned.

- 5.301 For the Bushey Wood site, the Inspector concludes that the SRN mitigation schemes are to be secured through the use of conditions, with the relevant condition 8 and 9 for the SRN mitigation schemes being copied below:

“8. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Running Horse Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-046A (dated 20 September 2023), titled Proposed Arrangement – Southbound Off-slip from M20 Junction 6 Link Road, is completed and open to traffic.”

“9. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled Proposed Arrangement for Northbound Slip of M20 Junction 6, is completed and open to traffic.”

- 5.302 The applicant is requested to clarify which assessment scenarios include the aforementioned committed mitigation schemes.

Collision Data Analysis

- 5.303 Collision data for the past 8 years (01/01/2015 to 31/03/2023) has been summarised including M20 J4, J5 and J6. At such time the development traffic impacts are agreed alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.

Travel Plan

- 5.304 A Framework Travel Plan is provided in Volume 4 Appendix B. However, as identified earlier within this response, supporting information relating to the development vision is missing. Upon receipt and review of this information, we be in a position to provide substantive comment on the submitted FTP.
- 5.305 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.

Conclusion

- 5.306 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and DLUHC NPPF December 2023 [particularly paras 114 to 117]). This response details the steps that need to be taken in order to resolve this issue.

- 5.307 In light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.
- 5.308 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.309 **National Highways** (15/07/2024) - It is recommended that the application should not be determined until 16 October 2024.
- 5.310 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.311 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.312 Since our response of 16 April 2024, we held a meeting with the applicant's transport consultant on 5 June 2024 to discuss the outstanding matters, including the overall approach that the Transport Assessment (TA) has taken with regards to establishing three forecast 'with development' scenarios. The three scenarios include:
- Pessimistic – Assumes no change to the existing trip rates derived from TRICS.
 - Moderate – applies the linear trend in reduction of trip rates to the existing trip rates derived from TRICS.
 - Aspirational – Uses TRICS to derive person trips however presents more ambitious modal shift and targets for travel demand reduction in line with overall vision aspirations for the development.
- 5.313 This work is on-going.
- 5.314 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Transport Assessment (A) – Overall Approach, Trip Rates and Generation

- 5.315 An "Aspirational" scenario has been put forward, which reflects the vision of the site and features various mode split, internalisation and localisation assumptions to baseline conditions as well as considering the Sustainable Transport Strategy proposals. It was discussed, during the meeting of the 5 June 2024, that while we

recognise that the development vision aspires to be ambitious, it should be plausible and where possible substantiated with evidence.

- 5.316 The applicant is requested to provide a table which summarises the overall key assumptions applied in each of the three forecast scenarios presented in terms of mode shift and the proposed sustainable corridor / highway link.
- 5.317 In conjunction with the development vision and details of how this will be realised, the applicant needs to provide evidence to justify the mode shares listed in the TA's Forecast Aspirational Mode Split table. The applicant is encouraged to present evidence from residential developments of a similar nature, which broadly replicate the public transport and active travel interventions being proposed.
- 5.318 The applicant is requested to update Table 3.9 in the TA with the correct mode shares for these trips.
- 5.319 The TA states that evidence of the analysis supporting the vision is contained within a spreadsheet in Appendix B of Volume 5 to substantiate the plausibility and practicality of aspirational forecasts. The applicant has now provided the spreadsheet. The applicant should provide further detail on how the historic trends spreadsheet has been used to derive person trips within the moderate scenario, such as what factor was applied from the line of best fit.
- 5.320 The applicant should provide a table which clarifies the assumptions applied in the trip generation forecast for each of the three modelled scenarios.
- 5.321 This evidence will aid decision making to determine a realistic scenario to be taken forward to inform any mitigation requirements. In addition, it may emerge that it is appropriate to implement a traffic monitoring regime coupled with defined triggers for any SRN mitigation requirements.
- 5.322 While the TA identifies mitigation requirements for the development, owing to the various outstanding matters, it is not possible to comment on this at this stage.
- 5.323 The applicant considers the existing and proposed infrastructure and journeys which are more conducive to active travel and public transport using a Red, Amber, Green system to score key routes and links to adjust mode shares to represent the likelihood of certain mode shares being achieved. This principle of considering mode shares for journey types and routes based on infrastructure available is an approach that is in principle accepted, however given the evidence supporting this analysis is missing a review of this cannot be undertaken at this stage.
- 5.324 The location characteristics of Greater London and Republic of Ireland differ from the proposed development site and their inclusion in the TRICS assessment may impact total person trip generation. The applicant is requested to provide a sensitivity test which shows the impact on the total person trip rates when all sites

within Greater London and the Republic of Ireland are excluded from the trip rate calculation.

- 5.325 The applicant identifies that only three sites meet the previous site selection criteria with an additional requirement for the development quantum to be a minimum of 600 dwellings. The results are not presented, as the applicant has descope all these sites due to not being close to a rail station. As the trips being derived are person trips, the proximity to a rail station should not be a reason to descope. The applicant is requested to provide a sensitivity test to compare the person trip rates for sites with a minimum 600 dwellings with the current rates used in the trip generation assessments.

Trip Distribution and Assignment

- 5.326 The proposed approach to distribute/assign trips onto the network is to utilise the KCC Strategic Transport Model. This approach is accepted in principle, and we will review the detail at such time that the vehicular traffic generation is agreed.
- 5.327 Mode shares applied to the locations of Sevenoaks and Ashford should be adjusted to reflect the Census Journey to Work mode split of 82%. The applicant is requested to present the impact of the above change to vehicle mode split.

Home Working Adjustment Factor

- 5.328 The applicant presents working from home assumption informed by an average of the 2011 and 2021 Census data outputs, recognising the challenges of using 2021 Census data for homeworking due to the national lockdown associated with Covid-19. Additionally, the applicant then includes a further 9.3% proportion for home working on top of the 20.7% average of Census 2011 and 2021 home working data.
- 5.329 Additional evidence to support the 30% homeworking proportion has been provided from NOMIS, Characteristics of homeworkers, Great Britain, September 2022 to January 2023. This study suggests that 16% of people in employment were working from home and 28% were hybrid working. The applicant has noted that assuming hybrid workers are 50% home based would suggest that the level of homeworking applied at 30% is realistic.
- 5.330 However, trends in homeworking are altering rapidly with many businesses now mandating a level of office working in addition to allocating certain days for attendance. It does not necessarily indicate that the levels of homeworking are the same on any given weekday and typically employees may be more likely to travel on neutral weekdays (Tuesday to Thursday). We recognise that future trends are challenging to predict with accuracy and given the TA approach is to test three forecast scenarios there is no need to revise the technical assessments purely on the basis of the homeworking target. Within the Framework Travel Plan there must be clear commitments to support the level of homeworking targeted through

measures such as excellent digital connectivity, home offices or communal working space.

Traffic Modelling – Model Files

- 5.331 In light of the missing evidence to support the trip generation assessment, the traffic modelling analysis has not been reviewed in detail at this time.
- 5.332 M20 Junction 5 model files have been shared with National Highways. These have been reviewed. The applicant is required to amend the base year intercept values for each arm, with a particular focus on the M20 East arm for the 2023 Base Year PM Peak scenario, in order to better align the observed and modelled queues. Separate models for AM and PM peak periods are recommended so that the intercept value can be tailored to the specific time period. The amended values should then be replicated across the future year scenarios for review.
- 5.333 Model files for M20 J4 and M20 J6 were shared with National Highways on 9 July 2024. The review of these is in-progress. Detailed review and comment on these assessments will therefore follow in due course.
- 5.334 It is requested that geometric measurement drawings are provided for review.

SRN Capacity Assessment/ Junction Modelling

- 5.335 In light of the distribution/assignment of flows, the applicant considers that the M20 J4, J5 and J6 require localised junction assessment given the quantum of traffic flows assigned through these junctions. However, as the trip generation and trip distribution/assignment is not agreed at this time, we are not currently in a position to be able to confirm whether the geographical extent of the traffic modelling is appropriate.
- 5.336 The applicant has confirmed that 2037 is considered a reasonable estimation of the full build out of the development site.
- 5.337 The model scenarios presented include the 2037 Reference Case, 2037 With Development Scenario 1 (Aspirational), 2037 With Development Scenario 2 (Moderate) and 2037 With Development Scenario 3 (Pessimistic).
- 5.338 An opening year assessment to include trips generated by the proposed development, forecasted growth and committed development is required to align with the requirements of DfT Circular 01/2022.
- 5.339 Paragraph 50 of Circular 01/2022 identifies “...*For multi-phase developments, additional assessments shall be provided based on the opening of each phase.....*” There are recognised sources of information regarding likely build out rates of other sites and National Highways would be pleased to discuss this further if helpful.

- 5.340 As discussed at the meeting on 5 June 2024, we will need to understand when, in terms of vehicular trips, any mitigation is expected to be required.
- 5.341 The proposed development is of a large scale, and it can reasonably be anticipated that the development will come forward in phases, and hence Paragraph 50 of Circular 01/2022 applies.

Committed Development

- 5.342 The applicant notes that Committed Developments have been extracted from the Planning portal and included within the modelling. Evidence of agreement of committed developments with TMBC needs to be provided.

Junction Mitigation

- 5.343 While we note that the applicant has suggested potential SRN mitigation, because of the various outstanding matters, we are unable to comment on this at this time.
- 5.344 Regarding M20 J6 the applicant identifies that the situation around M20 J6 is complex as there are already several mitigation schemes at the junction which are at varying degrees of development or certainty.
- 5.345 The applicant summarises the mitigation that they are aware of at M20 J6 in Table 2.10 of the Transport Assessment.
- 5.346 It is noted that the applicant refers to the M20 J6 Appellant case, however the applicant should be aware of two conditions that were secured as part of the Planning Appeal for the Bushey Wood Site (Ref: APP/H2265/W/23/3321880). Further detail can be obtained via the Planning Inspectorate using the reference aforementioned.
- 5.347 For the Bushey Wood site, the Inspector concludes that the SRN mitigation schemes are to be secured through the use of conditions, with the relevant condition 8 and 9 for the SRN mitigation schemes being copied below:

“8. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Running Horse Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-046A (dated 20 September 2023), titled Proposed Arrangement – Southbound Off-slip from M20 Junction 6 Link Road, is completed and open to traffic.”

“9. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled Proposed Arrangement for Northbound Slip of M20 Junction 6, is completed and open to traffic.”

- 5.348 The applicant is requested to clarify which assessment scenarios include the aforementioned committed mitigation schemes.
- 5.349 In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

Collision Data Analysis

- 5.350 Collision data for the past 8 years (01/01/2015 to 31/03/2023) has been summarised including M20 J4, J5 and J6. At such time the development traffic impacts are agreed alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.

Travel Plan

- 5.351 A Framework Travel Plan is provided in Volume 4 Appendix B. However, as identified earlier within this response, supporting information relating to the development vision is missing. Upon receipt and review of this information, we be in a position to provide substantive comment on the submitted FTP.
- 5.352 The above represents our *current* requirements. As the analysis progresses, it is possible that further requirements may emerge.

Conclusion

- 5.353 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and DLUHC NPPF December 2023 [particularly paras 114 to 117]). This response details the steps that need to be taken in order to resolve this issue.
- 5.354 In light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months until 16 October 2024 to allow the applicant to resolve the outstanding matters.
- 5.355 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.

Update at 15 July 2024

- 5.356 A meeting was held with the applicant's transport consultant on 5 June 2024 to discuss the outstanding matters. Model files for junctions on the SRN have been shared with National Highways for review.
- 5.357 **National Highways (24/12/2024)** - It is recommended that the application should not be determined until 7 February 2025. This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.358 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.359 Since our response of 15 October 2024, we have reviewed further submissions from the applicant's transport consultant; this has included traffic modelling information, a geometric mitigation drawing for M20 Junction 5 and further collision analysis. It is noted that this additional analysis supersedes the Transport Assessment uploaded onto the planning portal and the version formally consulted by TMBC. Further additional information including M20 J6 traffic modelling information, a Local Model Validation Report and an updated geometric design for the proposed mitigation at M20 J5 was submitted to us on 12 December 2024. Comment on this latest additional information is not included within this response; however, this will follow subsequently. This response sets out the position considering all information submitted prior to 12 December 2024.
- 5.360 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Transport Assessment – Overall Approach, Trip Rates and Generation

- 5.361 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.
- 5.362 The applicant has provided, as requested, a summary table detailing the key parameters of each of the three scenarios; forecast year, trip rate, modal shift assumptions and transport infrastructure. This clarity is welcomed.
- 5.363 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.

- 5.364 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide further comfort to us.

Trip Distribution and Assignment

- 5.365 Vehicular trip distribution and assignment is agreed.

Home Working Adjustment Factor

- 5.366 We previously commented in relation to the degree of home working that may occur in the future. The applicant has stated:

'The development proposals will include measures to promote home working by residents as far as possible by providing appropriate working spaces and highest quality digital connection within the new homes on the site. These measures will be outlined in an updated version of the Travel Plan as requested.'

- 5.367 The applicant has produced an updated Framework Travel Plan (FTP) which includes firm commitments to outline active travel and public transport infrastructure improvements as well as a suite of measures to reduce travel demand. The FTP states that the site will be provided with fibre broadband providing high quality internet access, encouraging residents to work from home. There will be the provision of dedicated space to work from home in some dwellings, reducing the need to travel to work. The measures proposed to increase home working in order to seek to reduce the impact on the SRN are welcomed. Whilst considered ambitious, the home working adjustment factor tested in the aspirational scenario is agreed.

SRN Capacity Assessment/ Junction Modelling

- 5.368 M20 Junction 4 - The model files detailing the future year development impact assessment have been provided for review.
- 5.369 The model shows the junction operating within capacity in the 2037 Reference Case and across all development impact scenarios. We are content that no mitigation is required at M20 J4.
- 5.370 M20 Junction 5 - Separate models for the AM and PM peak periods have now been provided enabling the intercept values to be tailored by time period.
- 5.371 The resulting model queues for the north, south and west arms now better match the observed queue data. The PM peak queue for the east arm also matches the observed queue.
- 5.372 The TA acknowledges the congestion conditions within all three "with development" scenarios and as a result of the residual impact of the development,

a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.

- 5.373 The TA presents LinSig modelling outputs of the proposed mitigation scheme.
- 5.374 A geometric drawing of the mitigation scheme has been provided and subsequently updated to allow for a full DMRB review including the requested geometry dimensions. Confirmation of the entry path curvature on the westbound off slip is required as it does not seem to have been measured correctly.
- 5.375 The applicant has acknowledged that the existing departures / relaxations from standards for some parameters remain within the proposed layout. They have advised that a Provisional Agreement application for these will be submitted as appropriate. This is noted and applicable processes will need to be followed/completed with National Highways Departures team.
- 5.376 Based on earlier comments a design refinement to the M20 westbound exit arm from the roundabout has been proposed. It is noted that the exit width has been addressed, however in doing this, the design has introduced a reverse curve in the alignment which is not considered desirable. The applicant is required to confirm if a risk assessment has been undertaken to consider all solutions and confirm that this is the most appropriate and practical. The geometry of the curves introduced on the exit taper should be provided to ascertain if they are in accordance with the design speed.
- 5.377 The applicant is required to confirm if the blue hatch identified as National Highways Land Ownership is the actual highway boundary. A significant portion of this land will be required for the segregated left turn, including earthworks, verge, as well as any associated signage, Vehicle Restraint System (VRS) and other infrastructure. If the land is not dedicated highway, then further discussions will be required with National Highways Land Asset team to understand if the land is available for the highway improvement works.
- 5.378 Further consideration should be undertaken to accommodating hardstrips, verge width, VRS, earthworks and any other associated infrastructure required on the nearside verge on the segregated left turn lane.
- 5.379 With regards to the Stopping Sight Distance (SSD) on the segregated left turn lane, the applicant should provide the following as per CD116:

6.24 The desirable minimum SSD for the segregated left turn lane shall be the lesser of:

- 1) the SSD obtained from CD 109 [Ref 4.N] for the design speed of the approach;
- or,

2) the SSD given in Table 6.27 of this document (CD 109) appropriate to the maximum nearside curve radius.

6.25 The desirable minimum SSD for a segregated left turn lane shall be applied to the section of segregated left turn lane between the end of the entry taper and the start of exit taper.

6.26 The desirable minimum SSD on the segregated left turn lane up to the end of the entry taper and after the start of the exit taper shall be calculated in accordance with CD 109 [Ref 4.N].

Note that requirements and advice for the visibility on the approach to a segregated left turn lane are provided in CD 109 [Ref4.N]. The SSD is measured from the centre of the approach or exit lane to the centre of the segregated left turn lane.

6.27 The maximum curve radius used to determine the SSD from Table 6.27, shall be the greater of either the entry or exit radius of the segregated left turn lane.

- 5.380 It is also noted that the full SSD extents have not been provided in INSERT A of Drawing 22-031/48. These are required to be provided along with the other SSD requirements stated above.
- 5.381 With regards to the proposed road markings on the eastbound exit, the reduction taper and road markings should be in accordance with table 7-4 of TSM Chapter 5 as stated in CD122 paragraph 3.19.
- 5.382 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this document and drawings and will provide further comment in due course.
- 5.383 A Stage 1 Road Safety Audit in compliance with GG 119 and WCHAR will be required to accompany the scheme proposals at the appropriate stage in the process.
- 5.384 The TA puts forward a trigger calculation for the mitigation scheme, indicating that it should be implemented on completion of between 450 and 700 dwellings, depending on which "With Development" scenario is used.
- 5.385 We consider it unclear how the trigger point has been calculated. The timing (in terms of vehicular trip threshold) for mitigation should be made based on detailed modelling evidence.
- 5.386 M20 Junction 6: Cobtree Roundabout - The applicant has provided separate AM and PM peak models for the Cobtree Roundabout, allowing for tailored intercept values to be applied. The base model queues now reasonably reflect the observed queue data and can be taken forward for the capacity assessment.

- 5.387 The model outputs show the junction operating over capacity in all scenarios.
- 5.388 The applicant's Response Note states that under the With Development Scenarios, the junctions continue to be forecast to operate over capacity with increases in queueing and delay on some approaches. The applicant states that potential improvement measures to mitigate the impact of the proposed development at M20 J6 will need to be investigated.
- 5.389 We consider that any required mitigation scheme should be assessed in tandem with proposals for the Running Horse Roundabout, given the proximity of the two junctions and the potential for queues from one roundabout to impact the other.
- 5.390 The applicant has questioned the requirement for modelling the roundabouts in tandem, citing two applications where modelling of the two junctions individually was accepted by National Highways. However, we do not consider the other applications to be comparable.
- 5.391 Significant anomalies were identified with the 2037 scenario traffic flow information.
- 5.392 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this document and will provide further comment in due course. The applicant's suggestion of a financial contribution for improvements at Cobtree Roundabout are acknowledged. However, National Highways will not accept contributions for mitigation schemes for the SRN (for more details, please see the section of this NHPR titled 'Junction Mitigation').
- 5.393 Microsimulation Modelling: M20 Junction 6 - Running Horse Roundabout - The applicant has prepared a Model Scoping Note dated 04 September 2024 for the assessment of the M20 Junction 6 – Running Horse Roundabout using VISSIM.
- 5.394 The AM peak modelled (07:15-08:15) is earlier than what is conventionally modelled, however the traffic flow data confirms that this aligns with the busiest peak hour and the selected AM peak hour is accepted.
- 5.395 It is noted that the M20 mainline and the Cobtree Roundabout to the north are not included in the model network. Inclusion of the Cobtree Roundabout is critical to ensure correct lane discipline (which is noted to be one of the key concerns at this junction), therefore it is required to include this junction in the model network and the SRN merges/diverges, particularly as queues from both roundabouts extend back to and impact the operation of the other. The M20 mainline as well as both links parallel to the M20 mainline should also be included to assess the impacts at the merge / diverge sections. The model warm-up and cool-down periods are observed at only 15 minutes long, whereas we would typically expect at least one hour pre-peak and one-hour post-peak. Using Google traffic data, queues are present on the northern approach to the roundabout for around two hours in the AM peak, with notable queues also recorded in the PM peak on three approaches.

The pre-peak period length needs to be sufficient to ensure an accurate level of congestion builds up, otherwise validation of the model will be challenging. Traffic survey data should also be used to calculate flow profiles instead of using an 80% factor on peak hour traffic flows. The applicant is therefore required to select an appropriate length for the pre/post-peak period and base these flows on traffic survey data.

- 5.396 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this and will provide further comment in due course.
- 5.397 The applicant is requested to present a LMVR (Local Model Validation Report) report for review once the model extent has been expanded to cover the required extent of the network, as well as include queue length data comparison between observed and modelled data, for the purposes of model validation.
- 5.398 It is highlighted that new TAG guidance for microsimulation has been issued, with additional calibration / validation-related requirements (for parameters such as exit / entry flows, convergence / stability measures).
- 5.399 The following information is requested to be provided by the applicant:
- Vehicle categories and composition;
 - Traffic flows and journey time comparisons;
 - Forecast demand methodology; and
 - A list of deliverables intended to be submitted alongside the model (i.e. Validation Report, drawings).
- 5.400 We reiterate that, once completed, the base year models should be submitted for review and agreement in advance of any work on forecast models being undertaken.
- 5.401 It is acknowledged that a LMVR and base model for M20 Junction 6 Running Horse Roundabout has been submitted and it currently being reviewed. Further comments on the acceptability of the material will be provided in due course.
- 5.402 Regarding forecast model assessments, the applicant has confirmed that the proposed vehicle types used in the model are Cars/Lights and HGVs which is accepted.
- 5.403 The applicant has confirmed that the forecast model assessments will comprise of the following:
- 2037 Do Minimum scenario – forecast reference case flows from strategic transport model + subsequent committed development traffic + Land SE of Tottingham Farm traffic up to WB diverge upgrade delivery trigger.

Infrastructure Assumptions: Existing network plus Bushey Wood mitigation of M20 off slip approach to Running Horse roundabout.

- 2037 With Dev Scenario 1 (Aspirational) – forecast aspirational scenario flows from strategic transport model + subsequent committed development traffic (incl. full Land SE of Tottingham Farm traffic). Infrastructure Assumptions: Do Minimum network plus proposed M20 WB diverge upgrade scheme.
- 2037 With Dev Scenario 2 (Moderate) – as above with forecast moderate scenario flows from strategic transport model.
- 2037 With Dev Scenario 3 (Pessimistic) – as above with pessimistic scenario flows from strategic transport model.

5.404 For clarity and the avoidance of doubt, it is requested that an updated microsimulation modelling scoping note is submitted.

Committed Development

5.405 The applicant has provided a list of committed developments – this list of developments matches those outlined as part of email correspondence between the applicant and the LPA.

5.406 Based on the above list and the inclusion of correspondence between the applicant and the LPA, we consider this list of committed developments to be appropriate. It is emphasised that the 'Bushey Wood appeal site' was subsequently granted consent by the planning inspectorate.

5.407 As requested, the applicant has provided clarity regarding how committed highway schemes are being captured in the modelling assessments. It has been confirmed that the M20 off-slip improvement associated with the Bushey Wood appeal site will be incorporated into the microsimulation model which is welcomed. The inclusion of the M20 Junction 6 Westbound Diverge Upgrade Scheme within the modelling assessment is accepted and it is confirmed that the A229 Bluebell Hill Corridor Improvement Scheme would not be required to be included in the modelling.

Junction Mitigation

5.408 In relation to the trigger point(s) for any SRN mitigation required, this should be expressed in terms of vehicular traffic. Development traffic should be monitored following first occupation of the development to ensure that any mitigation is delivered at the required time.

5.409 The applicant has outlined trigger points for each mitigation scheme, theoretically allowing the scheme to be implemented before the traffic impacts are deemed to be severe. The trigger point has been determined by plotting the 2037 Reference Case and With Development capacities of the worst-performing arm on a graph, with a trend line connecting the two values. The applicant has identified a point on the trend line representing the point at which the impact of the development could

be considered severe. The number of development trips was then used to calculate the number of dwellings that could be occupied before the improvement scheme is required.

- 5.410 It is unclear how the “appropriate point”, representing the amount of development traffic which would trigger the requirement for the improvement scheme, on the trend line has been calculated by the applicant.
- 5.411 The need, form and timing (in terms of vehicular trip thresholds) for mitigation should be made based on detailed modelling evidence. At Cobtree Roundabout, the applicant has suggested a financial contribution for improvements. In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

Collision Data Analysis

- 5.412 The collision data analysis concludes that in relation to M20 Junction 6 Running Horse Roundabout no trends are identified associated with the design of the road itself.
- 5.413 Additionally, in relation to M20 Junction 5 poor lane control appears to be responsible for a number of collisions at this junction, the proposed mitigation which adds road markings will seek to mitigate this.
- 5.414 Additionally, collision analysis has been provided at M20 Junction 4 during the period of 01/01/2015 to 31/03/2023. We are content that no mitigation is required at this location as the development impact is low.
- 5.415 No further action is required at these locations.
- 5.416 We previously set out that at such time the development traffic impacts are agreed (at M20 Junction 6 Cobtree Roundabout) alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.
- 5.417 The collision analysis presented will be reviewed once the outcomes of the modelling are accepted and agreed. In terms of information reviewed by us at the time of writing, this action remains applicable.

Travel Plan

- 5.418 An updated Framework Travel Plan (FTP) has been submitted for review which provides additional information regarding the development vision. The FTP

includes objectives, targets and a suite of measures including active travel and public transport infrastructure improvements as well as demand management measures. The measures are welcomed and whilst the reduction to reduce single occupancy car mode share is ambitious, it is expected that the site will be subject to a traffic monitoring regime, with the requirement for any SRN mitigation triggered by traffic threshold(s). The applicant is therefore incentivised to seek to minimise vehicular traffic.

5.419 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.

5.420 We are continuing to engage constructively with the applicant and their technical advisors.

Conclusion

5.421 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and NPPF December 2024 [particularly paras 115 to 118]). This response details the steps that need to be taken in order to resolve these matters.

5.422 In light of the above, National Highways currently recommends that planning permission not be granted until 7 February 2025 to allow the applicant to resolve the outstanding matters.

5.423 This recommendation can be replaced, renewed, or reviewed during the period up to 7 February 2025, or at its end, dependent on progress made with regards to the outstanding matters.

5.424 **National Highways** (07/02/2025) - It is recommended that the application should not be determined until 7 April 2025.

5.425 This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.

5.426 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.

5.427 Since our response of 24 December 2024, we have reviewed further submissions from the applicant's transport consultant; this has included M20 J6 traffic modelling information including a 'Sensitivity Test Methodology', a Local Model Validation Report and an updated geometric design for the proposed mitigation at M20 J5. The applicant has also shared a project programme and a meeting was held on the 5 February 2025 to confirm the approach for delivery of the actions.

- 5.428 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the SRN. In particular, the following comments should be passed onto the applicant:

Transport Assessment – Overall Approach, Trip Rates and Generation

- 5.429 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.
- 5.430 The applicant has provided, as requested, a summary table detailing the key parameters of each of the three scenarios; forecast year, trip rate, modal shift assumptions and transport infrastructure. This clarity is welcomed.
- 5.431 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.
- 5.432 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide the necessary comfort to us.

Trip Distribution and Assignment

- 5.433 Vehicular trip distribution and assignment is agreed.

Home Working Adjustment Factor

- 5.434 The applicant has produced an updated Framework Travel Plan (FTP) which includes firm commitments to outline active travel and public transport infrastructure improvements as well as a suite of measures to reduce travel demand. The FTP states that the site will be provided with fibre broadband providing high quality internet access, encouraging residents to work from home. There will be the provision of dedicated space to work from home in some dwellings, reducing the need to travel to work. The measures proposed to increase home working in order to seek to reduce the impact on the SRN are welcomed. Whilst considered ambitious, the home working adjustment factor tested in the aspirational scenario is agreed.

SRN Capacity Assessment/Junction Modelling: M20 Junction 4

- 5.435 The model files detailing the future year development impact assessment have been provided for review.

- 5.436 The model shows the junction operating within capacity in the 2037 Reference Case and across all development impact scenarios. We are content that no mitigation is required at M20 J4.

SRN Capacity Assessment/ Junction Modelling: M20 Junction 5

- 5.437 Separate models for the AM and PM peak periods have now been provided enabling the intercept values to be tailored by time period.
- 5.438 The resulting model queues for the north, south and west arms now better match the observed queue data. The PM peak queue for the east arm also matches the observed queue.
- 5.439 The TA acknowledges the congestion conditions within all three “with development” scenarios. As a result of the residual impact of the development, a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.
- 5.440 The TA presents LinSig modelling outputs of the proposed mitigation scheme.
- 5.441 A geometric drawing of the mitigation scheme has been provided and subsequently updated to allow for a full DMRB review including the requested geometry dimensions. Further information has been requested to inform the appropriateness of the design from a 3D perspective.
- 5.442 The applicant has acknowledged that the existing departures/ relaxations from standards for some parameters remain within the proposed layout. They have advised that a Provisional Agreement application for these will be submitted as appropriate. This is noted and applicable processes will need to be followed/completed with National Highways Departures team.
- 5.443 Whilst drawings have been provided, as they are in RASTER format the 3D levels are illegible. Clear PDF files for the cross sections should be supplied for review.
- 5.444 Additionally, the datum level changes on each section. Consistent datum levels should be used, allowing a comparison across cross sections.
- 5.445 The applicant supplied LIDAR data however it does not seem to pick up the existing road, which would be expected to be visible. Given the site is significantly constrained, it may be more appropriate for a topo or spot levels to be undertaken to ensure the design can be accommodated and is safe. Additionally, it is noted that not all of the assets impacted are identified by the applicant. The applicant is required to provide the missing information including LIDAR reviews and for all assets to be identified to ensure the design can be reviewed.
- 5.446 The applicant should provide standard cross sections in relation to CD127 including confirmation of earthwork slope grades (i.e. 1 in 1).

- 5.447 Confirmation that suitable verge width will be available to accommodate the envisaged additional assets to be located in the new verge is required.
- 5.448 The applicant advised that highway boundary information was added to the submitted M20 J5 Mitigation drawing. From review of the previous information provided, the highway boundary (highway maintained at public expense) does not reflect what is on the submitted drawings. The drawing provides the land ownership information, which is different to highway boundary information. Even though National Highways may own the land, there is an area identified that is Kent County Council highways. The applicant is required to update the drawing in accordance with the National Highways correspondence dated 05 December 2024.
- 5.449 Further consideration should be undertaken to accommodating hardstrips, verge width, VRS, earthworks and any other associated infrastructure required on the nearside verge on the segregated left turn lane.
- 5.450 With regards to the Stopping Sight Distance (SSD) on the segregated left turn lane, the applicant should provide the following as per CD116:
- 6.24 The desirable minimum SSD for the segregated left turn lane shall be the lesser of:
- the SSD obtained from CD 109 [Ref 4.N] for the design speed of the approach; or,
 - the SSD given in Table 6.27 of this document (CD 109) appropriate to the maximum nearside curve radius.
- 6.25 The desirable minimum SSD for a segregated left turn lane shall be applied to the section of segregated left turn lane between the end of the entry taper and the start of exit taper.
- 6.26 The desirable minimum SSD on the segregated left turn lane up to the end of the entry taper and after the start of the exit taper shall be calculated in accordance with CD 109 [Ref 4.N].
- Note that requirements and advice for the visibility on the approach to a segregated left turn lane are provided in CD 109 [Ref4.N]. The SSD is measured from the centre of the approach or exit lane to the centre of the segregated left turn lane.
- 6.27 The maximum curve radius used to determine the SSD from Table 6.27, shall be the greater of either the entry or exit radius of the segregated left turn lane.
- 5.451 It is also noted that the full SSD extents have not been provided in INSERT A of Drawing 22-031/48. These are required to be provided along with the other SSD requirements stated above.

- 5.452 With regards to the proposed road markings on the eastbound exit, the reduction taper and road markings should be in accordance with table 7-4 of TSM Chapter 5 as stated in CD122 paragraph 3.19.
- 5.453 A Stage 1 Road Safety Audit in compliance with GG 119 and WCHAR will be required to accompany the scheme proposals at the appropriate stage in the process.
- 5.454 The TA puts forward a trigger calculation for the mitigation scheme, indicating that it should be implemented on completion of between 450 and 700 dwellings, depending on which “With Development” scenario is used.
- 5.455 We consider it unclear how the trigger point has been calculated. The timing (in terms of vehicular trip threshold) for mitigation should be made based on detailed modelling evidence.
- 5.456 Ongoing discussions are taking place with the applicant regarding the identification of a vehicle trip threshold in response to the above action.

SRN Capacity Assessment/Junction Modelling: M20 Junction 6 - Cobtree Roundabout

- 5.457 The applicant has provided separate AM and PM peak models for the Cobtree Roundabout, allowing for tailored intercept values to be applied. The base model queues now reasonably reflect the observed queue data and can be taken forward for the capacity assessment.
- 5.458 The model outputs show the junction operating over capacity in all scenarios.
- 5.459 The applicants Response Note states that under the With Development Scenarios, the junctions continue to be forecast to operate over capacity with increases in queueing and delay on some approaches. The applicant states that potential improvement measures to mitigate the impact of the proposed development at M20 J6 will need to be investigated.
- 5.460 We consider that any required mitigation scheme should be assessed in tandem with proposals for the Running Horse Roundabout, given the proximity of the two junctions and the potential for queues from one roundabout to impact the other.
- 5.461 The applicant has questioned the requirement for modelling the roundabouts in tandem, citing two applications where modelling of the two junctions individually was accepted by National Highways. However, we do not consider the other applications to be comparable.
- 5.462 Significant anomalies were identified with the 2037 scenario traffic flow information and the applicant has submitted additional information in this regard.

- 5.463 Following a meeting held with the applicant on the 19 December 2024 it was agreed that assessment of traffic impacts at M20 Junction 6 would be undertaken using a manual 'first principles' approach utilising a modelling methodology that reflects the interaction between Cobtree and Running Horse roundabouts.
- 5.464 The applicant submitted a Technical Note to us for review, 'M20 J6 Sensitivity Test Methodology – January 2025 (22-031-R2010 Rev -)' which focused on the approach for trip distribution and assignment, assessment years, committed development and assessment methodology.
- 5.465 Several actions were identified as set out below, which we understand are currently being worked through by the applicant.

SRN Capacity Assessment/Junction Modelling: Development Trip Distribution and Assignment

- 5.466 The applicant assumes that 60% of the traffic will access Maidstone using the M20 'collector road' between M20 Junctions 5 and 6 (impacting both Cobtree roundabout and Running Horse Roundabout), and 40% will access Maidstone using Forstal Road (thereby only impacting the Running Horse Roundabout).
- 5.467 However, the Journey Time Screenshots show that the route using the Cobtree Roundabout and Running Horse Roundabout is both a shorter distance and generally a shorter travel time at peak periods.
- 5.468 Additionally, the 'typical' journey time shown on Google maps journey times for a specific date and day actually uses historic data to define the journey time range, and therefore will not fully account for the recently installed KCC improvement scheme known as the 'turbo roundabout'.
- 5.469 Consequently, we request that the development trips for destinations E02005069: Maidstone 002 and E02005071: Maidstone 004 should all be routed via the M20 'collector road' between Junctions 5 and 6.

SRN Capacity Assessment/Junction Modelling: Forecast Scenarios

- 5.470 The methodology identifies the traffic flow scenarios to be tested, identifying 2037 Do Minimum, and three 2037 with development scenarios using the 'aspirational', 'moderate', and 'pessimistic' trip generation agreed.
- 5.471 Additionally a development opening year assessment should be prepared in accordance with DfT Circular 01/2022.

SRN Capacity Assessment/Junction Modelling: Committed Development – Background Traffic Growth

- 5.472 The use of adjusted TempPro growth rates has been accepted in principle, however the TEMPPro growth rates should use the 'Motorway' road type for defining growth as the roundabouts provide direct connections to the Motorway network.

SRN Capacity Assessment/Junction Modelling: Assessment Methodology

- 5.473 The assessment modelling will be undertaken in Junctions 11 software, and that the 'Lane Simulation' function will be used to assess the forecast interaction between the two roundabouts.
- 5.474 The principle of this is accepted, however it is important to identify that the arms that travel between the two roundabouts need to be explicitly linked within the software as well as lane simulation used. The appropriate arms should be connected within the junction diagram screen, using the connect button, with the appropriate parameters within the 'traffic demand – linked arm' screen correctly input.
- 5.475 Lane simulation will more accurately model interaction between the two roundabouts as well as more accurately considering lane utilisation of the roundabout approaches, and therefore should be used to consider both linkage and lane utilisation.

SRN Capacity Assessment/Junction Modelling: Network Coding

- 5.476 It should be ensured that all arms approaching the Running Horse Roundabout are updated to account for the change in lane designation enacted by the KCC improvement scheme.

SRN Capacity Assessment/Junction Modelling: Calibration/ Validation

- 5.477 Calibration should be undertaken at Cobtree roundabout, with consideration on the location where the Running Horse survey video identifies a change in the A229 (N) approach from Cobtree Roundabout. This is required because of changes to the Running Horse Roundabout operation as a result of the 'turbo' layout will alter the frequency and likelihood of blocking back to Cobtree Roundabout impacting the existing calibration.
- 5.478 It should be ensured that updated calibration accounts for the use of linking and lane simulation within the updated modelling, at both Cobtree Roundabout and Running Horse Roundabout.

SRN Capacity Assessment/Junction Modelling: Assessment Outputs

- 5.479 The applicant identifies that the use of lane simulation limits the results outputs available, in particular that RFC output is not provided. However, this is only the case for arm-based results and lane-based RFC, queue and delay should be provided to allow assessment of the development impact.

- 5.480 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this document and will provide further comment in due course.
- 5.481 The applicant's suggestion of a financial contribution for improvements at Cobtree Roundabout are acknowledged. However, National Highways will not accept contributions for mitigation schemes for the SRN (for more details, please see the section of this NHPR titled 'Junction Mitigation').

SRN Capacity Assessment/Junction Modelling: Microsimulation Modelling - M20 Junction 6

- 5.482 Whilst it is understood that a microsimulation model is being prepared for the Running Horse Roundabout, given that a review of the base model has identified clear interaction between the Running Horse and Cobtree roundabouts, the linked Junctions 10/11 assessment is expected to form the basis of our view of the need for, form of and timing of mitigation at M20 Junction 6.

Junction Mitigation

- 5.483 At Cobtree Roundabout, the applicant has suggested a financial contribution for improvements. In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

Collision Data Analysis

- 5.484 The collision data analysis concludes that in relation to M20 Junction 6 Running Horse Roundabout no trends are identified associated with the design of the road itself.
- 5.485 Additionally, in relation to M20 Junction 5 poor lane control appears to be responsible for a number of collisions at this junction, the proposed mitigation which adds road markings will seek to mitigate this.
- 5.486 Additionally, collision analysis has been provided at M20 Junction 4 during the period of 01/01/2015 to 31/03/2023. We are content that no mitigation is required at this location as the development impact is low.
- 5.487 No further action is required at these locations.
- 5.488 We previously set out that at such time the development traffic impacts are agreed (at M20 Junction 6 Cobtree Roundabout) alongside supporting modelling, the

applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.

- 5.489 The collision analysis presented will be reviewed once the outcomes of the modelling are accepted and agreed. In terms of information reviewed by us at the time of writing, this action remains applicable.

Travel Plan

- 5.490 An updated Framework Travel Plan (FTP) has been submitted for review which provides additional information regarding the development vision. The FTP includes objectives, targets and a suite of measures including active travel and public transport infrastructure improvements as well as demand management measures. The measures are welcomed and whilst the reduction to reduce single occupancy car mode share is ambitious, it is expected that the site will be subject to a traffic monitoring regime, with the requirement for any SRN mitigation triggered by traffic threshold(s). The applicant is therefore incentivised to seek to minimise vehicular traffic.
- 5.491 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.
- 5.492 We are continuing to constructively engage with the applicant and their technical advisors.

Conclusion

- 5.493 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.
- 5.494 National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of two months until 7 April 2025 to allow the applicant to resolve the outstanding matters.
- 5.495 This recommendation can be replaced, renewed, or reviewed during the two-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.496 **National Highways** (01/04/25) - We are concerned about the safety, reliability, and operational efficiency of the Strategic Road Network (SRN), in this case the M20 in the vicinity of the site.
- 5.497 We have reviewed the additional information you have highlighted which is the 'Response Note 2 to KCC Highways' (March 2025).
- 5.498 Given that Response Note 2 addresses matters raised by Kent County Council (KCC) Highways who are responsible for the Local Road Network, we are content

to maintain our formal National Highways' Planning Response (NHPR) of 7 February 2025.

- 5.499 It is acknowledged that KCC request to be involved in future discussions regarding the SRN mitigation and the applicant confirms within Response Note 2 that this will be coordinated. This is welcomed.
- 5.500 **National Highways** (07/04/25) - It is recommended that the application should not be determined until 7 July 2025.
- 5.501 This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.502 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.503 Since our response of 7 February 2025, we have reviewed further submissions from the applicant's transport consultant; this has included M20 J6 Linked ARCADY assessment, M20 J6 Microsimulation Model as well as additional geometric and land ownership information regarding the M20 J5 proposed mitigation design and the associated trigger point assessment.
- 5.504 A meeting was held with the applicant on the 13 February 2025 to confirm the approach for delivery of the actions.
- 5.505 Whilst some matters have been satisfactorily resolved, we require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Transport Assessment – Overall Approach, Trip Rates and Generation

- 5.506 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.
- 5.507 The applicant has provided, as requested, a summary table detailing the key parameters of each of the three scenarios; forecast year, trip rate, modal shift assumptions and transport infrastructure. This clarity is welcomed.
- 5.508 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.

- 5.509 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide the necessary comfort to us.
- 5.510 The applicant has proposed a trigger point for the implementation of the identified scheme at M20 J5 which has been assessed and it is considered likely to be acceptable subject to appropriate planning condition(s) being agreed which will include reference to the Monitor and Manage strategy. We are currently working with the applicant with a view to agreeing appropriate planning condition(s) for recommendation.

Trip Distribution and Assignment

- 5.511 Vehicular trip distribution and assignment is agreed.

Home Working Adjustment Factor

- 5.512 The applicant has produced an updated Framework Travel Plan (FTP) which includes firm commitments to outline active travel and public transport infrastructure improvements as well as a suite of measures to reduce travel demand. The FTP states that the site will be provided with fibre broadband providing high quality internet access, encouraging residents to work from home. There will be the provision of dedicated space to work from home in some dwellings, reducing the need to travel to work. The measures proposed to increase home working in order to seek to reduce the impact on the SRN are welcomed. Whilst considered ambitious, the home working adjustment factor tested in the aspirational scenario is agreed.

SRN Capacity Assessment/ Junction Modelling

M20 Junction 4

- 5.513 The model files detailing the future year development impact assessment have been provided for review.
- 5.514 The model shows the junction operating within capacity in the 2037 Reference Case and across all development impact scenarios. We are content that no mitigation is required at M20 J4.

M20 Junction 5

- 5.515 Separate models for the AM and PM peak periods have now been provided enabling the intercept values to be tailored by time period.
- 5.516 The resulting model queues for the north, south and west arms now better match the observed queue data. The PM peak queue for the east arm also matches the observed queue.

- 5.517 The TA acknowledges the congestion conditions within all three “with development” scenarios. As a result of the residual impact of the development, a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.
- 5.518 The TA presents LinSig modelling outputs of the proposed mitigation scheme.
- 5.519 A geometric drawing of the mitigation scheme has been provided and subsequently updated to allow for a full DMRB review including the requested geometry dimensions. The additional information provided in relation to street furniture relocation, LIDAR data, visibility splays and land ownership have confirmed resolution of these action points. However, the updated cross-section at chainage 300 still indicates that the proposed levels are significantly below the existing levels. The applicant should confirm that as part of the mitigation delivery there are no plans to excavate the existing slip road to accommodate the scheme design.
- 5.520 Additionally, it is noted that the developer will need to enter into a Section 278 agreement with National Highways prior to commencing any works that are on the SRN.
- 5.521 The applicant has acknowledged that the existing departures/ relaxations from standards for some parameters remain within the proposed layout. They have advised that a Provisional Agreement application for these will be submitted as appropriate.
- 5.522 This is noted and applicable processes will need to be followed/completed with National Highways Departures team.
- 5.523 A Stage 1 Road Safety Audit in compliance with GG 119 and WCHAR will be required to accompany the scheme proposals at the appropriate stage in the process.

M20 Junction 6: Cobtree Roundabout

- 5.524 The applicant has provided separate AM and PM peak models for the Cobtree Roundabout, allowing for tailored intercept values to be applied. The base model queues now reasonably reflect the observed queue data and can be taken forward for the capacity assessment.
- 5.525 The model outputs show the junction operating over capacity in all scenarios.
- 5.526 The applicants Response Note states that under the With Development Scenarios, the junctions continue to be forecast to operate over capacity with increases in queueing and delay on some approaches. The applicant states that potential improvement measures to mitigate the impact of the proposed development at M20 J6 will need to be investigated.

- 5.527 We consider that any required mitigation scheme should be assessed in tandem with proposals for the Running Horse Roundabout, given the proximity of the two junctions and the potential for queues from one roundabout to impact the other.
- 5.528 Following a meeting held with the applicant on the 19 December 2024 it was agreed that assessment of traffic impacts at M20 Junction 6 would be undertaken using a manual 'first principles' approach utilising a modelling methodology that reflects the interaction between Cobtree and Running Horse roundabouts.
- 5.529 The applicant submitted a Technical Note to us for review, 'M20 J6 Sensitivity Test Methodology – January 2025 (22-031-R2010 Rev -)' which focused on the approach for trip distribution and assignment, assessment years, committed development and assessment methodology. This was reviewed and actions raised which have since been resolved and applied in the final modelling methodology.
- 5.530 Based on the review of the final model results, it is recommended that no further mitigation over and above what is already committed is required. The following committed mitigation schemes are inherent in all of the assessments of M20 J6:
- Mitigation Scheme 1 - Bushey Wood Committed Scheme (EB M20 off-slip approach to Cobtree roundabout, as shown in i-Transport drawing ITB9400-GA-044 dated 30 August 2023);
 - Mitigation Scheme 2 - The Bushey Wood Committed Scheme (WB M20 off-slip approach to Running Horse roundabout, as shown in i-Transport drawing ITB9400-GA-047 dated 30 August 2023); and
 - Mitigation Scheme 3 - The Tottington Farm Committed Scheme (WB M20 offslip diverge as shown in C&A drawing 20-078-016 Rev A dated May 2023).
- 5.531 The analysis with and without the proposed development has been carried out with the aforementioned mitigation assumed to be in place. Based on the evidence presented, the mitigation associated with the other developments is required as a prerequisite to the Kiln Barn Road Development. Consequently, ongoing discussions are taking place with the applicant to discuss this and agree a methodology for equitable trigger points based on the trigger points identified for each of the committed schemes, with consideration given to the relationship with the monitor and manage approach.
- 5.532 The applicant's suggestion of a financial contribution for improvements at Cobtree Roundabout are acknowledged. However, National Highways will not accept contributions for mitigation schemes for the SRN (for more details, please see the section of this NHPR titled 'Junction Mitigation').

Microsimulation Modelling - M20 Junction 6

- 5.533 Whilst it is understood that a microsimulation model is being prepared for the Running Horse Roundabout, given that a review of the base model has identified clear interaction between the Running Horse and Cobtree roundabouts, the linked

Junctions 10/11 assessment is expected to form the basis of our view of the need for, form of and timing of mitigation at M20 Junction 6.

Junction Mitigation

- 5.534 At Cobtree Roundabout, the applicant has suggested a financial contribution for improvements. In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

Collision Data Analysis

- 5.535 The collision data analysis concludes that in relation to M20 Junction 6 Running Horse Roundabout no trends are identified associated with the design of the road itself.
- 5.536 Additionally, in relation to M20 Junction 5 poor lane control appears to be responsible for a number of collisions at this junction, the proposed mitigation which adds road markings will seek to mitigate this.
- 5.537 Additionally, collision analysis has been provided at M20 Junction 4 during the period of 01/01/2015 to 31/03/2023. We are content that no mitigation is required at this location as the development impact is low.
- 5.538 No further action is required at these locations.
- 5.539 We previously set out that at such time the development traffic impacts are agreed (at M20 Junction 6 Cobtree Roundabout) alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.
- 5.540 The collision analysis presented with be reviewed once the outcomes of the modelling are accepted and agreed including trigger thresholds. In terms of information reviewed by us at the time of writing, this action remains applicable.

Travel Plan

- 5.541 An updated Framework Travel Plan (FTP) has been submitted for review which provides additional information regarding the development vision. The FTP includes objectives, targets and a suite of measures including active travel and public transport infrastructure improvements as well as demand management measures. The measures are welcomed and whilst the reduction to reduce single occupancy car mode share is ambitious, it is expected that the site will be subject to a traffic monitoring regime, with the requirement for any SRN mitigation

triggered by traffic threshold(s). The applicant is therefore incentivised to seek to minimise vehicular traffic.

5.542 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.

5.543 We are continuing to constructively engage with the applicant and their technical advisors.

Conclusion

5.544 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.

5.545 National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months until 7 July 2025 to allow the applicant to resolve the outstanding matters.

5.546 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.

5.547 **National Highways** (07/07/25) - It is recommended that the application should not be determined until 8 September 2025.

5.548 This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.

5.549 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.

5.550 Since our response of 7 April 2025, we have engaged constructively with the applicant's consultant to resolve the outstanding SRN-related matters.

5.551 A mitigation scheme for M20 Junction 5 has been identified. This is subject to the Road Safety Audit (RSA) (Stage 1) process. This process is at an advanced stage.

5.552 We are in regular contact with the consultant with the objective of resolving the outstanding matters by the beginning of August 2025.

Transport Assessment – Overall Approach, Trip Rates and Generation

5.553 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.

- 5.554 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.
- 5.555 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide the necessary comfort to us.
- 5.556 We are currently working with the applicant with a view to agreeing appropriate planning condition(s) for recommendation. This will include reference to the Monitor and Manage strategy for mitigation at M20 J5 and M20 J6.

M20 Junction 5 Mitigation Scheme

- 5.557 The TA acknowledges the congestion conditions within all three “with development” scenarios. As a result of the residual impact of the development, a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.
- 5.558 The applicant has acknowledged that the existing departures/ relaxations from standards for some parameters remain within the proposed layout. Provisional Agreement for the departure was given by National Highways on 19 May 2025. It is agreed that the departure is critical to the scheme delivery and that, from the information provided, it appears that the principle of the departure is acceptable and is likely to be approvable if supported by sufficient justification as part of a full departure application. A full departure from standard application will be required at a future stage in the process. This full application will need to be approved.
- 5.559 A Stage 1 Road Safety Audit in compliance with GG 119 has been undertaken and the applicant should provide the Designer’s Response to the items raised in the Road Safety Audit Report in line with applicable processes for our review and input as the Overseeing Organisation. This action is currently in progress with ongoing discussion taking place with the applicant.
- 5.560 A Walking, Cycling & Horse-Riding Assessment and Review (WCHAR) has been prepared by the applicant and updated following a non-motorised user survey. The updated WCHAR is appropriate.

M20 Junction 6: Mitigation Schemes

- 5.561 The applicant submitted a Technical Note to us for review, ‘M20 J6 Sensitivity Test Methodology – January 2025 (22-031-R2010 Rev -) which focused on the

approach for trip distribution and assignment, assessment years, committed development and assessment methodology. This was reviewed and actions raised which have since been resolved and applied in the final modelling methodology.

- 5.562 Based on the review of the final model results, it is recommended that no further mitigation over and above what is already committed is required. The following committed mitigation schemes are inherent in all of the assessments of M20 J6:
- Mitigation Scheme 1 - Bushey Wood Committed Scheme (EB M20 off-slip approach to Cobtree roundabout, as shown in i-Transport drawing ITB9400-GA-044 dated 30 August 2023);
 - Mitigation Scheme 2 - The Bushey Wood Committed Scheme (WB M20 off-slip approach to Running Horse roundabout, as shown in i-Transport drawing ITB9400-GA-047 dated 30 August 2023); and
 - Mitigation Scheme 3 - The Tottington Farm Committed Scheme (WB M20 offslip diverge as shown in C&A drawing 20-078-016 Rev A dated May 2023).
- 5.563 The analysis with and without the proposed development has been carried out with the aforementioned mitigation assumed to be in place. Based on the evidence presented, the mitigation associated with the other developments is required as a prerequisite to the Kiln Barn Road Development. Consequently, ongoing discussions are taking place with the applicant to discuss this and agree a methodology for equitable trigger points based on the trigger points identified for each of the committed schemes, with consideration given to the relationship with the monitor and manage approach.
- 5.564 The above represents our *current* requirements.
- 5.565 We continue to engage constructively with the applicant and their technical advisors.

Conclusion

- 5.566 Given the above, ongoing discussions are taking place regarding the outcomes of the M20 J5 Road Safety Audit and agreement on M20 J6 trigger points with reference to the monitor and manage strategy to inform draft condition wording.
- 5.567 National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of two months until 8 September 2025 to allow the applicant to resolve the outstanding matters.
- 5.568 This recommendation can be replaced, renewed, or reviewed during the two-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.569 **National Highways** (08/09/25) - Recommend that conditions should be attached to any planning permission that may be granted: Reasons

- 5.570 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.571 Since our response of 7 July 2025, the applicant has shared additional information with National Highways which has resolved the outstanding SRN-related matters.
- 5.572 This includes the Stage 1 Road Safety Audit (Report and Response Report) for the proposed mitigation at M20 Junction 5. We were engaged with this process, and we are satisfied that the Audit has been prepared in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB) GG 119 document.
- 5.573 Having assessed application 24/00372/PA we are content that the proposal, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (M20) provided that the following conditions are imposed, reflecting DfT Circular 01/2022 and NPPF 2024 paras. 115-118:

1. Highways Mitigation Strategy – Monitor and Manage

- 5.574 Condition: Prior to the first occupation of the development hereby permitted, a detailed highways 'Monitor and Manage Strategy' (MMS) shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with National Highways.
- 5.575 The MMS shall set out details of monitoring of vehicles to and from the development during its occupation and a methodology to determine the actual traffic impacts of the occupied dwellings in terms of traffic flow changes, changes to road safety risk, and changes in traffic conditions (queue lengths and delays) on the M20 Junctions 5 and 6. The information shall be set out in a report and be used to validate the appropriateness and timing of the implementation of the measures in the approved Travel Plan.
- 5.576 Reason: In the interests of highways safety and to support a vision led approach to development so the likely impacts of the proposal can be assessed and monitored in accordance with para 118 of the NPPF and to minimise traffic generated by the development and to ensure that the M20 Junctions 5 & 6 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

2. M20 J5 Highways Mitigation

- 5.577 Condition: Subject to the validation of the outcomes of the highways Monitor and Management Strategy (MMS), no more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) for the development hereby permitted shall be allowed until the

improvement scheme identified for M20 Junction 5, as shown in approved drawing ref: 22-031/049_Rev F in the Stage 1 Road Safety Audit Response Report (22-031-021 Rev - July 2025), is complete and open to traffic.

- 5.578 Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 118 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.
- 5.579 Informative: In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 5 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.

3. M20 J6 Highways Mitigation - Northbound Slip of M20 Junction 6 to Cobtree Roundabout

- 5.580 Condition: Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such time that the development aggregately would generate from the site accesses more than 79 total departure trips in the PM peak hour (17:00 – 18:00) until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in approved drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled 'Proposed Arrangement for Northbound Slip of M20 Junction 6', is complete and open to traffic.
- 5.581 Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.
- 5.582 Informative: In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 79 departure vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.

4. M20 J6 Highways Mitigation - Westbound Diverge to Running Horse Roundabout

- 5.583 Condition: Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such

time that the development aggregately would generate from the site accesses 156 or more total arrivals trips in the PM peak hour (17:00-18:00) until the improvement scheme identified for the M20 Junction 6 Westbound Diverge, as shown in approved drawing ref: 20-078-008 Rev H (dated April 2024), titled 'Proposed M20 J6 Diverge Upgrade', is complete and open to traffic.

5.584 Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

5.585 Informative: In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 156 vehicle trip arrivals during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.

5. Construction Traffic Management Plan

5.586 Condition: Save for preliminary works, prior to the commencement of development hereby permitted a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The CTMP shall include as a minimum:

(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 and permitted construction traffic arrival and departure times, avoiding network and school peaks where possible

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

(f) Details of construction phasing

(g) Measures to prevent the discharge of surface water onto the highway.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways.

5.587 Reason: In the interests of highways safety and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in

accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with para 115 of the NPPF.

6. Travel Plan

5.588 Condition: The development hereby permitted shall not be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift,
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements,
- the timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter,
- the mechanisms for monitoring and review,
- the mechanisms for reporting,
- the remedial measures to be applied in the event that targets are not met,
- the mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in consultation with National Highways.

5.589 Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

5.590 **National Highways** (02/01/26) - We are concerned about the safety, reliability, and operational efficiency of the Strategic Road Network (SRN), in this case the M20 in the vicinity of the site.

5.591 We have reviewed the amplification of the Environmental Statement. The amendments are focused on the Sustainable Movement Corridor (SMC) through the site in response to heritage comments.

5.592 Given that these proposed changes to the SMC would not alter the impact of the proposal on the SRN, we are content to rely on our National Highways' Planning Response (NHPR) of 8 September 2025 which recommends a set of conditions to be attached to any planning permission that may be granted.

5.593 **KCC Highways** (31/05/24) - The County Council, as Local Highway Authority, has reviewed the application and provides the following commentary:

- 5.594 There are two details missing from the appendices for Transport Assessment (TA) Vol 5 – Multi Modal Assessment; these are Aspirational Scenario Demand Forecast (labelled Appendix B) and Historic Trends Worksheets (labelled Appendix D). The County Council would ask that this information be supplied to enable the application to be fully assessed.

Access

- 5.595 Development access is proposed to be via two points on Hermitage Lane, with another access point on Kiln Barn Road.
- 5.596 Drawings 22-031/029, 22-031/030 and 22-031/031 provide details of the expected access arrangements to and from the development which complies with Kent Design Guide - Designing for Movement.
- 5.597 The detailed access and mitigation drawings (22-031-047, 22-031-100, 22-031-102 to 109) should be reviewed through a Stage 1 Road Safety Audit along with designer's comments, to ensure that no unforeseen safety issues are identified with the designs.
- 5.598 Where raised tables are proposed, consideration will need to be given to ensure these measures are suitable on any possible bus routes.
- 5.599 All proposed mitigation schemes should be delivered via a S278 Agreement and at an appropriate time depending on the phased build-out of the development.

Transport Assessment Volume 4 – Sustainable Travel Strategy

- 5.600 The County Council has been investigating measures to tackle congestion by improving highway capacity at A20/ Hall Road in accordance with Local Transport Plan (LTP) and district policies. A roundabout option has been discounted following public consultation and an enhanced signal scheme can only bring limited benefits. An alternative to provide a secondary 'all modes' access to Quarry Wood would require a link through land within the ownership of the applicant. Given the aspiration at paragraph 2.1.7 of the Transport Assessment Volume 4 to "integrate with and provide benefits to the wider community", the County Council would wish to understand how the development will facilitate provision of this link for vehicles as well as pedestrians and bicycles.
- 5.601 Details of any proposed bus strategy should be identified at this stage to ensure that a commercial operator is willing to take on a route, or a discussion will need to take place with the County Council's Passenger Transport Team, as a S106 contribution may be required, and over a period of time, to make the route viable. It is not desirable to have a bus gate on a route with an infrequent bus service. As part of the TA, the applicant mentions improving connectivity to Kings Hill from the development, however, details of an intended service should be shared. There are only three buses (outside of school services) per day running to Kings Hill and a

substantial improvement will be required to create improved permeability, to the extent shown on the RAG review.

- 5.602 Paragraph 4.6.11 identifies that discounted / free bus travel for residents would need to be provided. This detail will need to be confirmed and conditioned.
- 5.603 All matters regarding Public Rights of Way (PRoW) must be in consultation with the County Council PRoW and Access Service who are the Highway Authority for PRoW (full KCC response in respect of PRoW is available in Appendix 1). In respect of paragraph 4.4.13, routes via PRoW should be upgraded to encourage use focusing on personal safety (lit/visible from nearby properties) and with all-weather surfacing to meet mode share targets. Design details are required to ensure this can be achieved. The County Council would ask that this be done with consultation with the County Council's PRoW Service. All other highway routes should be well lit and provide safe journeys.
- 5.604 In respect of paragraph 4.6.18, there is a need to understand what scope there is for implementation of an increased frequency of rail services stopping at Barming Station given the consequent time penalty incurred to main line train journeys. The measures proposed for Barming Station will need to be defined so that this can be appropriately assessed to ensure the development is suitably connected and can offer alternative transport solutions.
- 5.605 In terms of the proposed highway schemes or measures, it would be useful to understand the phasing/trigger when each scheme will be implemented so that it can be agreed and appropriately conditioned, should planning permission be granted.

Transport Assessment Volume 5 – Multi Modal Assessment

- 5.606 It is unclear what has been included within the committed development trip generation. The checklist within Appendix G does not show green in the "Flows Impact Development" column against either 17/01595 *Land south of London Road and East of Hermitage Lane* or 20/01820 *Aylesford Newsprint*. Also, the Figures that follow, particularly Figures 4.9 and 4.10, do not show the link road which will run between London Road and Hermitage Lane, as a committed scheme, as part of planning consent for 17/01595. The committed development flows shown for 17/01595 look low, and do not meet the expected trip generation seen within the Tonbridge and Malling Local Plan model. The applicant should ensure that the correct flows have been applied from the consented scheme.
- 5.607 The County Council would seek that the applicant confirm which sites are included within the Additional Committed Development Flows Totals for the AM and PM peak link diagrams.

- 5.608 The sheet for Additional Committed Development Flows Total AM seems to have an error on the flows for Hermitage Lane travelling northbound, which is not evident in the other diagrams provided.
- 5.609 Figure 4.21 has some of the traffic flow figures missing as three hashtags are shown in some locations on the diagram. The County Council requests that this is corrected.
- 5.610 Within the TRICs assessment, sites in Ireland have been included. These sites should be excluded from any final dataset.
- 5.611 Section 3 has highly aspirational targets for both Public Transport travel and working from home – evidence to show how these can be achievable should be provided to the County Council.
- 5.612 Paragraph 4.1.7 is incorrect because the County Council, as Local Highway Authority, preferred for the tests to be undertaken via the Tonbridge and Malling Local Plan model, however, the applicant decided to use the Maidstone Local Plan model, as it had been signed off by National Highways. The use of the Maidstone Local Plan model was heavily caveated by the County Council and Jacobs.

Transport Assessment Vol 6 – Monitoring & Evaluation Plan

- 5.613 As detailed within the Multi modal assessment, a vision-led approach is being progressed by the promoter for this application and is in line with national policies, and is therefore an acceptable strategy to the County Council. A plausible aspirational scenario should enable sustainable journeys to be undertaken to key destinations where required improvements / measures can be delivered and a lower projected car trip rate, which fits the various aspirational targets. The difficulty will be in delivering measures outside of the development site where the network is constrained. A key requirement will be for mitigation measures to be delivered by the applicant.
- 5.614 The applicant has produced a Monitoring and Evaluation Plan (MaEP) based on the evidence gathered during earlier sections of the TA and this will be reviewed once some of the earlier points are clarified. The effective implementation of this plan will be critical to mitigating the impact of the development and adapting mitigations over time to deliver agreed outcomes. In principle, the inclusion of a mobility hub (car club, cycle hire, secure parcel lockers, etc.) and a framework travel plan, are positive inclusions to the planning application.

Summary

- 5.615 It has not been possible to review all the documentation associated with this planning application at this time due to the absence of key documentation.

- 5.616 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the local highway network.
- 5.617 In light of the above review, the County Council, as Local Highway Authority, recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.
- 5.618 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.619 **KCC Highways** (01/04/25) - The applicant has provided a Technical Note (TN) to address previous KCC Highways, reference 22-031-R2013 Rev Response Note 2, dated 14th March 2025. The following text should be read in conjunction with the previous responses from KCC Highways.
- 5.620 The drawing for Hermitage Lane cyclists rejoining the carriageway has been amended and appears to provide a safer transition, although if the planning application is approved this scheme will need to be assessed through a Stage 2 Safety Audit, as part of the S278 Agreements process.
- 5.621 It is noted that the requested bus service contribution of £1,680,000 has been accepted by the applicant and this will form part of the S106, should planning approval be granted.
- 5.622 The 6-month bus travel vouchers will offer residents travel choices, any vouchers will need to come forward at an appropriate time to the bus service being available. This will need to be conditioned by the planning authority.
- 5.623 The applicant has set out within Table 2.1 a proposed Infrastructure Delivery Trigger for each scheme being proposed as part of this planning application. KCC Highways would request that the pedestrian crossing linking the site to Barming Station be implemented as part of the Hermitage Lane access junctions trigger, as this pedestrian facility will aid the crossing of Hermitage Lane. The triggers seem largely acceptable to KCC Highways at this stage, however some may need further refinement as the development build out occurs and the MEP monitoring regime is reviewed.
- 5.624 Mobility hub to be conditioned by TMBC.
- 5.625 It is noted that National Highways (NH) are still progressing discussions with the applicant regarding potential mitigation for either Running Horse or Cobtree roundabout. KCC Highways welcome being included in any future discussions.
- 5.626 The two link roads will need to be conditioned and detailed design submitted for approval. The design for the link road between Kiln Barn Road and New Road as

this is proposed to contain a bus gate and will not be open to general traffic, the design will need to include appropriate traffic enforcement, which could be in the form of ANPR (or other method to be agreed by KCC Highways). The sum will need to be agreed with our Agreements Team closer to the trigger, to ensure the money will cover the delivery and ongoing maintenance of any traffic enforcement to ensure the infrastructure works as intended.

- 5.627 From KCC Highways' perspective, it is noted that discussions are ongoing over Running Horse or Cobtree roundabout trip generation, however, should the planning authority be minded to approve, then I confirm that the following requirements are secured by condition or planning obligation:-
- 5.628 1. Detailed design of mitigation to be produced to align with the phasing table. The design for the sustainable corridor between Kiln Barn and New Road will require appropriate traffic enforcement to be agreed by KCC Highways, with a commensurate maintenance fee. Please note, any monies towards enforcement is separate to that of the bus service contribution. All mitigation measures are shown within the drawings section of Volume 3 Development Vision & Proposals within the Transport Assessment, this will need to include the latest version of drawing number 22-031/103.
- 5.629 2. A Transport Review Group (TRG) must be established prior to the first monitoring period and shall meet on a six-monthly basis unless otherwise agreed by KCC, ceasing two years post full occupation, in line with the life of the Travel Plan. The TRG should consist of a member from a) the Applicant team, b) KCC, c) Tonbridge and Malling Borough Council, and will be chaired by the TPC. As a minimum the TRG will discuss / undertake the following duties:
- (a) progress at the site of terms of build out,
 - (b) discuss any Travel Plan measures that have been implemented and their success
 - (c) transport related issues including any complaints received, issues with bus services
 - (d) review and agree the TPC's proposed methodology for the Travel Plan monitoring surveys, and review the results
 - (e) agree the implementation of remedial measures should the targets be exceeded, and
 - (f) review and comment (where necessary) on the Travel Information Packs.
- 5.630 3. A Mobility Hub to be provided by the applicant within the site prior to first occupation of the site. The hub should contain as a minimum:

- Establishment of a car club with three electric car club vehicles with dedicated parking spaces and plug in charge point;
- electric bike hub with plug in charge point;
- cycle stands and lockers;
- cycle repair stand; cycle pump;
- and an information terminal;
- Cycle hire (including cargo cycles) and secure parcel lockers should also be considered.

- 5.631 4. Each resident with a valid driving licence to be offered one year's free membership to the car club and £50 driving credit, to encourage take-up. Offer to be widely advertised and be made available for one year post occupation of the associated residential unit. Use of the car club should be monitored through the Travel Plan and TRG, and the operator should be encouraged to increase the number of vehicles should demand be shown to warrant it. If, after the first contract period with the car club operator ends, the car club is not yet viable, the Applicant is to fund an additional contract with the operator for the same period of time as the first contract, to allow it more time to become viable.
- 5.632 5. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Monitoring fee of £1,422 for every five-year period.
- 5.633 6. A financial contribution of £1,680,000 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
- 5.634 7. A 6-month bus ticket to be offered to each resident upon first occupation of each dwelling with a maximum claim of two tickets per household. The tickets should be well advertised to encourage take-up. Alternatively, the equivalent monetary value to be made available to an phone app / service that supersedes it.
- 5.635 8. 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, which may require supporting vehicle tracking/swept paths.
 - (c) Timing of deliveries, avoiding network and school peaks where possible.
 - (d) Provision of wheel washing facilities.

(e) Measures to prevent the discharge of surface water onto the highway.

(f) Temporary traffic management / signage.

- 5.636 9. A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000, to be paid at the end of each six month period. Funds to be held by the Applicant (with evidence of its existence presented to the TRG) and are to be used for the implementation of remedial measures in the event that the vehicle trips exceed the vehicle trip generation targets, or if additional funding for the car club is required at the end of the first contract. Remedial measures to be decided by the TRG.
- 5.637 10. A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment, to be well advertised and offered to residents upon occupation of their associated unit. Offer to be available for one year post occupation of the associated residential unit.
- 5.638 All costs set out above should be index linked.
- 5.639 **KCC Highways** (06/01/26) - This latest consultation appears to consist of an amendment to the Sustainable Movement Corridor, for a short section, located to the north of Saint James the Great Church. Drawing number 22-031/104 Rev E shows the amended layout. The southern footway/cycleway has been removed between New Road, and until just after PRoW MR100. The northern shared surface remains in place and still offers good pedestrian/cycle connections to Kiln Barn Road, and the wider development, and through to Barming Rail Station. KCC Highways offers no objection to the proposed change.
- 5.640 All planning conditions/obligations previously put forward by KCC Highways remain relevant.
- 5.641 **KCC Highways** (03/02/26) - I refer to our previous consultation responses which raised the potential of a second all modes access to Aylesford Retail Park. Whilst KCC Highways is unable to recommend that a vehicular link road is required to mitigate the impact of the Bradbourne development in line with NPPF, it is requested that the granting of outline permission does not preclude the link from being provided at a future date subject to assessment, design, securing of land and funding. KCC Highways therefore requests that, should T&MBC grant outline planning permission, a suitable condition be included relating to the reserved matters stages to enable further consideration of a link road from the Aylesford Retail Park to Hermitage Lane via the Bradbourne development and to ensure that a ransom strip is not created.
- 5.642 **Active Travel England** (01/05/24) - ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

1.0 Background

- 5.643 Active Travel England (ATE) welcomes the opportunity to comment on the proposed application for the outline application, with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing (up to 1300 no. homes); a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including a sustainable movement corridor to East Malling. The total area of the application red line boundary is 79.58 hectares.
- 5.644 The proposed application is pursuant to the applicable policies as stipulated in the Tonbridge and Malling Borough Councils (TMBC) Local Plan: Core Strategy (2007) and Local Development Framework (LDF, 2008). The site is designated for housing following TMBC's 'Call for Sites Exercise' in 2015 where the East Malling Trust (EMT) as applicant put forward land within its control as a site for development. In 2022 the EMT responded to TMBC's subsequent call for sites for it to be allocated for housing in the currently emerging Local Plan, with the site being identified as having the potential to deliver 1621 no. residential dwellings. It is noted that prior to the submission for planning permission that the applicant has engaged with TMBC and Kent County Council (KCC).
- 5.645 The proposed on-site facilities (primary school and local centre) are all within 10 minutes walking distance from the proposed new houses and internal connections indicative safe walking, wheeling and cycling journeys for all users.
- 5.646 In terms of public transport, Barming Station will be within 15 minutes' walk of all the new homes and offers services to London Victoria, Maidstone and Ashford International, with the aforementioned Sustainable Movement Corridor providing access to public transport amenities in East Malling (train station, and bus services 4a, 58,70). Within 500m North of the proposed development in Ditton, there are various bus services on the A20 (59,71,72,77,150).
- 5.647 The scheme benefits from a wide range of services and facilities, all accessible walking and cycling distance. These include a new primary school, local centre, and easy access to adjacent employment opportunities within Ditton and Maidstone and those close to the northern part of the site. On site facilities are also complemented by adjacent public open spaces which ensure that there are opportunities for social interaction. Within these spaces sensitive landscape design and benches will ensure that those with mobility difficulties can find easy places to rest.

2.0 Summary

5.648 Although ATE is not currently in a position to fully support the proposed development, the proposed development does have the potential to be an example of a major residential, mixed-use development that demonstrates a clear ambition and vision to embed active and sustainable travel as the preferred mode of getting around from the outset.

5.649 However, there are various details that need to be provided and some aspects which require justification in order to meet ATE's requirements for a sustainable, accessible, and inclusive development. It is imperative that these issues are addressed at this stage of the planning process - If these can be provided and subsequently meet these requirements, ATE can look to supporting the proposed development by recommending that it can be approved with appropriate conditions.

5.650 ATE has undertaken an assessment of the submitted proposals, including the submitted Design & Access Statement (DAS), Transport Assessments (TA) - Vol. 2- 5 inc. Framework Travel Plan (FTP); Environmental Statement (ES) and Illustrative Masterplan.

3.0 National Policy and Guidance

5.651 To meet the requirements of government policy, new settlements need to effectively connect to their local area while providing the conditions that prioritise active travel. The following extracts are key considerations in the assessment and recommendations ATE make on planning applications:

5.652 The National Planning Policy Framework (NPPF) sets out how:

- Safe and suitable access to the site can be achieved for all users (114).
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code (114).

5.653 Applications for development should (116):

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- 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;

5.654 The National Design Guide sets further expectations for Active Travel routes as follows: 82. Prioritising pedestrians and cyclists mean creating routes that are

safe, direct, convenient, and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that people want to use them.

5.655 Gear change: sets the Government's vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Key requirements of Gear Change sets the following expectations for cycling infrastructure:

- Separation from volume traffic
- Separation from pedestrians
- Cycles treated as vehicles, not pedestrians
- Isolated stretches of good provision are of little value
- Routes must feel direct, logical, and intuitively understandable
- Avoiding cosmetic alterations
- Barriers should be avoided

5.656 In relation to new housing developments, LTN1/20 Cycling Infrastructure (2020) sets out how 'new housing development provides a major opportunity to create new and improved cycle infrastructure' (14.3.1), drawing attention to the following aspects of assessment:

14.3.6 It is important that the TA does not overestimate motor traffic travel demands, which could make it difficult to provide well-designed cycle infrastructure, particularly at the site access points. Travel demand forecasts should take into account the potential for the increased levels of cycling that will be enabled by high-quality cycle facilities, both on- and off-site.

5.657 Inclusive mobility: provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

5.658 Active Design: sets out how the design of our environments can help people to lead more physically active and healthy lives in relation to active travel (principle 3) and high-quality spaces (principle 5).

4.0 Active Travel Toolkit Assessment

4.1 Trip generation and assignment

5.659 Rating: PASS

5.660 Quantification of daily active travel movements forecast to be generated by the site is present in the TA and is multi-modal and representative of different times of the day (Trip Generation - (TA Vol. 5- Appendix C). This provides a suitable basis upon which to build an effective strategy so that the proposed development can successfully connects to its surroundings.

Policy / Guidance References:

- 5.661 Planning Policy Guidance on Travel Plans, Transport Assessments and Statements – a qualitative and quantitative description of the travel characteristics of the proposed development.

4.2 Active travel route audit

- 5.662 Rating: FURTHER INFORMATION REQUESTED

- 5.663 ATE notes that there has been a suitable audit of transport movements, and in particular active travel and also public transport in relation to typical journeys to a variety of interest points of which future residents would wish to access (p.59 -66 of the Env. Statement Chapter 7 - Transport & Access). However, ATE also recommends that a specific road safety audit or alternatively undertaking the ATE Crossing Selector Tool Assessment would be a valuable exercise and help identify suitable crossings etc.

- 5.664 Ensuring that details are provided to demonstrate how all modes of public transport (train stations and current/enhanced bus service) can be accessed using active travel modes is imperative, hence committing to the provision of suitable active travel infrastructure at public transport nodes is necessary.

- 5.665 Policy / Guidance Reference:

NPPF 114. In assessing specific applications for development, it should be ensured that ...safe and suitable access to the site can be achieved for all users.

4.3 Pedestrian Access to Local Amenities

- 5.666 Rating: FURTHER INFORMATION REQUESTED

- 5.667 The applicant identifies through the DAS (p.61) how many residents in the proposed development would be able to access the numerous services to the North-East (Local centre inc. Sainsburys) and the South-East of the site (Barming Station).

- 5.668 Another general issue are the lack of precise details regarding access to the West - and how the proposed development will link in terms of active travel provision with existing residential areas. (references to drawings as previously identified).

- 5.669 In terms of other details, which contribute to a more enjoyable/safer experience there also needs to be confirmation that all parallel crossings are appropriate.

- 5.670 Policy/Guidance Reference: NPPF 114. In assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

4.4 Cycling Accessibility

- 5.671 Rating: FURTHER INFORMATION REQUESTED

- 5.672 It is necessary that precise details are provided regarding the ProW upgrades as indicated on #22-031-125. Furthermore, the applicant also needs to ensure that there is sufficient justification of the shared use provision elements throughout the proposed development, and that associated parallel/unprotected crossings are applicable.
- 5.673 Furthermore, ATE also reiterates that for cycling all routes should be lit to BS5489 and ILP PLG23 (it isn't clear from plans reviewed that lighting is proposed).
- 5.674 Policy/Guidance References:
- NPPF 108c: identifying and pursuing opportunities to promote cycling
 - NPPF 114a: opportunities to promote sustainable modes have been taken up
 - NPPF 116a: giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

4.5 Access to Public Transport

- 5.675 Rating: FURTHER INFORMATION REQUESTED
- 5.676 With the inclusion of various features, and in particular the bus gates (drawing 22-031/104) there is clear evidence that the applicant intends to incorporate high usage of sustainable transport modes. Consequently, ATE advises that the expansion of the public transport service (along with appropriate phasing) will be crucial to embed a culture of using public transport for the purposes of accessing services and for commuting to employment/education.
- 5.677 ATE notes that the applicant has indicated the need for bus service improvements with Kent County Council's (KCC's) public transport team (TA, Vol 4, p.35). Consequently, it is advised that an appropriate contribution mechanism will need to be obtained to ensure that service enhancements occurs, alongside any applicable S278 agreements.
- 5.678 Policy/Guidance References:
- NPPF 108c: identifying and pursuing opportunities to promote public transport
 - NPPF 116a: facilitating access to high quality public transport
 - Inclusive Mobility: 9.1 – The siting of bus stops
 - LTN1/24 Bus User Priority

4.6 Off-site Transport Infrastructure

- 5.679 Rating: FURTHER INFORMATION REQUESTED
- 5.680 Given that access to the site is not a reserved matter, the applicant needs to demonstrate precise details regarding the pedestrian/cycle access points, in particular those which are not integrated with the vehicular access points e.g. the Public Right of Way (ProW) which traverse the site.

5.681 ATE recognises that specific design coding has not been specified for these routes and that the applicant will suggest widths which are compliant with local highways authority requirements (DAS, p.120). Nonetheless, it is advised that details are provided at this stage regarding how these routes are in alignment with national policy guidance (LTN 1/20 and Inclusive Mobility)

5.682 Policy/Guidance References:

- NPPF: 96c: enabling and supporting healthy lifestyles
- NPPF 108c: identifying / pursuing opportunities to promote walking, cycling and public transport
- NPPF 114b: achieving safe and suitable access for all users,
- NPPF 116a: giving priority first to pedestrian and cycle movements.

4.7 Site Permeability

5.683 Rating: FURTHER INFORMATION REQUESTED

5.684 Overall, the proposed development includes good site permeability with drawings supporting the comprehensive and highly suitable street hierarchy as incorporated in movement strategy (DAS, p.61), with the proposed Sustainable Transport Corridor allowing future residents to access amenities to the West of the site, along with good connections to the East of the site. It has also been noted that the radii of the proposed junctions do have scope for some tightening to reduce vehicle speeds.

5.685 ATE reiterates the importance of the applicant providing comprehensive details of the elements which can take advantage of desire lines which include: the interventions to the various PROWs; the suitability of crossings for all active travel users.

5.686 Policy/Guidance Reference:

5.687 NPPF: 96a: promoting social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through... street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods.

4.8 Placemaking

5.688 Rating: PASS

5.689 As typified by the landscape strategy (DAS, p. 131), the proposed development overall contains good placemaking characteristics suitable for the nature of this development. This includes, such as the integration on green spaces, activity nodes (village centre, school) distributed throughout and also building typologies and positions which can contribute to aspects such as natural surveillance, which is highly complementary to active travel modes. ATE also notes that there the

applicant proposes a comprehensive wayfinding strategy throughout the Transport Assessment (Volume 4).

5.690 Policy/Guidance Reference:

5.691 National Model Design Code, Part 1: 59 Movement – i) Connected Places, ii) Active Travel.

4.9 Cycle Parking & Trip-end facilities

Rating: FURTHER INFORMATION REQUESTED

5.692 ATE notes that the applicant has proposed that the earlier phases of development will include various supporting measures, including the establishment of secure car parking and a transport hub/interchange (TA, Vol 5, p.11). ATE also notes that the applicant has considered various needs for cycle parking as indicated on page 121 of the DAS. Although this demonstrates a degree of intent, it is necessary for the applicant to provide precise details of the numbers for all components of the proposed development (e.g. the village centre); the type and location of these and other supporting facilities (e.g. public servicing stations; water fountains etc.).

5.693 Additionally, with Barming Rail Station the nearest to offer rail services. ATE notes how there have been discussions between TMBC, KCC and the applicant regarding the expansion of cycle parking provision at rail stations. It is important that these are also presented for review.

5.694 Policy/Guidance References:

5.695 National Model Design Code Part 2: Movement M.3 - Well Considered parking, servicing, and utilities infrastructure for all users. & M3.ii Cycle Parking.

4.10 Travel Planning

5.696 Rating: PASS

5.697 The submitted FTP (para 4.3.2, TA - Volume 4, p.24) incorporates targets to increase active travel mode-share from 23% to 38% and public transport from 18 to 23%. These targets overall align with government objectives but reinforce the importance that active travel infrastructure will need to be developed and appropriately phased as to embed a culture of active travel usage from the outset - in turn that future residents/visitors to the proposed development will then be able to prioritise the use active travel modes to access public service facilities and for utility purposes (along with leisure).

5.698 Policy/Guidance References:

- NPPF: 117 – Travel Plans

- National Planning Policy Guidance: Travel Plans, Transport Assessments and Statements.

5.0 Next Steps

- 5.699 ATE requests that the local planning authority shares this correspondence with the applicant and their agents. ATE would welcome the opportunity to review and/or discuss further submitted information to help address the identified deficiencies as detailed above, with a view to providing a definitive, favourable response and recommended conditions.
- 5.700 **Active Travel England** (23/12/24) - ATE is not currently in a position to support this application and requests further assessment, evidence, revisions, and/or dialogue as set out in this response.

1.0 Background Active

- 5.701 Travel England (ATE) welcomes the opportunity to provide a further comment on the proposed application for the outline application, with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road.

2.0 Summary

- 5.702 Since ATE's initial response of the 1st of May 2024, ATE acknowledges that the applicant has provided further information from the applicant to demonstrate that the proposed development will provide high-quality active travel provision. ATE has reviewed various documents, drawings and also the (STS) Sustainable Travel Strategy (Chapter 4 of the amended TA).
- 5.703 However, there remains various details that need to be provided for review by ATE and the highways authority (KCC) in order to meet ATE's requirements for a sustainable, accessible, and inclusive development. It is imperative that these issues are addressed at this stage of the planning process - If these can be provided and subsequently meet these requirements, ATE hopes to subsequently support the proposed development by recommending that it can be approved with appropriate conditions/contributions.
- 5.704 ATE has provided details of the criteria which are relevant to this stage of the review process. For brevity, those criteria which were satisfactorily met in its initial response on the 1st of May 2024 have been removed.

3.0 Active Travel Toolkit Assessment

3.1 Active travel route audit

- 5.705 Rating PASS

- 5.706 ATE acknowledges that the applicant has undertaken an audit to undertake an assessment of active travel and/or public transport provision in the submitted STS (p.9 – 13). This process has deduced important information such as that key travel corridors have been rated as either poor or moderate for active travel and public transport (para. 3.4.4, p.13).

3.2 Pedestrian Access to Local Amenities

- 5.707 Rating: FURTHER INFORMATION REQUESTED

- 5.708 As ATE stated in its prior response, there remains a lack of precise details regarding access to the West - and how the proposed development will link in terms of active travel provision with existing residential areas - with references to drawings as identified in 3.5 below are in this case necessary to demonstrate the overall quality of the provision.

3.3 Cycling Accessibility

- 5.709 Rating: FURTHER INFORMATION REQUESTED

- 5.710 The applicant needs to provide clear and precise details to demonstrate that there is sufficient justification of the shared use provision elements throughout the proposed development, and that associated parallel/unprotected crossings are applicable.

- 5.711 Furthermore, ATE also reiterates that for cycling all routes should be lit to BS5489 and ILP PLG23 (it is not clear from plans reviewed that lighting is proposed).

3.4 Access to Public Transport

- 5.712 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED.

- 5.713 ATE welcomes the commitment from the applicant throughout Chapter 4 of the STS to improve the provision of public transport through an increase in frequency, which can act as a key driver to encourage active travel modes. Crucially, this is supported with indications that that applicant will provide high-quality supporting infrastructure such as bus stops and crossings. ATE advises that this commitment and details of the public transport infrastructural enhancements within are set as appropriate conditions of planning permission and also aligned with suitable contribution agreements.

3.5 Off-site Transport Infrastructure

- 5.714 Rating: FURTHER INFORMATION REQUESTED > CONDITION/CONTRIBUTION RECOMMENDED.

- 5.715 ATE acknowledges that the applicant has indicated a stronger commitment with regards to off-site infrastructure that can facilitate active travel and complement

internal active travel provision such as the Sustainable Transport Corridor (STC). For example, ATE welcomes the applicant stating that the proposed development intends to provide a network of enhanced, continuous, and attractive active travel routes between the site and surrounding amenities and that this provision will be supported by various 'soft measures' e.g. wayfinding signage (para 4.3.3, STS, p. 18).

- 5.716 For ATE to fully support this criteria, it advises that the applicant provides all details of the routes that will ensure that active travel journeys are the first choice for small journeys to key destinations, such as Aylesford School. While the applicant has outlined this and the enhancement of Public Rights of Way (ProW) in the STS (pages 18-22), these interventions need to clearly show how they are compliant with local and national policy and then preferable these should be committed to via an appropriate condition/contribution at the discretion of WMBC and KCC.

3.6 Site Permeability

- 5.717 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED.

- 5.718 As previously stated in its initial response, ATE recognises that the proposed development incorporates good site permeability and that the proposed Sustainable Transport Corridor is able to allow future residents to access amenities to the West of the site, along with good connections to the East of the site.

- 5.719 ATE acknowledges that the applicant has provides indication of how the site's permeability can be complemented by a range of active travel-focused access points in the submitted illustrative masterplan and that these are inclusive of elements which can take advantage of likely active travel desire lines which include the interventions to the various PROWs. To further reinforce this intention ATE requests that the applicant commits to providing all the necessary specification of interventions such as the suitability of all crossings, and how they encourage the use of walking, wheeling, and cycling for all users.

3.7 Cycle Parking & Trip-end facilities

- 5.720 Rating: FURTHER INFORMATION REQUESTED > CONDITION/CONTRIBUTION RECOMMENDED.

- 5.721 ATE notes that the applicant has indicated in the STS that it proposes that all dwellings which do not benefit from a garage or shed will be provided with communal, secure, and covered bicycle parking (para 5.4.7, STS, p.28). There is also a proposed electric cycle hire scheme (para 5.4.8, STS, p.28) to further encourage non-car trips. While ATE welcomes these proposals, it is necessary for the applicant to submit clear and precise details of both of these interventions and for the cycle parking, the number, location, and amenities that this provision will

include and alignment with LTN 1-20, KCC and TMBC policy/guidance. Furthermore, it is necessary for the applicant to provide precise details of the numbers for all components of the proposed development (e.g. the village centre); the type and location of these and other supporting facilities (e.g. public servicing stations; water fountains etc.).

- 5.722 ATE also notes that the development intends to provide a proportionate financial contribution towards improvements at Barming station, implemented by Network Rail/Southeastern as appropriate (para 4.6.17, STA, p.36). ATE advises that this leads to a cycle parking provision in alignment with those principles contained within LTN 1-20.

4.0 Next Steps

- 5.723 ATE appreciates the significance of the proposed development and acknowledges the progression of this application. Will further details, there is the potential for this large-scale scheme to embed high degrees of active travel provision. ATE requests that the local planning authority shares this correspondence with the applicant and their agents. ATE would welcome the opportunity to review and/or discuss further submitted information to help address the identified deficiencies as detailed above, with a view to providing a definitive, favourable response and recommended conditions.

- 5.724 **Active Travel England** (23/04/25) - Notice is hereby given that Active Travel England's formal recommendation is as follows:

b. Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

1.0 Background

- 5.725 Active Travel England (ATE) welcomes the opportunity to provide a further comment on the proposed application for the outline application with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road.

2.0 Summary

- 5.726 Following ATE's initial response of the 1st of May 2024, a subsequent response was provided on the 23rd of December 2024. While ATE remained in support of many aspects of the proposed development, there were various details and points of clarification required for ATE to support the application. A meeting was held between the applicant and ATE on 19th February 2025 to discuss these, and ATE confirms receipt of a Technical Note (TN) dated March 2025 which summarise the dialogue.

- 5.727 In consideration of this information ATE can in principle support the proposed development and recommends that aspects as detailed below can be approved with suitable conditions/contributions and for these to be set at the discretion of the local planning authority (LPA).

3.0 Active Travel Toolkit Assessment

3.1 Pedestrian Access to Local Amenities

- 5.728 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED
- 5.729 ATE welcomes the indicated lighting strategy provided by the applicant and details of the active travel provision as shown on Drawings 22-031/104, 22-031/106 - 109.
- 5.730 ATE is satisfied with the Sustainable Movement Corridor (SMC) and through review of the detailed designs confirms that it should act as a suitable conduit for walking, wheeling, and cycling. ATE confirms the applicant's acknowledgement that the SMC and overall active travel provision in the residential element of the proposed development should also be committed to the highest standards possible (para 2.1.2, TN, p.2). For the avoidance of doubt ATE advises that all further active travel facilities, including appropriate street lighting (considerate of local context) can be committed to as a condition of planning permission.

3.2 Cycling Accessibility

- 5.731 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED
- 5.732 ATE notes that there are constraints which mean that in some locations there are width constraints and issues with transition where a shared provision is necessary and that mostly the application has predominantly provided segregated cycling amenity (TN, p.3).
- 5.733 Additionally, ATE accepts that a shared provision is suitable for the secondary residential streets with lower traffic level.
- 5.734 With regards to lighting, ATE acknowledges that the applicant will provide passive street lighting where full street lighting is not suitable due to heritage issues and that where necessary as for pedestrian routes facilities along the SMC and Kiln Barn Road can be conditioned as part of planning permission.

3.3 Off-site Transport Infrastructure

- 5.735 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.
- 5.736 ATE notes that the applicant is willing to commit to the delivery of off-site active travel provision (para 2.3.1, TN, p.4) and that in addition to this there is existing dialogue between the applicant the local highways authority (LHA) to improve Public Rights of Way (PRoW) as part of a s106 agreement (para 2.3.2, TN, p.4).

3.4 Cycle Parking & Trip-end facilities

5.737 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.

5.738 ATE welcomes that the applicant is willing to commit to suitable levels of on-site cycle parking as a condition of planning permission (TN, p.5). ATE also notes that the development intends to provide a proportionate financial contribution towards improvements at Barming station through an S106 agreement and that there is ongoing dialogue between the applicant and Network Rail. ATE advises that both recommended conditions related to cycle parking (and supporting details) are in alignment with the principles and guidance contained within LTN 1-20.

4.0 Next Steps

5.739 It is requested that these recommendations are considered by the LPA case officer and forwarded to the agent and applicant. ATE supports the setting of planning conditions and obligations as detailed above and if necessary is happy to review any further information.

5.740 **Active Travel England** (14/01/26) - Notice is hereby given that Active Travel England's formal recommendation is as follows:

b. Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

1.0 Background

5.741 Active Travel England (ATE) welcomes the opportunity to provide a further comment on the proposed application for the outline application with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road.

2.0 Summary

5.742 Following ATE's initial response of the 1st of May 2024, a subsequent response was provided on the 23rd of December 2024. While ATE remained supportive of many aspects of the proposed development, there were various details and points of clarification required for ATE to fully endorse the application. A meeting was held between the applicant and ATE on 19th February 2025 to discuss these and ATE confirmed receipt of a Technical Note (TN) dated March 2025 which summarised the dialogue.

5.743 Following this ATE supported the proposed development in its 3rd response on the 23rd of April 2025 with a formal recommendation of Conditional Approval.

5.744 ATE's revised position – January 2026.

- 5.745 Since then, there has been further information, and dialogue, with amendments to the proposed development which have necessitated additional review from ATE.
- 5.746 This has involved a reconfiguration of the Sustainable Movement Corridor (SMC), with proposed amendments detailed on Drawing 22-031/104 Rev E (Dated November 2025).
- 5.747 ATE's position is that it supports the amendments, and this is reflected in comments detailed in paragraph 2.2 below. ATE advises the LPA to consider these alongside other comments (unchanged) and set suitable conditions, as necessary.
- 5.748 In consideration of this information ATE supports the proposed development in principle and recommends that aspects as detailed below can be approved with suitable conditions/contributions and for these to be set at the discretion of the local planning authority (LPA).

2.1 Pedestrian Access to Local Amenities

- 5.749 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED
- 5.750 ATE welcomes the indicated lighting strategy provided by the applicant and details of the active travel provision as shown on Drawings 22-031/104, 22-031/106 – 109 (November 2025).
- 5.751 ATE is satisfied with the Sustainable Movement Corridor (SMC) and through review of the detailed designs confirms that it should act as a suitable conduit for walking, wheeling, and cycling. ATE confirms the applicant's acknowledgement that the SMC and overall active travel provision in the residential element of the proposed development should also be committed to the highest standards possible (para 2.1.2, TN, p.2). For the avoidance of doubt ATE advises that all further active travel facilities, including appropriate street lighting (considerate of local context) can be committed to as a condition of planning permission.

2.2 Cycling Accessibility Revised

- 5.752 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED
- 5.753 As mentioned in earlier responses, ATE notes that the proposed development predominantly provides segregated cycling amenity, with shared provision (walking & cycling) for the secondary residential streets with expected lower traffic levels deemed suitable.
- 5.754 ATE accepts that there needs to be a shared foot-cycle way extending from the access with New Road East Malling eastwards to Public Right of Way (PRoW) 100. This is based upon concerns to heritage and impacts upon the Church St James the Great.

- 5.755 Upon reviewing the amendments and necessary transition to a 2m uni-directional cycle way segregated from a 2m footway for the remainder of the SMC, ATE confirms that it supports these amendment and provision as indicated in Drawing 22-031/104, 22-031/106 – 109 and that the treatments support the remainder of the SMC extending eastwards. ATE does suggest that a type of differentiation in material and/or light segregation is committed to in terms of the 2 + 2m segregated foot and cycleway and that this can be set as a condition of planning permission.
- 5.756 With regards to lighting, ATE acknowledges that the applicant will provide passive street lighting where full street lighting is not suitable due to heritage issues and that these facilities along the SMC and Kiln Barn Road can be conditioned as part of planning permission as part of a wider lighting strategy.

2.3 Off-site Transport Infrastructure

- 5.757 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.
- 5.758 ATE notes that the applicant is willing to commit to the delivery of off-site active travel provision (para 2.3.1, TN, p.4) and that in addition to this there is existing dialogue between the applicant the local highways authority (LHA) to improve Public Rights of Way (PRoW) as part of an 106 agreement (para 2.3.2, TN, p.4).

2.4 Cycle Parking & Trip-end facilities

- 5.759 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.
- 5.760 ATE welcomes that the applicant is willing to commit to suitable levels of on-site cycle parking as a condition of planning permission (TN, p.5). ATE also notes that the development intends to provide a proportionate financial contribution towards improvements at Barming station through an S106 agreement and that there is ongoing dialogue between the applicant and Network Rail. ATE advises that both recommended conditions related to cycle parking (and supporting details) are in alignment with the principles and guidance contained within LTN 1-20.

3.0 Conclusion

- 5.761 It is requested that these recommendations are considered by the LPA case officer and forwarded to the agent and applicant. ATE supports the setting of planning conditions and obligations as detailed above and if necessary is happy to review any further information.
- 5.762 **Natural England** (17/04/24) - Natural England provided 'Annex A – Natural England general advice'.
- 5.763 **Natural England** (16/12/24) - Natural England provided 'Annex A – Natural England general advice'.

- 5.764 **KCC Ecology** (28/05/24) - We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:
- Badgers (main sett)
 - Bats - roosting within 2 buildings (B10 and B5), and 1 tree (BP1)
 - At least 8 species of foraging/commuting bats
 - Dormouse
 - Hedgehog
 - 37 birds recorded during the breeding birds (up to 12 considered breeding)
Included ground nesting birds.
 - 43 species recorded during the wintering bird survey
 - 2 species of reptile recorded
 - Stag beetle
 - Ancient woodland present and adjacent to the site.
 - Local Nature Reserves/Local wildlife Sites adjacent /close to the site.
- 5.765 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site. However we are concerned that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation.
- 5.766 We recommend that an outline mitigation strategy is submitted prior to determination to ensure that the LPA can be satisfied that appropriate mitigation can be implemented and retained within the area of open space.
- 5.767 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagree with this conclusion and as the proposal will result in the loss suitable land for ground nesting birds we advise that information is provided demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicants landholdings.
- 5.768 The NE/FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than 15m - particularly when considering the size of the proposal. The submitted plans do demonstrate that dormouse and bats were recorded within and adjacent to the woodland and therefore we are concerned that the woodland buffer will be insufficient to provide AW mitigation and support the species recorded.

- 5.769 A main sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the sett. We advise that additional information is provided demonstrating that appropriate mitigation can be implemented.
- 5.770 It is has detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we are not convinced that it can be achieved. The metric details that many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. In addition it's not clear if the presence of protected species has been taken in to account when calculating the BNG. Land used for species mitigation can only go towards no net loss it can not be used as part of species mitigation. Further details can be found here: <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversitynet-gain-bng>
- 5.771 We recommend that additional information is submitted detailing why the applicant satisfied the anticipated BNG for habitats can be achieved.
- 5.772 **KCC Ecology** (08/01/25) - We have reviewed the updated information and we advise that our comments dated May 2024 have not significantly changed.
- 5.773 Additional information to fully address our previous comments has not been provided. It is our understanding that the only additional information provided to address our comments are:
- Technical Note Biodiversity Net Gain; AAE RevA
 - Framework Ancient Woodland Management Plan Aae; October 2024
 - Illustrative Master Plan
- 5.774 We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:
- Badgers (main sett)
 - Bats - roosting within 2 buildings (B10 and B5), and 1 tree (BP1)
 - At least 8 species of foraging/commuting bats
 - Dormouse
 - Hedgehog
 - 37 birds recorded during the breeding birds (up to 12 considered breeding)
Included ground nesting birds.
 - 43 species recorded during the wintering bird survey
 - 2 species of reptile recorded
 - Stag beetle
 - Ancient woodland present and adjacent to the site.

- Local Nature Reserves/Local wildlife Sites adjacent /close to the site.

- 5.775 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site. However we are concerned that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation.
- 5.776 We recommend that an outline mitigation strategy is submitted prior to determination to ensure that the LPA can be satisfied that appropriate mitigation can be implemented and retained within the area of open space.
- 5.777 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagree with this conclusion and as the proposal will result in the loss suitable land for ground nesting birds we advise that information is provided demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicants landholdings.
- 5.778 The NE/FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than 15m – particularly when considering the size of the proposal. The ancient woodland management plan does state that the buffer will be at least 20m but no information has been provided justifying why the buffer is sufficient in size to minimise and mitigate against the impact from the proposed development.
- 5.779 The submitted plans do demonstrate that dormouse and bats were recorded within and adjacent to the woodland and therefore we are concerned that the woodland buffer will be insufficient to provide AW mitigation and support the species recorded. The management plan does detail that the buffer will be actively managed but no information has been provided addressing whether the proposed habitat creation will be sufficient to support and retained the species.
- 5.780 A main sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the sett. We advise that additional information is provided demonstrating that appropriate mitigation can be implemented.
- 5.781 It is has detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we are not convinced that it can be achieved. The metric details that

many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. In addition it's not clear if the presence of protected species has been taken in to account when calculating the BNG. Land used for species mitigation can only go towards no net loss it can not be used as part of species mitigation. Further details can be found here: <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversitynet-gain-bng>

5.782 Additional information has been provided on the BNG assessment but it does not address any of the points details above. As such we recommend that additional information is submitted detailing why the applicant is satisfied the anticipated BNG for habitats can be achieved.

5.783 **KCC Ecology** (16/02/26) - We have reviewed the updated information and we advise that while we do have concerns that the submitted information was not sufficiently detailed we do accept that as it is an outline application there are opportunities to design the open space to ensure that appropriate ecological mitigation can be implemented.

5.784 We advise that if planning permission is granted we advise that there will be a need for the following conditions:

- Outline mitigation strategy - to be agreed prior to the first reserved matters submission (informed by any necessary updated surveys).
- Detailed mitigation strategy to be submitted with each reserved matters application (informed by any necessary updated surveys).
- Habitat Management and Monitoring Plan.
- Ecological Enhancement Plan.
- Site wide lighting strategy.
- Lighting plan for each reserved matters application.

5.785 We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:

- Badgers (main sett)
- Bats - roosting within 4 buildings (B3, B5, B9 and B10) and 1 tree (BP1)
- At least 8 species of foraging/commuting bats
- Dormouse
- Hedgehog
- 37 birds recorded during the breeding birds (up to 12 considered breeding) including ground nesting birds.
- 43 species recorded during the wintering bird survey
- 2 species of reptile recorded
- Stag beetle
- Ancient woodland present and adjacent to the site.
- Local Nature Reserves/Local wildlife Sites adjacent /close to the site.

- 5.786 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site.
- 5.787 We do continue to have concerns that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation. The parameter plan details that the area defined as open space covers the following water bodies, drainage features, footpaths / cycleways, vegetation/ planted areas, retained trees, play areas, community gardens and occasional vehicular connections. Therefore we would have anticipated the mitigation strategy clearly demonstrating where any ecology mitigation areas could be incorporated in to the site.
- 5.788 However we do acknowledge that there are 29ha of open space within the proposed development and as it is an outline application the open space can be design to incorporate mitigation habitat and retain habitat connectivity through the site. As this is an outline application we do acknowledge that there are opportunities within future stages of the proposal to ensure that appropriate habitat creation / enhancement can be achieved. However to ensure that this can be carried out we advise that there is a requirement for an outline mitigation strategy to be produced for the whole site prior to the submission of the first reserved matters application. This will ensure that all reserved matters application is designed to take in to account the required ecological mitigation.
- 5.789 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagreed with this conclusion and when commented previously we advised that as the proposal will result in the loss suitable land for ground nesting birds information was required demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicant's landholdings. The applicant has confirmed that this can occur with at least 10 skylark plots being created within the site. We advise that this requirement must be secured via a legal agreement if planning permission is granted.
- 5.790 The NE /FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than the minimum - particularly when considering the proposal is for up to 1300 dwellings. Natural England standing advice states the following regarding AW buffers: For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the

proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

- 5.791 We acknowledge that the ancient woodland management plan does state that the buffer will be at least 20m but we would have expected information to have been included justifying why the buffer is sufficient in size to minimise and mitigate against the impact from the proposed residential development.
- 5.792 The parameter plan has confirmed that the buffer will be 20m but we note that the information within the Framework Ancient Woodland Management Plan details that the new habitats to be created will include areas of dense, native species Mixed Scrub , with a number of Individual Trees and Species-rich Native Hedgerows also proposed. We advise that TMBC must be satisfied that the proposed buffer area can be created within the site and will not be reduced down in size or quality due to other requirements within the site. We note that the existing PROW will be upgraded to an all weather path and it is anticipated there will be increased use of these paths and therefore the buffer area will have to be actively managed to ensure that the buffer area will be designed as intended.
- 5.793 We advise that there will be a need for an management plan to be produced for the site with regular on going monitoring to ensure that if the site is not establishing or being maintained as intended appropriate mitigation can be implemented. This may include the need for on going education to residents.
- 5.794 The submitted plans do demonstrate that bats were recorded within and adjacent to the woodland, and dormouse were recorded within the wider area therefore we advise that the buffers will also have to be managed to ensure that the species recorded within the site will be benefited. The outline mitigation strategy and detailed plans within the reserved matters will have to demonstrate that the required mitigation will be implemented in the site.
- 5.795 A main badger sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and badger sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the badger sett. We advise that TMBC must be satisfied that the landscaping buffer between the badger sett and the residential areas is at least 20m. The outline mitigation strategy and the detailed plans within the reserved matters applications will have to demonstrate that the current badger sett on site will be retained and there is sufficient space and appropriate planting being created.

Biodiversity Net Gain

- 5.796 Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory

Biodiversity Metric prior to commencement of any development. Having reviewed submitted information, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

5.797 Any application which is required to achieve a 10% BNG must submit the following information as a minimum:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

5.798 We have reviewed the submitted information and we are satisfied that sufficient information has been submitted to meet the requirements for mandatory net gain.

5.799 We do acknowledge that there is an error in the Baseline information of the site as an area of woodland has been incorrectly included as modified grassland as the assessment did not take into account that the area of woodland had been felled post 2020. However the BNG value of the site will not change and when we made the amendments in the metric it currently does not create a trading rules error due to the proposed scrub planting and enhancement of existing woodland. Therefore we are satisfied that this error can be addressed within the submission of the biodiversity gain plan.

- 5.800 It is detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we highlight that there is a risk it cannot be achieved. The metric details that many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. For example, the proposed creation of 7.61 hectares of mixed scrub to good condition, it must meet all criteria of a mixed scrub condition assessment. The current proposed 'good' condition provides 63.95 habitat units for the proposed 11.35% net gain. If this is changed to moderate condition, this changes to 50.95 habitat units and 5.10% net gain.
- 5.801 In addition, it's not clear if the presence of protected species has been taken into account when calculating the BNG. Land used for species mitigation can only go towards no net loss it cannot be used as part of the 10% required for BNG. Further details can be found here: <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversity-net-gain-bng>. To clearly evidence that 'additionality' rules for BNG have been fully covered we consider that two metrics should have been used, one with species and (ancient woodland) mitigation included and one without. This will ensure that the mitigation has only been included up to no net loss, as noted above.
- 5.802 However we do acknowledge that details of how a BNG will be achieved are not required prior to determination and in the event that a BNG cannot be achieved on site this will have to be addressed as part of the overall biodiversity gain plan submission or the subsequent phase biodiversity gain plan form. Therefore we are satisfied that a revised BNG assessment is not required to be submitted at this stage.
- 5.803 We consider the creation and enhancement of habitats on site constitute significant on-site gains. Government guidance states: "The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage."
- 5.804 Therefore It is our view that these significant on-site gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. It is our view that monitoring fees should be secured for these significant on-site gains as these gains will need to be subject to monitoring reports across 30 years, which will need to be reviewed (and acted upon as necessary) by the LPA at their own cost. We provide details of suggested monitoring fees in our March 2025 advice note 'KCC Ecological Advice Service suggested BNG Monitoring Fees' which has been distributed to all LPAs in Kent.

Biodiversity and Enhancements

- 5.805 Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework

(NPPF) 2024, biodiversity should be maintained and enhanced through the planning system.

- 5.806 In addition to BNG there is a requirement for ecological enhancement features to be incorporated in to the open space and buildings. We advise if planning permission is granted there will be a need for an enhancement plan to be submitted as part of every reserved matters application.

Lighting

- 5.807 Nocturnal species and ancient woodland have been recorded within the site and lighting can have a negative impact on species and habitats and therefore any lighting must be designed to minimise light spill throughout the site. We advise that there will be a need for a lighting strategy to be produced for the whole site and a lighting plan to be submitted with all reserved matters applications.
- 5.808 **KCC Ecology** (24/02/26) - We have reviewed the updated information and we advise that while we do have concerns that the submitted information was not sufficiently detailed we do accept that as it is an outline application there are opportunities to design the open space to ensure that appropriate ecological mitigation can be implemented.
- 5.809 We advise that if planning permission is granted we advise that there will be a need for the following conditions:
- 5.810 Outline mitigation strategy - to be agreed prior to the first reserved matters submission (informed by any necessary updated surveys)
- 5.811 No development (including ground works, site and vegetation clearance) shall take place until a site-wide outline construction ecological management plan (OCEMP - biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP - biodiversity shall include the following and be based on the ecological survey information submitted as part of the application and up-to-date ecological survey information, as advised by a suitably qualified ecologist:
- Purpose and objectives for the proposed works;
 - Overview of the mitigation required and plans showing the areas it will be implemented;
 - Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;
 - Areas where a detailed arboricultural method statement to protect retained trees is required;

- Anticipated Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- Persons responsible for implementing the works.

5.812 Detailed mitigation strategy to be submitted with each reserved matters application (informed by any necessary updated surveys)

5.813 No phase of development (including any ground works, site or vegetation clearance) shall commence until a construction ecological management plan (CEMP - biodiversity)) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP - biodiversity shall include the following and be based on the ecological information submitted with the outline application and the Outline Construction Ecological Management Plan required by condition X and up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
- Confirmation of what protected species licences (e.g., badgers and dormice) are required to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
- Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works; and
- Initial aftercare and reference to a long-term maintenance plan (where relevant).

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

5.814 Outline Habitat Management and Monitoring Plan

5.815 No development (including ground works, site and vegetation clearance) shall take place until an Outline Habitat Management and Monitoring Plan (the OHMMP) informed by up-to-date ecology surveys as advised by a suitably qualified ecologist, has been submitted to and approved in writing by the local planning authority and including the following:

(a) measures to protect and enhance retained assets (noting commitments secured at the outline application stage);

(b) identify opportunities to create new biodiversity assets and links to existing off site ecological networks;

(c) demonstration of how the above measures contribute to achievement of 10% minimum net gain target for the overall development site based on an up-to-date statutory biodiversity net gain metric and the overall biodiversity gain plan; and

(d) the framework management and maintenance strategy.

5.816 Habitat Management And Monitoring Plan

5.817 No phase of development shall commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Outline HMMP submitted as part of condition X, approved Phase Biodiversity Gain Plan for that phase, and based on up-to-date ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

(c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Phase Biodiversity Gain Plan for that phase;

(d) the management measures to maintain habitat in accordance with the approved Phase Biodiversity Gain Plan for that phase for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP for that phase shall be implemented, managed and maintained in accordance with the approved HMMP for that phase. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP for that phase.

5.818 Ecological Enhancement Plan

5.819 With the submission of the reserved matters application for each phase an ecological enhancement plan must be submitted to the LPA for written approval. It must demonstrate that integrated features for bats, birds or bees have been incorporated in to all buildings and enhancement features incorporated in to the open space. The plan must include a map showing the location of the features and details of the types, makes and modes of the features to be installed. The plan must be implemented as approved.

5.820 Site wide Lighting strategy

5.821 Prior to the submission of the first reserved matters application, a site-wide lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:

- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;
- The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
- The provision of technical specifications for the external lighting;
- An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
- The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
- Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

No external lighting shall be installed for any phase until a lighting plan(s) has been submitted to and approved in writing by the local planning authority, in accordance with condition x.

5.822 Lighting plan for each reserved matters application

5.823 Prior to the completion of each phase, a lighting plan(s) for biodiversity for that phase, shall be submitted to and approved in writing by the local planning authority. The plan(s) shall follow the design parameters set out in the approved site-wide lighting design strategy and include the following:

- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;

- The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
- The provision of technical specifications for the external lighting;
- An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
- The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
- Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

All external lighting shall be installed prior to first occupation of each phase in accordance with the specifications and locations set out in the plan(s) for that phase, and these shall be maintained thereafter in accordance with the strategy.

5.824 Detailed Comments

5.825 We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:

- Badgers (main sett)
- Bats - roosting within 4 buildings (B3, B5, B9 and B10) and 1 tree (BP1)
- At least 8 species of foraging/commuting bats
- Dormouse
- Hedgehog
- 37 birds recorded during the breeding birds (up to 12 considered breeding) including ground nesting birds.
- 43 species recorded during the wintering bird survey
- 2 species of reptile recorded
- Stag beetle
- Ancient woodland present and adjacent to the site.
- Local Nature Reserves/Local wildlife Sites adjacent /close to the site.

5.826 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site.

5.827 We do continue to have concerns that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation. The parameter plan details that the area defined as open space covers the following water bodies, drainage features, footpaths / cycleways, vegetation/ planted areas, retained trees, play

areas, community gardens and occasional vehicular connections. Therefore we would have anticipated the mitigation strategy clearly demonstrating where any ecology mitigation areas could be incorporated in to the site.

- 5.828 However we do acknowledge that there are 29ha of open space within the proposed development and as it is an outline application the open space can be design to incorporate mitigation habitat and retain habitat connectivity through the site. As this is an outline application we do acknowledge that there are opportunities within future stages of the proposal to ensure that appropriate habitat creation / enhancement can be achieved. However to ensure that this can be carried out we advise that there is a requirement for an outline mitigation strategy to be produced for the whole site prior to the submission of the first reserved matters application. This will ensure that all reserved matters application is designed to take in to account the required ecological mitigation.
- 5.829 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagreed with this conclusion and when commented previously we advised that as the proposal will result in the loss suitable land for ground nesting birds information was required demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicant's landholdings. The applicant has confirmed that this can occur with at least 10 skylark plots being created within the site. We advise that this requirement must be secured via a legal agreement if planning permission is granted.
- 5.830 The NE /FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than the minimum - particularly when considering the proposal is for up to 1300 dwellings. Natural England standing advice states the following regarding AW buffers: For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.
- 5.831 We acknowledge that the ancient woodland management plan does state that the buffer will be at least 20m but we would have expected information to have been included justifying why the buffer is sufficient in size to minimise and mitigate against the impact from the proposed residential development.
- 5.832 The parameter plan has confirmed that the buffer will be 20m but we note that the information within the Framework Ancient Woodland Management Plan details that the new habitats to be created will include areas of dense, native species Mixed Scrub , with a number of Individual Trees and Species-rich Native

Hedgerows also proposed. We advise that TMBC must be satisfied that the proposed buffer area can be created within the site and will not be reduced down in size or quality due to other requirements within the site. We note that the existing PROW will be upgraded to an all weather path and it is anticipated there will be increased use of these paths and therefore the buffer area will have to be actively managed to ensure that the buffer area will be designed as intended.

- 5.833 We advise that there will be a need for an management plan to be produced for the site with regular on going monitoring to ensure that if the site is not establishing or being maintained as intended appropriate mitigation can be implemented. This may include the need for on going education to residents.
- 5.834 The submitted plans do demonstrate that bats were recorded within and adjacent to the woodland, and dormouse were recorded within the wider area therefore we advise that the buffers will also have to be managed to ensure that the species recorded within the site will be benefited. The outline mitigation strategy and detailed plans within the reserved matters will have to demonstrate that the required mitigation will be implemented in the site.
- 5.835 A main badger sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and badger sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the badger sett. We advise that TMBC must be satisfied that the landscaping buffer between the badger sett and the residential areas is at least 20m. The outline mitigation strategy and the detailed plans within the reserved matters applications will have to demonstrate that the current badger sett on site will be retained and there is sufficient space and appropriate planting being created.

Biodiversity Net Gain

- 5.836 Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development. Having reviewed submitted information, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.
- 5.837 Any application which is required to achieve a 10% BNG must submit the following information as a minimum:
- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
 - the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);

- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
 - a statement to the effect that these activities have been carried out;
 - the date immediately before these activities were carried out;
 - the pre-development biodiversity value of the onsite habitat on this date;
 - the completed metric calculation tool showing the calculations, and
 - any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

5.838 We have reviewed the submitted information and we are satisfied that sufficient information has been submitted to meet the requirements for mandatory net gain.

5.839 We do acknowledge that there is an error in the Baseline information of the site as an area of woodland has been incorrectly included as modified grassland as the assessment did not take into account that the area of woodland had been felled post 2020. However the BNG value of the site will not change and when we made the amendments in the metric it currently does not create a trading rules error due to the proposed scrub planting and enhancement of existing woodland. Therefore we are satisfied that this error can be addressed within the submission of the biodiversity gain plan.

5.840 It is detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we highlight that there is a risk it cannot be achieved. The metric details that many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. For example, the proposed creation of 7.61 hectares of mixed scrub to good condition, it must meet all criteria of a mixed scrub condition assessment. The current proposed 'good' condition provides 63.95 habitat units for the proposed 11.35% net gain. If this is changed to moderate condition, this changes to 50.95 habitat units and 5.10% net gain.

5.841 In addition, it's not clear if the presence of protected species has been taken into account when calculating the BNG. Land used for species mitigation can only go

towards no net loss it cannot be used as part of the 10% required for BNG. Further details can be found here:<https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversity-net-gain-bng>. To clearly evidence that 'additionality' rules for BNG have been fully covered we consider that two metrics should have been used, one with species and (ancient woodland) mitigation included and one without. This will ensure that the mitigation has only been included up to no net loss, as noted above.

- 5.842 However we do acknowledge that details of how a BNG will be achieved are not required prior to determination and in the event that a BNG cannot be achieved on site this will have to be addressed as part of the overall biodiversity gain plan submission or the subsequent phase biodiversity gain plan form. Therefore we are satisfied that a revised BNG assessment is not required to be submitted at this stage.
- 5.843 We consider the creation and enhancement of habitats on site constitute significant on-site gains. Government guidance states: "The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage."
- 5.844 Therefore It is our view that these significant on-site gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. It is our view that monitoring fees should be secured for these significant on-site gains as these gains will need to be subject to monitoring reports across 30 years, which will need to be reviewed (and acted upon as necessary) by the LPA at their own cost. We provide details of suggested monitoring fees in our March 2025 advice note 'KCC Ecological Advice Service suggested BNG Monitoring Fees' which has been distributed to all LPAs in Kent.

Biodiversity and Enhancements

- 5.845 Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system.
- 5.846 In addition to BNG there is a requirement for ecological enhancement features to be incorporated in to the open space and buildings. We advise if planning permission is granted there will be a need for an enhancement plan to be submitted as part of every reserved matters application.

Lighting

- 5.847 Nocturnal species and ancient woodland have been recorded within the site and lighting can have a negative impact on species and habitats and therefore any

lighting must be designed to minimise light spill throughout the site. We advise that there will be a need for a lighting strategy to be produced for the whole site and a lighting plan to be submitted with all reserved matters applications.

5.848 **Kent Wildlife Trust (29/04/24) - Site Designations and Protected Species**

5.849 The application site contains Habitats of Principle Importance which includes areas of deciduous woodland and Dog Kennel Wood, an ancient and semi-natural woodland. The application site adjoins Deadman Wood to the north-east, which is an ancient and semi-natural woodland, and Ditton Quarry Local Nature Reserve (LNR) and Ditton Court Quarry Local Wildlife Site (LWS) to the north / north-west.

5.850 Ditton Quarry Local Nature Reserve and Ditton Court Quarry Local Wildlife Site:

Ditton Quarry LNR and Ditton Court Quarry LWS are within a former ragstone quarry which is now managed as a local park with a working local management plan. The site has developed through natural colonisation and post-operation planting into a mosaic of habitat types. The site contains lowland calcareous grassland and lowland meadow, both Habitats of Principle Importance. The citation for the LWS lists a series of rare plants which occur such as white mullein, small and common cudweed, mat-grass fescue, quaking-grass, clustered bellflower, and field scabious.

5.851 The citation states that protected, priority, and red list bird species have been recorded within the site such as song thrush, linnet, bullfinch, and turtle dove. The site also supports rare coleoptera species such as stage beetle and noble chafer.

5.852 Ditton Quarry LNR and Ditton Court Quarry LWS also form part of the Thames Estuary South Important Invertebrate Area.

Key Considerations

5.853 Kent Wildlife Trust (KWT) do not object to the principle of the development. Notwithstanding this it is considered that the proposed development should be revised, and an alternative approach taken to its layout to provide connectivity between onsite and offsite habitats and to truly be of benefit to the natural environment. It is advised that the proposed development should be designed and planned in accordance with the Green Infrastructure Standards.

5.854 The submission makes much of the development being landscape led with over 10 hectares of public open space provided for residents. However, the submitted drawings and supporting documents make it clear that a distinct lack of suitable green space will be provided for nature. No appropriate biodiversity features will be provided, no meaningful compensation or mitigation measures have been put forward to address the loss of existing habitats, and no consideration has been given to habitat connectivity through the site as required by the relevant Managing Development and the Environment DPD policies set out above

Ancient Woodland and Habitats of Principle Importance

- 5.855 The application site contains ancient woodland (Deadman Wood – labelled as Woodland 4 within the Existing Habitats Plan) which is connected to offsite ancient woodland (Dog Kennel Wood), and four other areas of deciduous woodland, all of which are Habitats of Principle Importance. The offsite ancient woodland Dog Kennel Wood sits between the onsite ancient woodland and two larger blocks of deciduous woodland (referred to as Woodland 2 and Woodland 3 within the Environmental Statement).
- 5.856 In recent aerial photographs of the site, Woodlands 2 and 3 appear well connected to Dog Kennel Wood ancient woodland via a well-established treeline. The habitat connectivity between these woodlands to Dog Kennel Wood appear more established in the recent aerial images than what is shown on the Existing Habitats Plan and therefore we are concerned the applicant has downplayed the existing connectivity. We note from reviewing Chapter 11 – Ecology and Biodiversity of the Environmental Statement (ES) Addendum that paragraph 11.101 provides a botanical list for the ‘Other Woodland: Broadleaved’ habitats (Woodlands 2 and 3). Despite Woodlands 2 and 3 not being recorded as ‘ancient woodland’, specific botanical species used to give an indication that a site has been continuously wooded for a considerable length of time (ancient woodland indicator species) have been recorded within these woodlands. Ancient woodland indicator species (AWIS) differ in different parts of the UK, however specific AWIS in Kent that have been recorded within Woodlands 2 and 3 include: hornbeam, holly, pendulous sedge, and wood anemone. Ferns and violet species were also recorded within these woodlands. There are seven fern AWIS in Kent and two violet AWIS in Kent, however the applicant has not identified the ferns or violets to species level. Other species not listed as AWIS in Kent but are common AWIS in other areas of the UK which have been recorded in Woodlands 2 and 3 include bluebell, dog’s mercury, lords-and-ladies, and wood avens. Deciduous woodlands can contain ancient woodland characteristics if the soils have remained relatively undisturbed and unpolluted for a period of time. AWIS are usually slow spreading but will naturally propagate if the conditions are right. Therefore, as Woodlands 2 and 3 support AWIS, these woodlands are clearly of high ecological value and should be afforded protection.
- 5.857 The proposals currently include the unacceptable loss of Woodland 2 and partial loss of Woodland 3, despite them being classed as habitats of ‘High’ importance within Chapter 11 of the ES, and therefore goes against the Mitigation Hierarchy. Likewise, a small block of deciduous woodland (Woodland 1) will also be lost. Both woodlands 1 and 3 are categorised as Habitats of Principle Importance deciduous woodland. Due to these unacceptable losses of woodland and Habitats of Principle Importance, we request that the applicant provides further evidence to convey how the Mitigation Hierarchy has been followed. Mitigation should be considered after avoidance measures, in line with the Mitigation Hierarchy.

Currently there is not enough evidence that adequate avoidance measures have been made.

- 5.858 The submission proposes to provide a 15-metre buffer around the two parcels of ancient woodland which will consist of scrub and grassland. Natural England and the Forestry Commission advises that proposals should have a buffer zone of at least 15 metres from the boundary of ancient woodland. This distance is the very minimum and KWT supports guidance set out by The Woodland Trust which recommends that a 50-metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. Taking into account the size of the site and its capacity to provide a larger buffer it is not considered acceptable for the very minimum 15 metres to be provided.
- 5.859 The submission is clear that both areas of woodland provide foraging habitat and shelter for a range of common and protected species in addition to being Habitats of Principle Importance. Therefore, it is essential that appropriate and robust mitigation measures are put in place to reduce the impact of the development on the woodlands, particularly in respect of light, noise, and air pollution.
- 5.860 The on-site parcel of ancient woodland is shown to have footpaths running through it with the illustrative landscape masterplan stating that a network of green landscape corridors will facilitate movement and connect public open spaces. The submitted documents also state that Woodland 3 would have managed access. Concerns are raised that such unrestricted access to these areas of woodland, particularly the area of ancient woodland, will lead to significant recreational pressure that will detrimentally impact on the site's biodiversity and capacity to provide suitable habitat to species in the future. Concerns are also raised regarding the impact of increased cat predation on species which utilise the woodlands given the proposed increase in dwellings across the site.

Habitat Connectivity

- 5.861 As set out above Policy NE4 of the Managing Development and the Environment DPD requires provision to be made for the creation of new woodland and hedgerows at appropriate locations to support and enhance the Green Infrastructure Network. Policies OS3 and OS5 of the same DPD require on-site open space to provide connection to the network of existing open spaces and wildlife corridors, as well as safe connection with the existing network of open spaces and wildlife corridors. The DPD requires new open spaces which are provided in association with new development to be managed to allow for species migration across the Green Infrastructure Network. In assessing the submitted masterplan for the application site it is clear that the aims of these policies will not be achieved.
- 5.862 Woodland 2 is proposed to be removed which will sever Woodland 3 from the off-site ancient woodland and in turn the on-site ancient woodland. In addition, it is

proposed to fence around Dog Kennel Wood, the offsite ancient woodland. Woodland 4, the on-site ancient woodland, will also be severed by a road from the existing line of trees which run to the south. As a result, the woodlands will no longer be a functional habitat and the proposed development will effectively create islands of woodland which offer little long-term benefits to species that rely on connectivity and movement over a larger area.

- 5.863 No attempt has been made to create a green corridor through the site in order to link on-site habitats with those offsite. For example, the proposal fails to link the LNR and LWS with the ancient woodland while the pockets of habitats that are to be created largely sit on the fringes of the application site and are prevented from being linked together by built development. As a result, existing linked areas of habitat will be severed, and small isolated pockets of habitat created that will be subject to recreational pressures.
- 5.864 Habitat fragmentation can hinder the movement of animal populations leading to a loss of genetic diversity and reduction in population size, leaving restricted species susceptible to disease. Fragmentation can also result in habitats becoming less resilient, particularly to invasive species and climate change. This is particularly concerning when taking into consideration that dormice have been recorded onsite.
- 5.865 The submission makes clear that the application site currently provides suitable habitat for at least five species of bat and other nocturnal animals. However, it is also clear from the Proposed Habitats Plan and Illustrative Masterplan that suitable dark corridors, including for commuting bats, will not be provided. The proposed hedgerow, lines of trees, and woodland will largely run along the perimeter of the application site with unsuitable or no habitat provided across the developed areas. Species of bat recorded within the site, such as long eared bats and bats from the *Myotis* genus, are light sensitive and so will be directly impacted by the scale of the development, the level of light pollution it will generate, and the lack of dark commuting corridors.

Breeding and Wintering Birds

- 5.866 The Environmental Statement sets out that a total of 37 different species of bird were recorded during site surveys with 12 considered to be either 'breeding or probably breeding' on site. Of these 12 species, 7 are listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), 3 are red list Birds of Conservation Concern (BoCC), and 7 are listed as amber BoCC. While not mentioned within the Environmental Statement, 6 of the species recorded, which include linnet, dunnock, starling, song thrush, greenfinch, and yellowhammer, are also protected by Special Penalties under Schedule 1 of the Wildlife and Countryside Act (1981) (as amended).
- 5.867 As part of the wintering bird surveys a total of 43 species were recorded including 2, redwing and fieldfare, which are protected by Special Penalties under Schedule

1 of the Wildlife and Countryside Act (1981). The surveys also recorded 8 species which are listed under Section 41 of the NERC Act (2006), 3 which are listed as red BoCC, and 8 which are listed as amber BoCC.

- 5.868 All arable land within the application site will be lost however the submission makes no provision to compensate or mitigate for this loss despite most of the species recorded being considered 'farmland' birds which utilise and depend on this type of habitat. It is also unclear how many territories will be impacted by the development.
- 5.869 It is advised that a detailed 'Skylark Mitigation and Management Plan' is prepared which specifies the amount of habitat to be lost and provides a detailed plan of how this will be avoided, mitigated, and finally compensated for. Skylark are protected in the UK under the Wildlife and Countryside Act (1981, as amended), classified in the UK as a Red List species under the BoCC review and as a Priority Species in the UK Biodiversity Action Plan. Skylark are listed by the UK Farmland Bird Indicator (1970-2007) as having declined by 51%. The mitigation and management plan should demonstrate that proposed mitigation will be effective and include details of ongoing habitat management to ensure suitability for breeding skylarks in perpetuity.
- 5.870 Other ground nesting bird species and those which forage on arable land will also be impacted by the proposed development. Considering the types of species recorded, their levels of protection, and their importance for nature conservation, it is advised that specific details are submitted on what mitigation measures will be provided and what steps will be taken to ensure availability of winter food for those that are granivorous farmland birds.
- 5.871 It is noted that no dedicated raptor or bird of prey vantage point surveys have been undertaken to identify whether the site is used by these species, particularly given that there were observations of sparrowhawk, buzzard, and kestrel during surveys of the site and a tawny owl call heard during a separate survey. The site is also suitable for foraging and commuting barn owls which are primarily a farmland species, hunting along field edges and rough grassland. The UK barn owl population has declined by 70% since the 1930's and therefore it is important to identify, protect and enhance barn owl foraging and commuting habitat.
- 5.872 Insufficient information has been provided to clearly establish how the development will impact on wintering bird species and whether the areas of green space that will be provided are suitable for roosting and feeding. Concerns are raised that the proximity of built development to these green spaces will interrupt sightlines around any potential roosting sites and feeding areas for wintering bird species and that the unrestricted access to these areas for residents will result in those birds avoiding the site.

Surface Water Flooding

- 5.873 The topography of the application site runs from south to north/north-west and so surface water will naturally flow in that direction towards the ancient woodland and LNR and LWS. Concerns are therefore raised that the construction and operation of the development could increase instances of flooding from surface water runoff which will detrimentally impact on sensitive ecological receptors, particularly if that surface water runoff is polluted which is considered to be highly likely given the size and end use of the development.
- 5.874 The submission sets out that construction work, from stripping out vegetation cover, putting in impermeable surfaces, and compacting soil from construction traffic, will increase the rate and volume of surface water runoff. Excavations during construction are also said to be likely to act as barriers to runoff resulting in ponding or preferential flow routes which may lead to areas not previously prone to flooding being impacted. The submission goes on to state that if left unmanaged the construction activities will increase the potential for surface water runoff to flood neighbouring properties with the LNR and LWS listed as being particularly vulnerable.
- 5.875 Taking into account the sensitive nature of the natural environments that are most prone to being impacted by surface water flooding it is advised that all necessary surface water mitigation measures, such as the installation of attenuation ponds, are carried out prior to any construction work taking place.

Biodiversity Net Gain

- 5.876 The submitted Biodiversity Net Gain (BNG) metric has grouped together woodlands 1, 2, 3 and 5 and categorised them as 'other woodland; broadleaved'. However, as woodlands 1 and 3 are classified as Habitats of Principle Importance deciduous woodland, they should be categorised as 'lowland mixed deciduous woodland' within the metric. Given that some of the woodland within the metric has been categorised incorrectly, and that 'lowland mixed deciduous woodland' which is a habitat of 'high distinctiveness' will be directly lost to the proposals, this will change the impacts of the trading rules and reduce the level of net gain that will be achieved.
- 5.877 There is a distinct difference in outcomes in the metric when what is viewed to be the correct habitat type is entered. It is therefore advised that the metric is closely assessed and revised by the Applicants as appropriate. If the Applicants are of the opinion that the correct habitat type has been entered, it is requested that completed BNG condition assessments are submitted to evidence this. Currently the Statutory Biodiversity Metric Condition Assessments have not been included within the application and therefore we are unable to review the accuracy of the condition scores. Condition score assessments should be included within the planning application as they provide important evidence to show how the applicant has completed the BNG assessment.

5.878 The Existing Habitats Plan shows a relatively large area of bare ground north of Woodland 3, however from looking at aerial images and photographs of the site provided within the planning application, it does not appear that this area of habitat is bare ground and is instead a continuation of Woodland 3 and classified as a Habitat of Principle Importance within MAGIC maps. From reviewing aerial images, it is clear that this northern area of Woodland 3 was present in August 2022. Within the Town and Country Planning Act 1990, there are special provisions for the calculation of the baseline (pre-development) biodiversity value of onsite habitat when loss or impact to habitats (including degradation) has occurred prior to the submission of a planning application and Biodiversity Gain Plan (BNG assessment) in order to discourage the deliberate degradation or removal of existing habitats to reduce the baseline biodiversity value. Paragraph 6A of Schedule 7 within the Town and Country Planning Act 1990 highlights that where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of submitted planning application, the biodiversity baseline value of the onsite habitats must be calculated as the biodiversity value of the habitat before the carrying out of degradation activities. The 1990 Act also highlights how if there is insufficient evidence about the biodiversity value of the onsite habitat immediately before its degradation/loss, the baseline biodiversity value of the habitat must be taken to be the highest biodiversity value. Therefore, unless there is sufficient evidence to suggest otherwise, the baseline of this northern section of Woodland 3 should be 'lowland mixed deciduous woodland' with a condition score of 'Good'. It is also stated within the Town and Country Planning Act 1990 that for the purpose of submitting a planning application, where degradation activities have taken place before the submission of the planning application, the applicant must provide:

- A statement setting out that these degradation activities have been carried out;
- Confirmation of the date immediately before these activities were carried out;
- The pre-development (baseline) biodiversity value of the site on this date;
- The completed biodiversity metric calculation tool showing the calculations; and
- Any available supporting evidence of this.

5.879 Due to the incorrect use of the biodiversity metric, it is unlikely that the development will achieve the mandatory minimum 10% net gain.

Other Matters

5.880 In addition to surface water runoff (discussed above) consideration should be given as to how the ancient woodland and deciduous woodlands will be impacted by the development in terms of air quality and dust deposition. It is unclear why Deadman Wood and Woodland 3 have not been included within the air quality assessment as sensitive ecological habitats. No detailed mitigation or enhancement measures are discussed within the submitted documents and so it is

advised that an outline Construction Environment Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP) are submitted and reviewed prior to determination with the full CEMP and LEMP conditioned and reviewed at the discharging of conditions stage.

- 5.881 Concerns are raised that the proposed development, alongside the recently approved development to the east of Hermitage Lane, will negatively impact on habitats within the LNR and LWS because of increased recreational pressure. Coupled with this will be impacts resulting from an inevitable increase in cat predation due to the addition of domestic properties around the designated site. No meaningful way of mitigating these impacts appear to have been put forward by the Applicants.
- 5.882 **Kent Wildlife Trust** (16/01/25) - Additional and amended documents have been provided including the Framework Ancient Woodland Management Plan and Technical Note: Biodiversity Net Gain documents from AA Environmental Ltd along with an illustrative masterplan and series of illustrative landscape masterplans. Please find our comments on these additional documents below. To avoid repetition the other concerns raised in our previous representation have not been set out below however it should be noted that these concerns have not been addressed.
- 5.883 It is positive to see that a 20-metre ecological buffer zone is now proposed around both the onsite and offsite ancient woodland which will sit alongside areas of species-rich grassland to provide a larger separation distance from the built development. It is also positive to see proposals to manage the onsite ancient woodland, the ecological buffer zone and the grassland in ways which should enhance the ecology of the site and be of benefit to a range of species.
- 5.884 In respect of the proposed ecological buffer, it is advised that only native species of local origin should be used. In addition, it is advised that no chemicals in the form of herbicides, pesticides, or fertilisers should be used in the grassland, ecological buffer zone, or ancient woodland. Seed mixes of local provenance should be used for the proposed species-rich grassland.
- 5.885 The existing public footpaths along the woodland edge are noted and it is welcome to see that no dig methods of surfacing these footpaths have been put forward. This will improve the quality of the footpaths thereby encouraging members of the public to make use of them and avoid entering the woodland. Alongside this upgrade to the footpaths, it is proposed to install signs to inform the public about the sensitivity of the woodland and encourage them to stick to the footpaths.
- 5.886 Kent Wildlife Trust (KWT) continues to advocate for a greater buffer zone to the ancient woodland in line with recommendations from the Woodland Trust. In addition, further steps should be taken to improve the overall connectivity between the ancient woodland and the wider site as detailed in our previous representation.

There is an immediate opportunity to provide greater connectivity by including a wildlife 'hop-over' and narrowing the road between the onsite ancient woodland and the retained tree belt to the south.

- 5.887 KWT wish to raise concerns about the proposed SuDS basin proposed to the north-eastern corner of the site, adjacent to the offsite ancient woodland. The attenuation basin appears to sit within the buffer zone to the ancient woodland. Guidance from Natural England and the Forestry Commission states that SuDS should only be approved within a buffer zone where any change to the water table will not negatively affect the ancient woodland and where the works will not affect root protection areas. It is advised that clarification on this should be provided.
- 5.888 It is unclear why ornamental non-native species are being proposed within an existing area of broadleaved woodland that is identified as a Habitat of Principle Importance and known to contain ancient woodland indicator species. The proposed location of these non-native species is also in close proximity to two blocks of ancient woodland. While a nice gesture to the history of the area it is not considered that this approach would be beneficial to the existing biodiversity of the site.
- 5.889 The submitted Technical Note: Biodiversity Net Gain document has not taken into account any of the points raised in our previous representation. In addition, an amended BNG metric has not been submitted alongside this document. The errors highlighted within the metric are therefore still present including miscategorising the areas of lowland mixed deciduous woodland that will be lost to the proposals. This loss will impact on the trading rules of the metric and reduce the level of net gain that will be achieved.
- 5.890 When looking at aerial images and photographs of the site provided within the planning application it is apparent that the northern part of Woodland 3, present in August 2022, has been removed prior to the submission of the application. Within the Town and Country Planning Act 1990, there are special provisions for the calculation of the baseline (predevelopment) biodiversity value of onsite habitat when loss or impact to habitats (including degradation) has occurred prior to the submission of a planning application in order to discourage the deliberate degradation or removal of existing habitats to reduce the baseline biodiversity value. Paragraph 6A of Schedule 7 within the Town and Country Planning Act 1990 highlights that where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of the submitted planning application, the biodiversity baseline value of the onsite habitats must be calculated as the biodiversity value of the habitat before the carrying out of degradation activities. The 1990 Act also highlights how if there is insufficient evidence about the biodiversity value of the onsite habitat immediately before its degradation/loss, the baseline biodiversity value of the habitat must be taken to be the highest biodiversity value. Therefore, unless there is sufficient evidence to

suggest otherwise, the baseline of this northern section of Woodland 3 should be 'lowland mixed deciduous woodland' with a condition score of 'Good'.

- 5.891 Due to the incorrect use of the biodiversity metric, it is considered unlikely that the development will achieve the mandatory minimum 10% net gain.
- 5.892 **Historic England** (12/06/24) - Summary
- 5.893 Outline planning permission (with matters reserved) is sought for 1300 houses of up to four storeys, a primary school, mixed use floorspace, and associated transport infrastructure for land east of Kiln Barn Road and west of Hermitage Lane.
- 5.894 Historic England has concerns about this application because we consider that it fails to meet the requirement of paragraphs 200, 201, 203 a), 205, 206 and 208.
- 5.895 Our concerns are for the harm to significance, towards the lower end of the spectrum of less than substantial harm, to the Grade I listed Church of St James, East Malling, the East Malling Conservation Area and the site of a Romano-British Villa, a Scheduled Ancient Monument.
- 5.896 The methodology and assessment of significance in the heritage statement has a strong focus on landscape history within the application site boundary. However, in order to fully understand the impact of the development on built heritage, the heritage statement should assess the significance of designated heritage assets which have a relationship to the site. Crucially, the contribution of their setting to significance is required, as per paragraph 200 of the NPPF.
- 5.897 We are also concerned about the impact on the setting of the Scheduled Roman Villa south of the Church of St James and the failure of the Environmental Statement (ES) to establish the significance of the buried archaeological remains here.
- 5.898 We are concerned that the application lacks clear and convincing justification for the requirement of the sustainable transport corridor, a large piece of infrastructure which would disturb this historically sensitive location and cause partial demolition to a Grade II listed wall.

Significance

a. Church of St James in East Malling

- 5.899 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.
- 5.900 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth

century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.

- 5.901 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.
- 5.902 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.
- 5.903 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

b. East Malling Conservation Area

- 5.904 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in character area A.
- 5.905 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).
- 5.906 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.

5.907 Suburban housing development dominates much of the west setting to conservation area, however, setting of the north, north-east and south-west benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.

5.908 Undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

c. Site of Romano-British Villa, Scheduled Ancient Monument

5.909 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.

5.910 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

5.911 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.

5.912 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.

5.913 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.

5.914 The interrelationship of house to church is a designed view which the site sits between. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a

statement to the life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

Impact

a. Church of St James, East Malling

- 5.915 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The hard landscaping, noise, lighting and sound would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.
- 5.916 To a lesser extent, the significance of the church would be harmed in long views towards the church due to the new housing estate of up 1300 dwellings, potentially rising up to 11m on fields east of church then up to 20 m (four storey blocks) further east. The houses would form a modern and suburbanising layer to the ancient landscape.
- 5.917 The loss of agricultural fields, green spaces and orchards for the laying of the road and construction of houses would diminish the working landscape so closely tied to the church of an agrarian community, which would erode historic significance.
- 5.918 Aesthetic value from the pleasant green fields and orchards would be harmed to development on the fields nearest the church.
- 5.919 St James's ancient landscape setting, experienced in its relationship to the Scheduled Romano-British Monument and the uneven, dramatic ridge of the North Downs National Landscape would be disturbed. The audial and visual serenity of the Grade I listed rural church would be negatively harmed by the modern road and the swathes of housing and associated hard landscaping further to the east.

b. East Malling Conservation Area

- 5.920 The proposals, and in particular, the new 17m wider sustainable transport corridor road, would partially fall within the conservation area but mostly through its wider setting. The urbanising effects of this would harm the significance of the conservation area in the following ways.
- 5.921 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The loss of this setting to a hard-landscaped road with additional traffic, lights and signage would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.922 The application proposes the partial demolition of the west wall to Bradbourne House (a Grade II listed boundary wall) to facilitate the laying of the access road

(listed building consent application reference: 24/00392/PA). The partial loss of a historic boundary would erode the aesthetic and historic significance of the conservation area to a limited degree.

- 5.923 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.
- 5.924 Further to this, the settlement morphology seen within the conservation area's boundary would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement. The readability of the key rural routes into the village centre and the church would be harmed.
- 5.925 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape. The road would harm the visual relationship between East Malling and the North Downs to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.926 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, the setting of the villa has not been considered in the ES. Even if there is no direct intervisibility, the effects of additional lighting traffic, and noise, have the potential to impact on the appreciation and experience of the villa.

d. Bradbourne House

- 5.927 Long views from the house over the landscaped garden, which features the green field setting beyond the lake and the church tower of St James, would be harmed by the proposed sustainable movement corridor. The large piece of infrastructure would sever the pastoral aspect by cluttering the naturalistic scene with hard landscaped road, lighting and signage.
- 5.928 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.
- 5.929 The traffic would also produce a negative audial impact on the tranquillity of the landscape to the south, harming the setting of both grade I listed assets in this landscape.

Policy

- 5.930 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.
- 5.931 Paragraph 200 of the framework sets out the expectation for supporting information, noting that “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.”
- 5.932 Paragraph 201 notes 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.”
- 5.933 Paragraph 203 a) states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 5.934 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that ‘great weight’ should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 205 and 206).
- 5.935 Paragraph 205 states: “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).”
- 5.936 Paragraph 208 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.

Position

- 5.937 We have carefully considered this application and have concerns about the harm to heritage assets. We think the current application fails to meet the NPPF paragraphs 200, 201, 203 a), 205, 206 and 208.
- 5.938 Our principle concerns are regarding harm caused to the significance of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman Villa.

- 5.939 We are particularly concerned about the harm to the significance of the Grade I listed Church of St James caused by the close proximity to the proposed road which would erode the rural setting of the church and the significance the church derives from this.
- 5.940 The road could also compromise the ability to appreciate views from the Grade I listed Bradbourne House looking south, a designed view which helps explain a country house in its landscaped setting, where the focal point is the tower of St James seen in a verdant landscape.
- 5.941 The proposal does not compliment the special character and interest of the East Malling Conservation Area despite falling within its setting because both the likely design of the road, an intensive urban development are at odds with the historic character of the conservation area.
- 5.942 The application fails to meet the requirements of paragraph 200 of the NPPF by failing to adequately describe the significance of the Church, East Malling Conservation Area, Bradbourne House and the site of the Roman villa. This is because the contribution of setting to overall significance needs considering. We have reached an initial view on the significance of designated heritage, based on our understanding of the area, but the supporting documentation must also explain this and specifically, how the designated heritage assets derive some significance from the landscape setting of fields and open green spaces.
- 5.943 The assessment of significance should also consider how the application site facilitates key views towards assets which contributes towards an understanding and appreciation of significance. Therefore, we recommend that a revised heritage statement is submitted before a decision about the application is taken.
- 5.944 Harm would be reduced by removing the sustainable transport corridor from the proposal as this is the most harmful element (we note there is no statement of need for such a substantial piece of infrastructure in East Malling). We suggest options to remove the transport corridor are explored to help your Council understand if paragraph 201 is met.
- 5.945 The need to partially demolish the Grade II listed wall is also unclear, so it is not possible to understand if the harm has been avoided or minimised.
- 5.946 There are also other ways to reduce harm to heritage significance. Whilst the proposed housing sits further east of heritage assets, we recommend the quantum, densities and heights of buildings are reduced to minimise harm. Soft landscaping, screening buildings through tree planting and good quality green open space would also help to retain some sense of the rural and green setting which help contribute to heritage significance.

- 5.947 We consider the application fails to meet the aspiration of paragraph 203 a), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.948 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 208 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.949 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 205 of the NPPF.

Recommendation

- 5.950 Historic England has concerns about this application, which would cause harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area. We consider that the application fails to meet the NPPF requirements including paragraphs 200, 201, 203 a), 205, 206 and 208.
- 5.951 In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.952 **Historic England (07/03/25) - Summary**
- 5.953 Following submission of additional information, Historic England still has concerns about this application because of the harm to the Grade I listed Church of St James, Bradbourne House and the East Malling Conservation Area that would result from the proposed road/sustainable movement corridor.
- 5.954 We are still concerned that the application lacks clear and convincing justification for the requirement of the sustainable transport corridor, a large piece of infrastructure which would disturb this historically sensitive location. We think the application fails to meet the requirements of paragraphs 208, 212 and 213 of the National Planning Policy Framework (2024).
- 5.955 However, following the submission of the archaeological evaluation report, our previous concerns about the impact on the setting of the Scheduled Roman Villa south of the Church of St James have now been addressed.

Significance

- a. Church of St James in East Malling

- 5.956 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.
- 5.957 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.
- 5.958 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.
- 5.959 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.
- 5.960 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

b. East Malling Conservation Area

- 5.961 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in Character Area A.
- 5.962 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).

- 5.963 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.
- 5.964 Suburban housing development dominates much of the west setting to conservation area, however, setting of the north, north-east and south-west benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.
- 5.965 Remaining undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.966 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.
- 5.967 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

- 5.968 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.
- 5.969 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.
- 5.970 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive

contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.

- 5.971 The interrelationship of house to church is a designed view which the site sits between, the view is designated in the National Trust covenant. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a statement to the life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

Impact

a. Church of St James, East Malling

- 5.972 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The road would be significantly different in character from the existing access track.
- 5.973 Whilst the applicant's mitigation measures to lighting design would reduce harm, the road would still need to be lit and other highway requirements including hard landscaping and signage would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.
- 5.974 The significance St James's derives from its ancient landscape setting would be harm by the urbanising effect the modern road and the swathes of housing and associated hard landscaping further to the east. Vehicular and other activity associated with the development would also harm the audial serenity of the Grade I listed Church.

b. East Malling Conservation Area

- 5.975 The urbanising effects of the proposed development, and in particular the 17m wide sustainable transport corridor would harm the significance of the conservation area in the following ways.
- 5.976 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The proposed transport corridor would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.977 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.

- 5.978 Further to this, an appreciation of the settlement morphology, particularly its historic road layout, would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement.
- 5.979 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape. The road would harm the visual relationship between East Malling and the North Downs National Landscape to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.980 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, we think this will be very minimal.

d. Bradbourne House

- 5.981 Long views from the house over the landscaped garden to beyond (including the site), a designed view from the house and therefore an aspect of its significance would be harmed by the proposed sustainable movement corridor because an intended naturalistic view would be urbanised with hard landscaped road, lighting and signage.
- 5.982 This is of particular concern as the view from the Bradbourne House to the church, and from the roundel window on the church to Bradbourne is designated a view recorded in the National Trust covenant with the house having been built to oriented towards the church tower (as shown in views 1 and 2 of the new views assessment submitted with this amended application).
- 5.983 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.

Policy

- 5.984 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.
- 5.985 Paragraph 208 notes 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.”

- 5.986 210 c) states that new development should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.987 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm, and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 212 and 213).
- 5.988 Paragraph 212 states: "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)."
- 5.989 Paragraph 215 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.
- 5.990 The NPPG advises on enhancing and conserving the historic environment:
Historic environment - GOV.UK

Position

- 5.991 We have carefully considered the amendments, and we continue to have concerns about this application which we judge to have less than substantial harm on heritage assets in terms of the NPPF. Our principal concerns are for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Brabourne House and the East Malling Conservation Area, all of which derive significance from their rural setting, including the site but most particularly the location of the sustainable transport corridor.
- 5.992 Most importantly, we think harm would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element (we note there is still no statement of need for such a substantial piece of infrastructure in East Malling). The character of the track in this location is informal and soft, it largely resembles a farm track. We also understand that its use is infrequent. The construction of the 20m wide hard surfaced road in its place would be a significant departure from the informal and rural character of the current track and would harm a number of significant heritage assets.
- 5.993 The proposal of the transport corridor lacks justification, particularly as the drawing 22-031/031 shows a 'proposed site access road on Kiln Barn Road' which is an alternative entrance which would be less harmful to heritage. We suggest options to remove the transport corridor are explored to help your Council understand if paragraph 208 is met.

- 5.994 Your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13). on the Historic Environment.
- 5.995 The proposal also does not compliment the special character and interest of the East Malling Conservation Area despite falling within its setting because both the likely design of the road, an intensive urban development are at odds with the historic character of the conservation area and developing its rural setting. We have therefore identified harm to the East Malling Conservation Area.
- 5.996 The amended application now meets the requirements of paragraph 207 of the NPPF by adequately describing the significance, and contribution of setting to significance, of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman villa.
- 5.997 However, we still consider that the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.998 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 216 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.999 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF.

Recommendation

- 5.1000 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area. We consider that the application fails to meet the NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the access road to East Kiln Barn Lane.
- 5.1001 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1002 **Historic England** (06/05/25) - Summary

- 5.1003 Following submission of additional information, Historic England still has concerns about this application because of the harm to the Grade I listed Church of St James, Bradbourne House and the East Malling Conservation Area that would result from the proposed road/sustainable movement corridor.
- 5.1004 We are still concerned that the application lacks clear and convincing justification for the requirement of the sustainable transport corridor, a large piece of infrastructure which would disturb this historically sensitive location. We think the application fails to meet the requirements of paragraphs 208, 212 and 213 of the National Planning Policy Framework (2024).
- 5.1005 However, following the submission of the archaeological evaluation report, our previous concerns about the impact on the setting of the Scheduled Roman Villa south of the Church of St James have now been addressed

Significance

a. Church of St James in East Malling

- 5.1006 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.
- 5.1007 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.
- 5.1008 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.
- 5.1009 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.
- 5.1010 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of

natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

b. East Malling Conservation Area

- 5.1011 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in Character Area A.
- 5.1012 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).
- 5.1013 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.
- 5.1014 Suburban housing development dominates much of the west setting to conservation area, however, setting of the north, north-east and south-west benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.
- 5.1015 Remaining undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.1016 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.
- 5.1017 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to

west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

- 5.1018 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.
- 5.1019 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.
- 5.1020 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.
- 5.1021 The interrelationship of house to church is a designed view which the site sits between, the view is designated in the National Trust covenant. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a statement to the life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

Impact

a. Church of St James, East Malling

- 5.1022 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The road would be significantly different in character from the existing access track.
- 5.1023 Whilst the applicant's mitigation measures to lighting design would reduce harm, the road would still need to be lit and other highway requirements including hard landscaping and signage would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.
- 5.1024 The significance St James's derives from its ancient landscape setting would be harm by the urbanising effect the modern road and the swathes of housing and associated hard landscaping further to the east. Vehicular and other activity associated with the development would also harm the audial serenity of the Grade I listed Church.

b. East Malling Conservation Area

- 5.1025 The urbanising effects of the proposed development, and in particular the 17m wide sustainable transport corridor would harm the significance of the conservation area in the following ways.
- 5.1026 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The proposed transport corridor would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.1027 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.
- 5.1028 Further to this, an appreciation of the settlement morphology, particularly its historic road layout, would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement.
- 5.1029 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape. The road would harm the visual relationship between East Malling and the North Downs National Landscape to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.1030 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, we think this will be very minimal.

d. Bradbourne House

- 5.1031 Long views from the house over the landscaped garden to beyond (including the site), a designed view from the house and therefore an aspect of its significance would be harmed by the proposed sustainable movement corridor because an intended naturalistic view would be urbanised with hard landscaped road, lighting and signage.
- 5.1032 This is of particular concern as the view from the Bradbourne House to the church, and from the roundel window on the church to Bradbourne is designated a view recorded in the National Trust covenant with the house having been built to oriented towards the church tower (as shown in views 1 and 2 of the new views assessment submitted with this amended application).

- 5.1033 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.

Policy

- 5.1034 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.
- 5.1035 Paragraph 208 notes 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.”
- 5.1036 210 c) states that new development should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.1037 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm, and that ‘great weight’ should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 212 and 213).
- 5.1038 Paragraph 212 states: “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).”
- 5.1039 Paragraph 215 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.
- 5.1040 The NPPG advises on enhancing and conserving the historic environment:
Historic environment - GOV.UK

Position

- 5.1041 We have carefully considered the amendments, and we continue to have concerns about this application which we judge to have less than substantial harm on heritage assets in terms of the NPPF. Our principal concerns are for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Brabourne House and the East Malling Conservation Area, all of which derive significance from their rural setting, including the site but most particularly the location of the sustainable transport corridor.

- 5.1042 Most importantly, we think harm would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element (we note there is still no statement of need for such a substantial piece of infrastructure in East Malling). The character of the track in this location is informal and soft, it largely resembles a farm track. We also understand that its use is infrequent. The construction of the 20m wide hard surfaced road in its place would be a significant departure from the informal and rural character of the current track and would harm a number of significant heritage assets.
- 5.1043 The proposal of the transport corridor lacks justification, particularly as the drawing 22-031/031 shows a 'proposed site access road on Kiln Barn Road' which is an alternative entrance which would be less harmful to heritage. We suggest options to remove the transport corridor are explored to help your Council understand if paragraph 208 is met.
- 5.1044 Your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13). on the Historic Environment.
- 5.1045 The proposal also does not compliment the special character and interest of the East Malling Conservation Area despite falling within its setting because both the likely design of the road, an intensive urban development are at odds with the historic character of the conservation area and developing its rural setting. We have therefore identified harm to the East Malling Conservation Area.
- 5.1046 The amended application now meets the requirements of paragraph 207 of the NPPF by adequately describing the significance, and contribution of setting to significance, of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman villa.
- 5.1047 However, we still consider that the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.1048 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 216 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.1049 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF.

Recommendation

- 5.1050 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area. We consider that the application fails to meet the NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the access road to East Kiln Barn Lane.
- 5.1051 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1052 **Historic England** (26/06/25) - Summary
- 5.1053 This response follows the submission of additional information in the form of an Addendum to Heritage Surveys, Historic Landscape Character Assessment, Access and Circulation Parameter Plan, Land Use Parameter Plan and a sketch plan titled Re-Instating Preston Hall Avenue.
- 5.1054 Historic England still has concerns about this application because the proposed construction an 17m wide piece of road infrastructure and associated landscaping and street furniture would harm the significance of the Grade I listed Church of St James, Bradbourne House and the East Malling Conservation Area.
- 5.1055 Furthermore, we are still concerned that the application lacks clear and convincing justification for the requirement of the sustainable movement corridor. Given the application includes three other road junctions to the proposed site (including highway improvements to the south of the site), we continue to recommend that a statement of need for the road is submitted. We therefore think the application fails to meet the requirements of paragraphs 208 and the first part of paragraph 213 of the National Planning Policy Framework (2024).

Significance

a. Church of St James in East Malling

- 5.1056 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.
- 5.1057 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of

East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.

- 5.1058 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.
- 5.1059 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.
- 5.1060 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

b. East Malling Conservation Area

- 5.1061 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in Character Area A.
- 5.1062 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).
- 5.1063 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.
- 5.1064 Suburban housing development dominates much of the west setting to conservation area, however, its setting to the north, north-east and south-west

benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.

- 5.1065 Remaining undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.1066 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.
- 5.1067 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

- 5.1068 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.
- 5.1069 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.
- 5.1070 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.
- 5.1071 The interrelationship of house to church is a designed view which the site sits between, the view is designated in the National Trust covenant. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a statement to the

life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

Impact

a. Church of St James, East Malling

- 5.1072 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The road would be significantly different in character from the existing access track.
- 5.1073 Whilst the applicant's mitigation measures to lighting design would reduce harm, the road would still need to be lit and other highway requirements including hard landscaping and signage and any requirements to meet highways safety requirements would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.
- 5.1074 The significance St James's derives from its ancient landscape setting would be harm by the urbanising effect the modern road and the swathes of housing and associated hard landscaping further to the east. Vehicular and other activity associated with the development would also harm the audial serenity of the Grade I listed Church.

b. East Malling Conservation Area

- 5.1075 The urbanising effects of the proposed development, and in particular the 17m wide sustainable transport corridor would harm the significance of the conservation area in the following ways.
- 5.1076 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The proposed transport corridor would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.1077 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.
- 5.1078 Further to this, an appreciation of the settlement morphology, particularly its historic road layout, would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement.
- 5.1079 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape.

The road would harm the visual relationship between East Malling and the North Downs National Landscape to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.1080 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, we think this will be very minimal.

d. Bradbourne House

- 5.1081 Long views from the house over the landscaped garden to beyond (including the site), a designed view from the house and therefore an aspect of its significance would be harmed by the proposed sustainable movement corridor because an intended naturalistic view would be urbanised with hard landscaped road, lighting and signage.
- 5.1082 This is of particular concern as the view from the Bradbourne House to the church, and from the roundel window on the church to Bradbourne is designated a view recorded in the National Trust covenant with the house having been built to oriented towards the church tower (as shown in views 1 and 2 of the new views assessment submitted with this amended application).
- 5.1083 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.

Policy

- 5.1084 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.
- 5.1085 Paragraph 208 notes 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.”
- 5.1086 210 c) states that new development should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.1087 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing

justification should be made for any such harm, and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 212 and 213).

- 5.1088 Paragraph 212 states: "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)."
- 5.1089 Paragraph 215 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.
- 5.1090 The NPPG advises on enhancing and conserving the historic environment:
Historic environment - GOV.UK

Position

- 5.1091 We have carefully considered the amendments submitted in the most recent consultation, and we continue to have concerns about this application which we judge to have less than substantial harm on heritage assets in terms of the NPPF.
- 5.1092 Our principal concerns are for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Brabourne House and the East Malling Conservation Area. This is because all of these assets derive significance from their rural setting, including the site but particularly the location of the sustainable transport corridor which is very close to the Grade I listed church.
- 5.1093 Most importantly, we continue to think harm to the I Church of St James, Brabourne House and the East Malling Conservation Area would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element (we note that there is still no statement of need for such a substantial piece of infrastructure in East Malling).
- 5.1094 The character of the track in this location is informal and soft, it largely resembles a farm track. We also understand that its use is infrequent. The construction of the 20m wide hard surfaced road in its place would be a significant departure from the informal and rural character of the current track and would harm a number of important heritage assets.
- 5.1095 The proposal of the transport corridor lacks justification, particularly as the drawing 22-031/031 shows a 'proposed site access road on Kiln Barn Road' which is an alternative entrance which would be less harmful to heritage. We again suggest that options to remove the transport corridor are explored to help your Council understand if paragraph 208 is met.
- 5.1096 Your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13). on the Historic Environment.

- 5.1097 The proposal also does not compliment the special character and interest of the East Malling Conservation Area e both the likely design of the road, and intensive urban development are at odds with the historic character of the conservation area and its rural setting. This is unfortunate.
- 5.1098 The amended application now meets the requirements of paragraph 207 of the NPPF by adequately describing the significance, and contribution of setting to significance, of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman villa.
- 5.1099 However, we still consider that the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.1100 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 215 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.1101 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF, noting that the Church of St James and Bradbourne House are both highly graded and thus greater weight should be given to their conservation.

Recommendation

- 5.1102 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area.
- 5.1103 We consider that the application fails to meet NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the sustainable transport corridor access, to one of the other three access points to the proposed development site.
- 5.1104 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1105 **Historic England** (27/08/25) - Our principal concerns remain for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Bradbourne House and the East Malling Conservation Area. This is

because all of these assets derive significance from their rural setting, including the site but particularly the location of the sustainable transport corridor which is very close to the Grade I listed church.

- 5.1106 Most importantly, we continue to think harm to the Grade I Church of St James, Brabourne House and the East Malling Conservation Area would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element. Central to understanding whether the harm from the road could be avoided altogether, in line with paragraph 208 of the National Planning Policy Framework (NPPF) is the statement of need that the applicant recently submitted. This sets out the justification for the infrastructure from a planning and sustainable transport point of view.
- 5.1107 While it is for your Council to ultimately decide whether the statement of need provides a compelling argument for the access, road, we do question whether the road is essential given that the drawing 22-031/031 still shows a 'proposed site access road on Kiln Barn Road' with alternative entrances to the estate which would be less harmful to heritage.
- 5.1108 We are not convinced that ruling out existing footpaths as unsafe for users is fair as lighting bollards could be explored, however from our recent site meeting, we understand the constraints for cyclists as the church footpath is not suitable for high volumes of cycle traffic.
- 5.1109 If your Council concludes that the road is necessary, then we still think there may be ways to reduce the level of harm arising from it. Chief amongst these options would be to reduce the cycle/pedestrian provision to one side as this would reduce the overall amount of road infrastructure.
- 5.1110 In reaching a decision on this proposal, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 215 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.1111 For example, supporting the longevity of the Church of St James for example, a nationally significant heritage asset and valued community space in some form, could be a heritage benefit. We think this would be beneficial as the site has strong interconnectivity and intervisibility with the church and as the proposals currently stand, the significance of the church would be harmed through development within its immediate setting.
- 5.1112 Specifically, we think support towards conservation repairs and the deliverance of its proposed facility at the Church of St James could be an example of a heritage benefit. We recommend that your Council and the applicant explore options for heritage benefits associated with the Church of St James. If helpful, we would be happy to facilitate these conversations.

- 5.1113 However, if the road is approved as part of the application your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13) on the Historic Environment.
- 5.1114 In your consideration of this application, we also highlight that in our view, the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through development of setting.
- 5.1115 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF, noting that the Church of St James and Bradbourne House are both highly graded and thus greater weight should be given to their conservation.

Recommendation

- 5.1116 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area.
- 5.1117 We consider that the application fails to meet NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the sustainable transport corridor access, to one of the other three access points to the proposed development site.
- 5.1118 We also recommend securing heritage benefits through the application for the Church of St James.
- 5.1119 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1120 **Historic England** (09/01/26) - We are satisfied with the additional information provided in the drawing 22-031- 104_Rev_E and the updated supporting Heritage Assessment demonstrate a reduction in the previously discussed level of harm set out in our letter dated 27 August 2025.
- 5.1121 An additional document 'Sustainable Movement Corridor - Justification & Evidence Base (December 2025)' is referenced in the covering letter and Heritage Assessment as supporting information, but it appears not to be available on the council website currently. We would recommend that your Council take a view as to whether this provides the adequate justification and evidence required.

- 5.1122 We note that details such as surfacing, lighting, landscape design, signage, and boundary treatments for the SMC are indicative currently, and are proposed to be agreed by condition should the Council is minded to approve this application. We feel that this provides opportunity to further secure a minimisation of harm through agreeing appropriate sensitive design approaches.
- 5.1123 The proposed heritage benefits set out in section 2.3 of the Heritage Assessment are very much welcomed, and if it is helpful we would be happy to facilitate further conversations to help secure and deliver these heritage benefits.
- 5.1124 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1125 **Historic England** (27/01/26) - We are satisfied with the additional information provided in the drawing 22-031- 104_Rev_E and the updated supporting Heritage Assessment demonstrate a reduction the previously discussed level of harm set out in our letter dated 27 August 2025, which we feel now sits within the lower range of 'less the substantial'.
- 5.1126 An additional document 'Sustainable Movement Corridor - Justification & Evidence Base (December 2025)' is referenced in the covering letter and Heritage Assessment as supporting information, but it appears not to be available on the council website currently. We would recommend that your Council take a view as to whether this provides the adequate justification and evidence required.
- 5.1127 We note that these details such as surfacing, lighting, landscape design, signage, and boundary treatments for the SMC are indicative currently, and are proposed to be agreed by condition should the Council is minded to approve this application. We feel that this provides opportunity to further secure a minimisation of harm through agreeing appropriate sensitive design approaches.
- 5.1128 The proposed heritage benefits set out in section 2.3 of the Heritage Assessment are very much welcomed, and if it is helpful we would be happy to facilitate further conversations to help secure and deliver these heritage benefits.
- 5.1129 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1130 **Consultant Conservation and Urban Design Officer** (11/06/24) – Summary

5.1131 This application for residential-led development is in outline form, with all matters reserved other than the access. The development indicatively has the potential to affect the significance of some heritage assets on the western side of the site, where the current track of Chapel Lane to the north of East Malling village is to be improved as a 'sustainable movement corridor'. The access, details of which are provided and not reserved, will have, in my view, a negative impact on the significance of all the heritage assets discussed in the EIS archaeology and heritage statement. The potential impact of the movement corridor itself, at 6.5M to include bus, car, cycle and pedestrian routes. itself is also likely to cause harm to significance. In my view there is insufficient information for this side of the development site, which is not touched on in the design and access statement, which focuses on the eastern side of this main route. Details of lighting, the feasibility of planting etc if highway is adopted, section details for the revised access to Chapel Lane from New Road – all of these are missing from the submission either in detailed form or in indicative form.

NPPF Requirements

5.1132 It is difficult to assess the impact of the proposals in detail or indicatively on the western end of the site, as above. I understand that the grassed, tree-lined route as indicated from New Road is to allow for easy access to East Malling station from the western extent of the area indicated for residential development. As a justification, this is not sufficient in my view, as the proposals, including formalising the road, introduction of various user lanes, lighting, and much higher activity levels adjacent to the grade I listed church and within the view of the grade I listed Bradbourne House, will inevitably be harmful to that part of their setting that contributes to significance. These northern and southern parts (respectively) of the East Malling Village and Bradbourne East Malling Conservation Areas will, by the same effect, see a harmful impact to significance. This is the semirural nature of the lane, the semi-rural, intentional pastoral views from the listed house to the village, and the relative tranquility given the location near to busy centres and motorways. An application, even in outline form, needs to justify this harm.

5.1133 The NPPF paragraphs that are relevant to this, and should have been addressed in the heritage statement (which is in fact the EIA archaeology and heritage document), are as follows.

5.1134 Paragraph 201: 'local planning authorities should identify and assess [as above] the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset... 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'. It is not clear from the submission whether the identified harm from the detailed part of the proposal, and indicatively through the outline element, could have been avoided or minimised. What are the alternatives? These questions lead to the following NPPF paragraphs.

- 5.1135 Paragraph 205: 'When considering the impact of a proposed development on the significance of a 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.'
- 5.1136 Paragraph 206: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.'
- 5.1137 As discussed recently, my initial concern as set out above is that, whilst the majority of the proposal is in outline form, it is a significant, community-forming development which will transform the character of the area, including the increase in activity through the access on the western side. The EIS archaeology and heritage assessment is mainly a scoping document to identify what heritage assets would be affected, with some initial commentary on how the site forms part of the significance of the grade I listed Church of St James, the grade II listed Bradbourne House, the Bradbourne East Malling Conservation Area in which the house sits, and the East Malling Conservation Area. The report certainly scopes what heritage assets would be affected, but isn't very rigorous for use as a heritage statement responding to the masterplan. The Historic England GPA3 methodology which is referenced is not utilised, and the report is quite academic rather than policy-based. The Kerr document referred to throughout, using the term 'vestigial landscape' comes from a Conservation Plan guidance notes for protected European landscapes, which arguably isn't applicable to this. Therefore, I don't believe that the report fulfils the requirements of paragraph 200 of the NPPF, particularly when considered in the context of the size of the indicative development – the access and road improvement can't be considered just in terms of the physical impact, but also other factors of development. This includes lighting, which is referenced in the report, but also increased activity, which is likely to be significant in this case.
- 5.1138 To conclude, the detailed and indicative plans are likely to result in less than substantial harm, but it is difficult to determine at what point in the scale of harm until the reserved matters details are submitted. In which case, paragraph 208 of the NPPF applies, but as above, the local planning authority should be certain that harm has been avoided or minimised as far as possible, and that it is justified.
- 5.1139 **Environment Agency** (16/04/24) - We have no objections to the above proposal. However, this site is located within a source protection zone for groundwater abstracted for human consumption, and upon a principal aquifer. We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Land Contamination

5.1140 Condition 1:

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

1. A preliminary risk assessment which has identified:

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

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

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

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

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

5.1141 Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

5.1142 Condition 2:

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

5.1143 Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

5.1144 Condition 3:

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.

5.1145 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 180 of the National Planning Policy Framework.

Drainage

5.1146 Condition 4:

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

5.1147 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 180 of the National Planning Policy Framework.

5.1148 Informative:

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. Borehole soakaways must maintain an unsaturated zone all year.

Foul Drainage

- 5.1149 It is understood that foul drainage will be directed to the mains sewer network and that no discharge to the environment is proposed. We have no objection to this. The developer must ensure there is adequate capacity in the on-site and off-site network prior to any occupation of any phase.

Piling

- 5.1150 Condition 5:

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.

- 5.1151 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 180 of the National Planning Policy Framework.

- 5.1152 Informative:

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste Re-use

- 5.1153 The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA

- some naturally occurring clean material can be transferred directly between sites.

5.1154 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

5.1155 The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The waste management page on GOV.UK

5.1156 **KCC Flood and Water Management (17/04/24)** - Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment (March 2024) prepared by Charles and Associates and are able to provide the following comments:

5.1157 1. The LLFA understand from the report that the current situation of the land can be considered as greenfield and no existing drainage arrangements are present. The proposed redevelopment of the site will change this situation and as such a surface water drainage strategy has been outlined.

5.1158 The proposal presented within the report will be to utilise infiltration through a combination of attenuation basins and deep bore hole soakaways. Preliminary testing has been undertaken and has indicated that both options (shallow and deep) would be adequate to manage runoff.

5.1159 As rightfully raised within the FRA and supporting RSK Geosciences report, there is a risk of gull features within the Hythe Formation on site. From the investigations undertaken, there were areas identified on site that may contain such features. Therefore, as part of any future reserved matters application, we would request that dynamic probing is undertaken across the areas allotted for drainage features. This is to ensure that these features are not activated by the inundation/concentration of water.

5.1160 In addition to the request of dynamic probing, we would support the recommendation within the RSK Geosciences report (Section 11.7) of locating any infiltrating feature at least 10m away from any foundations. This is to reduce the risks associated with the gulls (sinkholes) further.

5.1161 2. The LLFA would raise the request of considering for redundancy within each of the drainage networks, to ensure they are resilient in the future. The preliminary design doesn't currently consider the potential of urban creep or the factor of safety value applied within the Microdrainage Modelling. These are items that

would need to be applied as part of the Reserved Matters applications, when the layout and density of housing are confirmed.

5.1162 3. It is acknowledged that the outline proposal for the surface water drainage scheme is divided into five separate networks. A phasing plan will be required as part of the Reserved Matters that clearly shows that each phase of development is served by its own independent network or that the drainage elements will be constructed as part of the enabling works. This is to ensure that the drainage is functioning as the development is being occupied.

5.1163 4. Future consideration of pollution treatment per individual drainage network/catchment area. This is to ensure that there is sufficient levels of treatment for each network. This should ideally be in accordance to the CIRIA SuDS Manual (2015).

5.1164 The LLFA would advise that the following conditions are applied to the application should consent be granted:

5.1165 Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) 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.

5.1166 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.

5.1167 Condition:

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

5.1168 Reason:

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

5.1169 Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment prepared by Charles and Associates (Revision A- March 2024). 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 curtilage of the site without increase to flood risk on or off-site.

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

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

5.1170 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.

5.1171 Condition:

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.

5.1172 Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

5.1173 **KCC Flood and Water Management** (19/12/24) - Kent County Council as Lead Local Flood Authority have reviewed the latest revision to the Illustrative Landscape Masterplan drawings (6116-LLB-XX-01-DR-L-P03) and can inform the LPA that we have no additional comments to provide. In view of this, we would refer back to our last consultation response dated the 17th of April 2024.

5.1174 **Southern Water** (17/04/24) - Protection of Public Apparatus

5.1175 Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter gravity sewers require a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

- All existing infrastructure should be protected during the course of construction works.

5.1176 Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

5.1177 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Foul and Surface Water Drainage

5.1178 Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network

reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

- 5.1179 Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement.
- 5.1180 Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.
- 5.1181 Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:
- Initial feasibility, detail modelling and preliminary estimates.
 - Flow monitoring (If required).
 - Detailed design, including land negotiations.
 - Construction.
- 5.1182 Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.
- 5.1183 The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).
- 5.1184 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS

- 5.1185 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.1186 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.
- 5.1187 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5.1188 The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 5.1189 We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Adoption of Sewerage System

- 5.1190 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 5.1191 If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective

residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

5.1192 **Network Rail** (18/04/24) - Network Rail is a statutory undertaker responsible for maintaining, operating and developing the main railway network and its associated estate. Our aim is to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will also need to be carefully considered.

5.1193 Network Rail is a statutory consultee for any planning applications proposing development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway. It is important that planning applications acknowledge the need for the impact of new development to be assessed and mitigated, both on an individual site by site basis, as well as the cumulative impact of consented development.

Barming Station

5.1194 The station is near the proposed development, with the bulk of development proposed within a reasonable walking distance of the station, linked via the public right of way and bridleway. The station provides rail services within Kent and allows for a realistic alternative to using the car to travel to larger centres within the County. The station is classified as B3, which means that there is little step free access at the station. Platform 1 at the station is only accessible via a footbridge and Network Rail have identified improvements that could be made to make the station capable of supporting accessibility for all.

5.1195 The station has some facilities, many of which are usable when staff are present. There are no accessible toilets and only a single accessible ticket machine on Platform 2. At present, the station cannot support increased use from the proposed development without improvements. Network Rail and Southeastern railway would like to discuss opportunities around securing funding to improve the station.

Transport Assessment Volume 4 – Sustainable Transport Strategy

5.1196 Network Rail notes the amended TA Vol 4 submitted as part of the application. The TA Vol 4 in para 4.6.13 highlights that rail is considered to form a key component of the overarching transport strategy for the site noting the development's proximity to Barming station. Paras 4.6.15 and 4.6.16 note the intention to improve interchange facilities and potentially access to the London-bound platform.

- 5.1197 Network Rail and Southeastern would welcome the securing of improvements linked to these and would be keen to engage with the Council and applicant to resolve these as soon as possible. Network Rail note the proposed improvements related to bus stops within the application however, notwithstanding this, further improvements to the station and its surrounds would be necessary.
- 5.1198 Whilst the application lacks rail trip generation figures, given the proposed development's scale and type (residential) and proximity to the station, as confirmed by the applicant's Transport Statement, it is reasonable to assume that this development will generate a significant number of railway trips.
- 5.1199 Network Rail advocates for the establishment of first and last mile principles linking housing developments with rail stations via walking and cycling routes. The proposed development should, where possible, support these principles by providing safe, accessible and well connected walking and cycling routes from the development to the rail station. Network Rail notes that there are proposals to increase cycle routes and this is supported so long as they provide safe and accessible connections between the development and the rail station. To complement this, Network Rail seeks improvements to the existing cycling facilities at the station as part of this application.

Asset Protection

- 5.1200 Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.
- 5.1201 The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.
- 5.1202 Where applicable, the applicant must also follow the Asset Protection informatives enclosed within the appendix of this response. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Contributions towards improvements of the rail network

- 5.1203 Network Rail seek third party financial contributions where the impact of new development is likely to put additional pressure on existing facilities and where upgrades and improvements would account for increased use. The need to reduce the use of the private car, especially in areas of high congestion and difficulties in accessing the strategic road network, provides opportunities to encourage use of the rail network as a genuine alternative to promote active and sustainable travel.
- 5.1204 As noted above, Barming station has limited facilities and require improvements to mitigate increased use. There are also significant access issues which should be addressed.

Summary

- 5.1205 In summary, Network Rail note the proposed development and the proximity of this to Barming station. The rail station offers a genuine alternative to using the private car for local travel as well as serving commuters accessing other parts of Kent or into London. The application identifies the importance of Barming station in serving the proposed development and improvements to the station are required to facilitate its increased use. Therefore contributions are requested to fund the identified improvements.
- 5.1206 Network Rail and Southeastern are keen to work with the Council and the applicant to ensure sufficient facilities at Barming station are provided to accommodate increased use from both current and future users and mitigate issues associated with this.
- 5.1207 The developer must ensure that their proposal, both during construction and after completion does not:
- encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
- 5.1208 Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Future maintenance

- 5.1209 The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/ or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.
- 5.1210 This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.
- 5.1211 As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land.

Plant & Materials

- 5.1212 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Drainage

- 5.1213 Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Scaffolding

- 5.1214 Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

- 5.1215 Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

- 5.1216 In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

- 5.1217 Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

- 5.1218 The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information.

- 5.1219 The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

Vehicle Incursion

- 5.1220 Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Landscaping

- 5.1221 Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights

- 5.1222 Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

Property Rights

- 5.1223 Notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.
- 5.1224 **Network Rail** (07/11/25) - Further to the on-going discussions over a CIL compliant contribution towards Barming station, I can confirm that National Rail (NR) and the applicant have agreed a contribution of £442,500 in total. This comprises the following:

- £35,000 - installation of new footpath;
- £7,500 - new station signage;

- £100,000 - new, secure cycle hub; and
- £300,000 - necessary to provide an improved passenger experience to accommodate increased use and encourage users to travel on the rail network.

5.1225 I would request that all contributions are index linked to the Consumer Price Index. Subject to the detail being included in the s106 legal agreement, NR are satisfied that the contributions provide for sufficient enhancements to Barming station and are content for TMBC to determine the planning application as necessary.

5.1226 **NHS Kent and Medway Integrated Care Board (25/04/24)** - NHS Kent and Medway Integrated Care Board (ICB) has responsibility for planning healthcare services in Kent and Medway. This includes reviewing planning applications to assess the direct impact on healthcare.

5.1227 I refer to the above full planning application which concerns the proposed residential development comprising up to 1,300 dwellings.

5.1228 NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact, which will require mitigation through the payment of an appropriate financial contribution.

5.1229 In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122), requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

5.1230 We have applied these tests in relation to this planning application and can confirm the following specific requirements.

5.1231 £1,166,256 towards refurbishment, reconfiguration and/or extension of existing general practice or other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare Estates and Infrastructure Strategy for the area.

5.1232 The obligation should also include the provision for the re-imbursement of any legal costs incurred completing the agreement (where relevant).

Justification for infrastructure development contributions request

5.1233 This proposal will generate approximately 3,120 new patient registrations in general practice based on the dwelling mix provided in Appendix 1. The proposed

development falls within the current practice boundaries of Aylesford Medical Practice, Blackthorn Medical Practice, Watlington Surgery and The Medical Centre Group. The proposal will also increase demand on other healthcare services provided to the local population and will need to be considered as part of the integrated models of care that will be developed along with the infrastructure strategy for the West Kent Health and Care Partnership area.

5.1234 There is currently limited capacity within existing healthcare premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice and other healthcare premises. Whilst it is not possible at this time to set out a specific premises project for this contribution, we can confirm that, based on the current coverage of health care services and location of this application, we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

5.1235 In addition to the above, we request that any S106 agreement regarding a financial contribution recognises the following:

- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development and for there to be a maximum of two triggers.
- Allows the contribution to be used towards new premises in the area serving this population in line with the Estates and Infrastructure Strategy and priorities for the West Kent Health and Care Partnership area.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

5.1236 **KCC Minerals and Waste (19/04/24)** - I can confirm that the application site is coincident with or within 250 metres of any safeguarded mineral processing or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

5.1237 With regard to land-won minerals safeguarding matters it is the case that the area of the application site is coincident with a safeguarded mineral deposits in the area, they being the Hythe Formation (Ragstone), as shown in the extract from the Mineral Safeguarding Area proposals map (below) for the Maidstone Borough area, as part of the adopted proposals maps of the Kent Minerals and waste Local Plan 2013-30 as amended by the Early partial Review 2020, the application's submitted documentation (the submitted planning application site plan below is included for reference) shows that the proposed development is coincident with this safeguarded landwon mineral deposit.

- 5.1238 Therefore, the application details should include a Minerals Assessment (MA) to determine if the safeguarded mineral deposit is not being needlessly sterilised by the development proposed, and if it is, whether an exemption to mineral safeguarding pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (as amended by the Early Partial Review 2020) can be invoked. He submitted Planning Statement does not address mineral safeguarding, though the Environmental Statement Addendum: Volume 1, Main Text, Chapter 13- Soils, Geology and Contaminated Land does make reference to the need to do so. It states:

13.26 Therefore, consideration must be given under policy DM7 and DM9 of the KMWLP to whether the mineral could be subject to prior extraction, and economic and environmental viability of extraction. The KMWLP Section 7.5.5 states:

However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment, will usually need to be accompanied by such an assessment. This assessment will be prepared by the promoter and will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the BGS Good Practice Advice on Safeguarding.

- 5.1239 However, this has, it appears yet to be done and an exemption criterion of Policy DM 7 argued, or the exemption afforded by that of Policy DM 9, has not been advanced in the submitted application's details. It appears. Therefore, the County Council wishes to maintain a holding objection until this matter is addresses and an exemption to the presumption to safeguard the land-won minerals has been successfully made.
- 5.1240 **KCC Minerals and Waste (10/02/25)** - In the County Council's previous response (Appendix 3) the inclusion of a Minerals Assessment (MA) was advised to provide an exemption criterion as set out in Policy DM 7 of the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (as amended by the Early Partial Review 2020). In the absence of an exemption, requirements of KMWLP Policy DM 9 cannot be met due to an inability to prove that any prior extraction of the mineral resource would have an acceptable impact on the environment or communities. Within the revised planning application documents; the County Council notes that a Minerals Assessment has not been submitted.
- 5.1241 Further review of the Planning Statement submitted in March 2024 does not provide any reference to land won mineral safeguarding. Within Volume 1 Chapter 13 of the Environmental Statement submitted 12th March 2024, mineral safeguarding is referenced through statements of the exemption criteria requirements of Policy DM 7, and the acceptability of any prior extraction as set

out in Policy DM 9. However, this does not include an assessment of the proposal's compliance with these requirements.

5.1242 Therefore, the position of the County Council in respect of Minerals and Waste Management is to maintain a holding objection until these matters are addressed.

5.1243 **KCC Minerals and Waste (13/05/25)** - Having looked through the applicant's submitted Mineral Assessment (MA) and have the following comments to make.

5.1244 The MA correctly identifies the safeguarded minerals present at the application site, they being the Sandgate Formation and the Hythe Formation (Kentish Ragstone). Of the two it is a reasonable conclusion that the very minor amount of Sandgate Formation present, and its general lack of current exploitation it is not of importance in the context of this proposal.

5.1245 The Hythe Formation is, however, a significant mineral resource that is being exploited in close proximity to the application area (the established Hermitage Quarry to the south). The safeguarding of this mineral deposit is important as it is Kent's only hard rock resource that appears to be able to be economically extracted. The MA has attempted an estimation of the potential resource in the application area being 4.356 million tonnes. Though this is predicated on a 50% loss rate to the Hassock based materials. This may be inaccurate given that there has been significant progress towards recovering more useful aggregate supply from the Hassock horizons present in the Ragstone. Therefore, this may be an underestimate. The viability of any mineral deposit is not only a quantitative matter, but a qualitative consideration. The MA correctly recognises the fact that extensive quarrying operations nearby indicate that the deposit is in all probability of usable quality as an aggregate material. The MA's contention that this is a relatively low demand construction material is unproven. Therefore, at least 4.356 million tonnes (probably more) of aggregate (and other uses) mineral supply are threatened with sterilisation. It should be noted that the County Council's aggregate monitoring process has demonstrated that at least 17.4 million tonnes of additional hard (crushed) rock land-won resources are required to 2039. Therefore, the mineral threatened with sterilisation is potentially a significant contributor to future supply.

5.1246 To exploit this mineral resource would require a significant investment in the form of a hard rock quarry that would result in a lowered levels and a completely different area that may or may not be suitable for further development along the lines of what is proposed. Moreover, it is very unlikely that there would be any probability that the site would be restored back to original levels, given the fact that much of the inert waste stream (arising from construction, excavation and demolition activities) is now being reused and recycled.

5.1247 Therefore, the issue is one where the exemption criteria of Policy DM 7 of the Kent Minerals and Waste Local Plan 2024-39 should be considered when determining the application.

- 5.1248 In determining the application, it is my view that mineral safeguarding exemption criterion 1 is unproven, criterion 2 may be applicable if the material is unusable (but this is thought unlikely) or that there are significant practical problems with mineral extraction. Criterion 3 may be applicable if the wider impacts on communities or the environment are unacceptable (see Policy DM 9 of the Kent Minerals and Waste Local Plan 2024-39). Criterion 4 is irrelevant. Criterion 5 is a matter for the determining authority to consider, this may be a reasonable ground to offset the presumption to safeguard. Criterion 6 is irrelevant. Criterion 7 can only apply if there is documented evidence that mineral safeguarding was considered comprehensively at the local plan allocation consideration during the formulation of the adopted local plan for the area.
- 5.1249 **KCC Heritage Conservation** (31/05/24) - The County Council has reviewed the application and provides the following commentary:
- 5.1250 This site does not contain any designated heritage assets, but it does have potential for as yet unknown significant archaeological remains. There are known Palaeolithic artefacts from this site and this suggests potential for Early Prehistoric remains, some of which could be of considerable importance. This proposed scheme includes a new access which would pass very close to several designated heritage assets within East Malling, including Grade I listed St James Church and the Scheduled Monument of East Malling Roman villa.
- 5.1251 In view of the proximity of the Scheduled Monument of East Malling Roman villa and the Grade I St James Church, the County Council recommends that Historic England is consulted on this proposed scheme. The reports supporting this consultation suggest no designated heritage assets would be impacted by this scheme and as such no designated heritage assets are going to be assessed. This is absolutely not the case, and the applicant needs to provide clarity on the proposed road to the west and to provide appropriate assessment.

Archaeology

- 5.1252 Although this site does not contain many known Historic Environment Records (HER) sites, it has not been subject to any reasonable archaeological fieldwork. This means the archaeological potential is more “unknown” than “low”. The current understanding of the scale, nature and significance of past human activity within the proposed development area (PDA) is limited. Assessing the potential for Prehistoric, Roman and Early Medieval archaeology can be improved through understanding the geology and topography of the site and identifying key natural resources, such as water and wood. There are some indications from cropmarks, LiDAR data and especially recent archaeological investigations adjacent, that this area has been more utilised from the prehistoric period onwards, compared to earlier periods.
- 5.1253 The geology of the site seems simple, that of Hythe Beds. However, these deposits can contain ragstone and fissures, which can contain remnants of Early

Prehistoric activity. The topography also seems relatively flat and is predominantly heathland, high and well drained soils, with remnant evidence of ancient woodland and field boundaries. Such areas would be favourable for prehistoric and later occupation and settlement but also important for grazing and access to resources. The County Council notes that some data from the applicant's assessment seems to suggest possible barrow or mound within the site and this higher ground may be a place of ritual activity.

- 5.1254 There have been several archaeological investigations in the surrounding open fields and these have tended to reveal new Bronze Age and Iron Age settlement sites. There are Roman sites in the area, including East Malling Roman villa and Roman settlement to the east and north, and there is potential for isolated farms, settlements or burial sites.
- 5.1255 Some of the surrounding historic farm complexes, some of which still contain designated historic buildings, may be of Medieval origins. To the south of the site, within Well Wood, is a rectangular enclosure considered to be a Medieval settlement site. Remains associated with this medieval site could extend into the southern part of the development site.
- 5.1256 The late 19th/early 20th century OS maps indicate orchards and horticultural use, but parts of the site may contain remnants of field systems and designed landscape. Early OS maps clearly show an avenue extending south from Preston Hall, medieval and Post Medieval high status residence. Although much of this avenue has been lost, it's alignment is still reflected through footpaths and property boundaries. This avenue alignment would be worthy of being part of a positive heritage measure and be established as a historic footpath in the proposed landscape plan. The proposed westerly access road extends past the East Malling Research Centre. This was an important 20th century research facility which led the way in innovations in transport and preservation of food products, particularly fruit, and was a national focus for horticultural research and experimentation measures. The buildings and research facilities are of heritage interest. They need to be considered as part of this major development because the development could have an impact on the setting of the EMRC, with the loss of the extensive horticultural landscape.
- 5.1257 In view of the limited extent of known HER data, the archaeological assessment is inadequate without some element of supporting data from fieldwork. The County Council recommends a geophysical survey and targeted archaeological trenching is undertaken to ensure the archaeological assessment is meaningful. For example, the assessment notes a possible mound in a corner close to Deadmans Wood and this could be a barrow. The County Council suggests it is essential to understand if a cemetery site is within the application site. Predetermination evaluation work is highlighted in paragraph 200 of the NPPF.

Archaeological Landscapes

- 5.1258 In view of the low level of past development on this site, there is high potential for the field systems to reflect post medieval or earlier origins. The lanes, footpaths, hedgerows, etc. may have Medieval origins. Furthermore, given the proximity of the East Malling Roman villa and the Iron Age activity known to the east, some of the field systems may have Roman or prehistoric origins.
- 5.1259 Preston Hall manorial complex and high status house was situated to the north but its associated designed landscape, including carriage rides, pastoral and agricultural activities, would have extended south into the proposed development site, such as an avenue of trees, marked on early OS maps and partly surviving. As such there is potential for archaeological landscape remnants of importance.
- 5.1260 The early OS maps and Tithe Maps provide some indication of past activities and land uses, some of which may seem obvious but others, such as Deadmans Wood, are less clear. Semi-natural ancient woodland can contain physical evidence of post medieval or earlier woodland industries, for example charcoal burning, saw pits, wood banks etc.. Interpretation of the landscape is essential to inform potential as well as gaining an understanding of the archaeological resource. The County Council notes the proposed retention of Deadmans Wood, with a fence around it, but there still needs to be assessment of the archaeological resource within it, partly to inform the potential for archaeology adjacent and partly to inform a heritage interpretation strategy. This major residential development will have an impact on the woodland.

Built Environment

- 5.1261 Although the PDA does not contain any designated historic buildings, the proposed scheme is likely to have an impact on East Malling medieval village, St James Church and several nearby historic farm complexes. St James Church has a very sensitive setting, character and possible "lost" associated remains. Detailed assessment of the impact from the proposed westerly access road and the increased traffic through East Malling, especially towards the station, needs to be undertaken to ensure assessment of impacts are clear and mitigation is appropriate.
- 5.1262 This issue was raised before and the archaeological assessment does consider the westerly access but there is still no reasonable assessment of impacts on East Malling medieval village.

Assessment

- 5.1263 The County Council recognises that this outline application is supported by assessment of archaeology and heritage issues. Chapter 15 Vol 1 ES provides a brief summary of cultural heritage but there is some mention of heritage in the Planning Statement and Design and Access Statement. There is no fieldwork data to support the desk-based work and as such the archaeological assessment is not definitive or sound.

- 5.1264 In general, the Desk Based Assessment and Environmental Statement assessment provide a useful summary of the archaeological potential but are insufficient in depth and understanding of the known and potential archaeological resource of the PDA. Chapter 15 tends to focus on archaeological landscape issues and the consideration of potential for buried archaeology is extremely limited. The County Council notes that some issues have been raised before and have been considered but there are still some issues which need further assessment prior to determination of this application. A fundamental flaw is the lack of supporting fieldwork data. As such the archaeological assessment is not yet of sufficient depth to provide reasonable guidance on archaeological issues.
- 5.1265 In view of this the County Council recommends the following further assessments are essential prior to determination of this application:
- Greater in-depth assessment of designated heritage assets of St James Church and East Malling Roman villa and their settings, in view of their close proximity to the proposed access to New Road. Historic England needs to be consulted on this scheme with particular clarity needed on the western access route;
 - A specialist geoarchaeological and Palaeolithic assessment;
 - An additional Archaeological Landscape Assessment for ERM C to ensure the impact on the setting and significance of ERM C is fully understood;
 - A Geophysical Survey in view of the limited nature of HER and the size of this proposed development; and
 - Targeted fieldwork, including consideration of targeted trial trenches to “ground truth”, desk-based and geophysical survey data. This would ensure the archaeological assessment is evidence-based and suitable mitigation can be proposed.
- 5.1266 The County Council recommends the above further archaeological assessment is necessary pre-determination to ensure the archaeological assessment is sound for such a major application and that it provides meaningful evidence-based mitigation. Once a fully informed archaeological assessment has been achieved, archaeological mitigation could be addressed through suitable conditions. At the appropriate time, the County Council would like to recommend suitable conditions (such as AR5 and AR1 for geo-archaeological work).
- 5.1267 Once a robust and comprehensive archaeological assessment has been achieved, the County Council would welcome discussions on positive heritage measures to support this major development. At present, the applicant is not proposing any heritage benefits. There are opportunities to utilise heritage to enhance the development’s landscape masterplan and to ensure there is raised awareness, understanding and enjoyment of the local heritage of the site. In accordance with Section 16 of the NPPF, such major developments need to take into account the local heritage and provide enhancement measures.

- 5.1268 There are opportunities for heritage enhancement measures for this major development, although it would be preferable for such measures to be suitably informed. Preliminary recommendations for positive heritage measures could include:
- Reflecting historic landscape features in the landscape design, such as the Preston Hall access avenue designed as a footpath, interpretation for Deadman's Wood, retention of archaeologically important hedgerows and field boundaries and retention of footpaths identifiable on early OS map;
 - Interpretation measures where the access road runs past EMRC; and
 - Interpretation measures where the access road runs past the East Malling Roman villa.
- 5.1269 Such positive measures could be addressed through a condition although it would be preferable to have a specific heritage interpretation measures item in a S106 Agreement.
- 5.1270 **KCC Heritage Conservation** (06/01/25) - This site does not contain any designated heritage assets but it does have potential for as yet unknown significant archaeological remains. There are known Palaeolithic artefacts from this site and this suggests potential for Early Prehistoric remains, some of which could be of considerable importance. This proposed scheme includes a new access which would pass very close to several designated heritage assets within East Malling, including Grade I listed St James Church and the Scheduled Monument of East Malling Roman villa.
- 5.1271 I welcome the additional predetermination archaeological assessment reports submitted at this stage. These reports include a predetermination targeted evaluation of some of the areas of the site by CAT; a focused assessment on 19th century landscape; a focused assessment on the East Malling Roman villa; and a focused assessment on St James Church East Malling and village. I would like to provide specific comments on these reports but also on the proposed scheme plans submitted at this stage.

Predetermination Targeted Evaluation Report (CAT)

- 5.1272 I welcome this targeted evaluation and confirm I was fully consulted and undertook site monitoring visit. Only 32 trenches were excavated and as such this is an exceptionally limited evaluation. The location of trenches focused on possible sensitive areas, such as close to East Malling Roman villa and medieval settlement, and geophysical anomalies and sites highlighted by the DBA. The results cannot be taken to provide a reasonable assessment of the entire site, especially of as yet unknown archaeological remains, but the results are helpful.
- 5.1273 The evaluation did locate archaeological remains, ranging from a possible Iron Age/Romano-British occupation site and post medieval quarries with clarification of some natural features. Figure 5 of the Evaluation Report shows the distribution

of trenches, clearly reflecting the limited assessment. In addition Trenches 17, 18 and 19 were not able to be tested and these were located close to a possible medieval occupation site.

5.1274 Trenches closest to the Roman villa and to the medieval settlement of East Malling seemed to suggest truncation of the area south of the existing access road. There is still potential for Roman or later remains in this area but the trenching suggests there are no extensive significant remains although there was evidence of some activity.

5.1275 The pre determination evaluation report is acceptable and welcome but I would like to stress the targeted nature of the fieldwork, limiting its value to provide comprehensive assessment across the whole of the site. The report suggests there is low potential for archaeological remains but I consider this is based on limited information.

Focused assessment of East Malling Roman Villa Report (CAT)

5.1276 This focused assessment is welcome but the report seems to provide only a summary of the villa and other heritage assets, along with current details of the scheme, rather than a focus on the roman villa. There is no detailed assessment of the villa, its setting and the wider palaeo-landscape. There is no detailed assessment of the recent findings from the community excavation works, which have suggested Roman remains extend beyond the SAM. There is very limited assessment of the impact of the proposed scheme on the villa's potential palaeolandscape and setting. There is proposed mitigation but the mitigation is not robustly evidence-based.

5.1277 Paragraph 8.1.3 suggests the report will "*analyse the impact this may have on the historical setting of the Scheduled villa site.*" but I consider this is not robustly addressed. The report goes straight to Mitigation (8.2) and I suggest a greater section on "analysis" is needed. For example, vegetation barrier planting is suggested but is this sympathetic to a Roman villa landscape character? It would be helpful to have included in the report a greater analysis of Roman villas and their characters across Kent. What is the evidence of land use from excavations of the Roman villa, including the recent excavations? East Malling Roman villa is likely to have had locally distinctive attributes combined with contemporary building and designs of the time. Just putting in barriers is not necessarily appropriate for East Malling Roman villa.

5.1278 The Heritage Statement on East Malling Roman villa by CAT is welcome but I suggest it does not provide an in-depth assessment of East Malling Roman villa and its landscape nor does it provide a detailed analysis of the potential impact of the proposed development on the East Malling Roman villa's setting and landscape, especially given the recent discoveries by the community excavations.

Focused assessment of St James's Church and East Malling historic settlement

- 5.1279 I welcome this report but again consider the analysis of proposed impact is not clearly evidence-based and wide ranging enough to include sufficient consideration of the palaeoenvironment of East Malling as a medieval village. This is important because East Malling still very much reflects a medieval layout set within a landscape of fields, woods, farm buildings and routeways. For example, there is insufficient examination of the field boundaries, footpaths and land-use which may be remnants of the medieval or post medieval landscape. There is considerable focus on the landscape of the Bradbourne House parkland but this is a 19th century landscape and I would suggest remnants of archaeological landscape features directly associated with East Malling village are of equal or greater importance with regard to the proposed scheme, especially the SMC. I recommend greater consideration of the medieval and post medieval archaeological landscape features directly associated with East Malling village is needed. This would ensure that proposed mitigation is robustly informed and appropriate. In my original comments I recommended an Archaeological Landscape Assessment and this has only been done as a focused assessment of the 19th century landscape associated with Preston Hall.
- 5.1280 I suggest the proposed heritage mitigation of “barriers” is not necessarily appropriate. It needs to be recognised, for example, that the church tower is a significant archaeological landscape feature in that it showed location of village from a distance, direction of travel to the village and stood out in the landscape as a tall building. It is still not clear what the impact of additional lighting along the SMC and new housing will have on the understanding and appreciation of the church as a medieval archaeological landscape structure.
- 5.1281 The viewpoint images are useful but most seem to be taken of and from Bradbourne House and parkland. I suggest further focused assessment of the medieval village landscape may highlight some more significant viewpoints to be considered, especially, for example of East Malling Church from Hermitage Lane, from neighbouring settlements, and from historic footpaths. I recognise that there are elements of aerial photos, LiDAR and documentary evidence and use of viewpoint shots in the DBA and ES chapter 15, but this report would benefit from a more focused use of these resources specifically on the church and medieval village aspects.
- 5.1282 The report notes that the SMC (Sustainable Movement Corridor) is to be used for buses, pedestrians and cyclists and “necessary vehicular access” but I have concerns that this is not going to be enforceable and I note cross-section figure in Appendix 5 shows a car. How will the developer ensure that the SMC is not used by cars to a level which would have detrimental impact on East Malling medieval settlement character? I would also query that buses could still have a detrimental impact on medieval church building and nearby historic buildings through vibration and noise.

Nineteenth century park landscape associate with Preston Hall Aylesford

- 5.1283 I welcome this focused report and I welcome the focus on the two routeways through the application site, one being the Preston Hall avenue and the other being a direct routeway to Holt Hill, both being part of the Preston Hall designed wider parkland landscape. The avenue is remarkably long and straight and although it has been eroded from the mid-20th century onwards, especially most recently, there are remnants surviving. The routeway to Holt Hill is less well defined but its straightness suggests an intentional part of a carriageway for Preston Hall. However Holt Hill would probably have been a focus from prehistoric period onwards. I welcome the positive approach to the historic value of these two routeways and raising awareness, understanding and appreciation of them is a positive heritage measure.
- 5.1284 There are a few unnecessary parts to this report, such as the inclusion again of the Archaeological Background covering all periods which is not essential in what should be a “focused” report. In addition, Appendix 3, Designations – seems to be rather the Kent HER brief descriptions and I am not sure of the reasoning for its inclusion. Also this report would greatly benefit from inclusion of a greater number of aerial photographs, LiDAR analysis and documentary evidence from Preston Hall estates, especially maps and related documents.
- 5.1285 I recognise that there are elements of aerial photos, LiDAR and documentary evidence in the DBA and ES chapter 15, this report would benefit from a more focused use of these resources specifically on routeways.
- 5.1286 Although I welcome this report, some additional documentary research would be helpful as well as further analysis of the species of trees used for the avenue, routeway and wider Preston Hall parkland. This would ensure that the mitigation is comprehensive and sound across the entire proposed scheme.
- 5.1287 Unfortunately at present, I consider the proposed mitigation for the two historic routeways is not good. The proposed mitigation does not truly reflect the historic character. When considering the Illustrative Landscape Masterplan, for example, the proposed routeway for the Preston Hall avenue meanders. This is totally contrary to an avenue which is straight. In addition, there are no indications of specimen tree planting and restoration in two lines. The proposed landscaping seems to be isolated trees or bushes and clusters of “woodland”. The Preston Hall avenue was four or two lines of distinctive specimen trees. I would welcome this sharp line to be visible in the masterplan landscaping plan. Although the Holt Hill routeway is still open, it is not defined as a routeway, not even as a clear pedestrian walkway. Again there seems to be random bushes or small trees along the alignment which obscures the straightness of the historic routeway. This major proposed development has the opportunity to utilise historic routeways to provide distinctive form and pattern to the housing layout but at present this is opportunity is not being recognised. I recommend there is more appropriate consideration of appropriate mitigation for these routeways.

Review of pre-determination archaeological assessment

- 5.1288 With regard to my original recommendations, I can confirm that the geophysical survey and a limited archaeological evaluation have been done. This is welcome and the results are helpful. However, the fieldwork has been exceptionally limited and it needs to be noted that the trenches towards a possible medieval settlement have not been done.
- 5.1289 There have been focused reports on East Malling Roman villa, St James Church and East Malling village, and on the 19th century landscape of Preston Hall but all of them would benefit from revisions to ensure mitigation is fully informed. It is essential that this major development recognises the impacts on significant archaeology, provides enhancement measures and suitably informed and appropriate mitigation.
- 5.1290 There has not been a specialist geoarchaeological and palaeolithic assessment. I recognise that some limited geoarchaeological and palaeolithic assessment has been done in the DBA and ES chapter 15, a more specific assessment would be helpful to ensure any further preliminary fieldwork, such as geoarchaeological test pits, would be appropriate.
- 5.1291 There has not been an additional Archaeological Landscape Assessment for East Malling Research Station with the aim of ensuring the impact on the setting and significance of the 20th century research facility is fully understood and mitigated. I recognise the consideration of East Malling Research facility in the reports so far produced, but a focused report which includes both the research aims of the centre, the development of the facility and possible lost remnants, both structural, cultural remains and plant/fruit specimens, would be useful. This would ensure the impact of the loss of EMRC's land is recognised and reflected in the development's design and layout, including the increased use of the SMC.
- 5.1292 I recommend the above further archaeological assessment is necessary pre-determination to ensure the archaeological assessment is sound for such a major application and that it provides meaningful evidence based mitigation.
- 5.1293 I maintain concerns about the limited approach to recognise opportunities for heritage enhancement measures for this major development. The preliminary archaeological reports highlight some distinctive archaeological elements which need some essential mitigation but also present opportunities for development enhancement measures.
- 5.1294 **KCC Heritage Conservation (04/09/25)** - Further to my comments of 6 January 2025, the applicant has provided additional information and I would like to submit further comments for the above outline application for redevelopment at the above site, including up to 1,300 residential units; primary school; new access from Hermitage Lane and Kiln Barn Road; sustainable transport link extending to New Road, East Malling; formal open space; landscaping; and associated infrastructure.

- 5.1295 The applicant has already submitted predetermination archaeological assessment reports. These reports include a predetermination targeted evaluation of some of the areas of the site by CAT; a focused assessment on 19th century landscape; a focused assessment on the East Malling Roman villa; and a focused assessment on St James Church East Malling and village. I provided specific comments on these reports with recommendations for further assessment works. There has been liaison with the applicant and their archaeological consultant, CAT.
- 5.1296 I welcome a revised Archaeological Landscape Assessment (V4). This report includes considerable additional plans and map data. No further revisions are needed but this report needs to be used to inform mitigation, especially for the 19th century Preston Hall landscapes and early routeways.
- 5.1297 I note the additional statement on need for the SMC. The report notes that the SMC (Sustainable Movement Corridor) is to be used for buses, pedestrians and cyclists and “necessary vehicular access” but I still have concerns that this is not going to be enforceable and I note cross-section figure in Appendix 5 shows a car. To ensure there is no detrimental impact on medieval East Malling church building and nearby historic buildings, from noise, vibration, visual impact, setting, there needs to be comprehensive mitigation for the church and village.
- 5.1298 Unfortunately at present, I consider the proposed mitigation for the two historic routeways is not good. These issues were discussed during the liaison with the applicant and their archaeological consultant, CAT, but I would welcome more appropriate consideration of appropriate mitigation for these routeways, such as removing the curved nature of the access road on the east side of the development.
- 5.1299 As mentioned, the pre determination evaluation report is acceptable and welcome but I would like to stress the targeted nature of the fieldwork, limiting its value to provide comprehensive assessment across the whole of the site. The report suggests there is low potential for archaeological remains but I consider this is based on limited information.
- 5.1300 I can confirm that no further pre-determination archaeological assessments are essential but I would welcome details of proposed positive mitigation for archaeological landscapes. I consider buried archaeological issues can be addressed through a condition requiring a phased programme of archaeological works.
- 5.1301 However, I maintain concerns about the limited approach to recognise opportunities for heritage enhancement measures for this major development. Some positive enhancement measures require revisions to the proposed masterplan and I would welcome clarification on progress on such mitigation
- 5.1302 **KCC Public Rights of Way** (11/04/24) - Public Footpaths MR102, MR481, MR485, MR486 and Public Bridleway MR484 would be directly affected by the

development, with the wider network significantly impacted in the ways mentioned above and below.

- 5.1303 The substantial size of this development will have an adverse/high impact on the PROW network, both on and off site through increased use, loss of amenity and future generation of traffic.
- 5.1304 KCC PROW and Access request the following is provided by condition if permission is granted :
- 5.1305 PROW Management Scheme to cover both construction and operation, provided and agreed by KCC PROW and Access as the Highway Authority for Public Rights of Way, at any future Reserved Matters stage of the application. This should detail widths, surfaces and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the PROW use.
- 5.1306 We would advise the applicant of the following in relation to the PROW affected by the development and in terms of the wider area connectivity:
- 5.1307 1. A full multiuser route should be provided initially beside what looks like the new access road at the East Malling end, which also incorporates some of the western end of MR102, then an upgrade of the eastern half of MR102/MR486 to link with bridleway MR484 to provide an east/west bridleway/cycle link. This upgrade can be achieved through a Creation Agreement with landowner consent. The creation of new paths and upgrading of existing routes should be considered as positive outcomes of the scheme and we advise the applicant to engage with ourselves to ensure the correct legal process is followed.
- 5.1308 2. Routes within the site should either be maintained on their current alignments, segregated from the road network in order to keep them traffic free, or diverted to appropriate new routes, also traffic free and surfaced to all weather standards. Any diversion proposal must be agreed by ourselves and follow the due legal mechanism of either TCPA or Highways Act legislation.
- 5.1309 3. As mitigation for increased use of the Network in the area, as well as the impact on the amenity of the use (Landscape/visual), the loss of recreational walks in the countryside, we would seek S.106 funding for offsite improvements to MR484 north and east of the development to complete the links detailed above and improve off road connectivity for the wider area. We refer the applicant to the KCC Rights of Way Improvement Plan which outlines our objectives for improvement opportunities across the PROW Network.
- 5.1310 4. We would seek S.106 funding for improvements to MR100 to link to the development to the north.

- 5.1311 5. We would seek S.106 funding for improvements to MR481 between the proposed development and Finch Close to improve pedestrian links.
- 5.1312 6. The above will provide recreational, health and well-being benefits as well as connectivity and encourage modal shift.
- 5.1313 7. In consideration of Kent Design standards and Police guidance, any forthcoming master plan should keep PROW within overlooked areas of Open Space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PROW network.
- 5.1314 8. We advise engagement with the British Horse Society due to the level of equestrian use of the area network.
- 5.1315 Comments are made in reference to the following planning policy.
- 5.1316 NPPF (December 2023) para. 96: 'to achieve healthy, inclusive and safe places', which specifically encourage social interaction, minimise crime and disorder and the fear of such, and enable and support healthy lifestyles.
- 5.1317 NPPF (December 2023) para. 97: to 'plan positively for the provision and use of shared spaces... support the delivery of local strategies to improve health, social and cultural well-being...guard against the unnecessary loss of valued facilities and services...and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'.
- 5.1318 NPPF (December 2023) para. 102: to be 'based on robust and up-to-date assessments of the need for open space, sport and recreation facilities ... and opportunities for new provision.'
- 5.1319 NPPF (December 2023) para. 104: 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'
- 5.1320 NPPF (December 2023) para. 108: 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- c) opportunities to promote walking, cycling and public transport use are identified and pursued'
- 5.1321 NPPF (December 2023) para. 110: 'Planning policies should:
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);'

5.1322 NPPF (December 2023) para. 116: '... 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;

5.1323 KCC Rights of Way Improvement Plan 2018-28

5.1324 **KCC Public Rights of Way** (23/12/24) - Public Footpaths MR102, MR481, MR485, MR486 and Public Bridleway MR484 would be directly affected by the development, with the wider network significantly impacted in the ways mentioned above and below.

5.1325 The substantial size of this development will have an adverse/high impact on the PROW network, both on and off site through increased use, loss of amenity and future generation of traffic.

5.1326 KCC PROW and Access request the following is provided by condition if permission is granted:

5.1327 PROW Management Scheme to cover both construction and operation, provided and agreed by KCC PROW and Access as the Highway Authority for Public Rights of Way, at any future Reserved Matters stage of the application. This should detail widths, surfaces, **road crossings** and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the PROW use. ***No work to commence on any part of the site that will affect a PROW until KCC has agreed the details with regard to how the PROW will be managed.***

5.1328 We would advise the applicant of the following in relation to the PROW affected by the development and in terms of the wider area connectivity and these comments should be read with reference to our previous response dated 11th April 2024. I have highlighted these additional comments in bold italics.

- 5.1329 1. ***In spite of the revisions, it is disappointing to see that a full multi-user route is not proposed***, initially beside what looks like the new access road at the East Malling end, which also incorporates some of the western end of MR102, then an upgrade of the eastern half of MR102/MR486 to link with bridleway MR484 to provide an east/west bridleway/cycle link. ***In fact, it appears that the revised proposal would result in a significant degradation in the provision of traffic free public access. It looks like the southern portion of MR486, running north from its junction with MR102 to its junction with MR481, is proposed to be incorporated into the road network (although this may just be a limitation in the way that the masterplans have been prepared and a lack of detail in them). At the very least, the alignment of the public footpath be on a footway separated from the road by a verge, if not retained as a completely separate route. The same applies to the east/west section of bridleway, which appears to be partly incorporated into the road network. It is recognised that the bridleway may need to cross roads but, apart from these points, the bridleway must remain completely segregated from the road network, with a physical separation between the path and road.***
- 5.1330 2. Routes within the site should either be maintained on their current alignments, segregated from the road network in order to keep them traffic free, or diverted to appropriate new routes, also traffic free and surfaced to all weather standards. Any diversion proposal must be agreed by ourselves and follow the due legal mechanism of either TCPA or Highways Act legislation. ***We will need to understand whether some (and which parts), or all, of the road network is intended to become publicly maintainable highway, as this will inform how the crossing points are managed and constructed, i.e. if a road is to be privately maintained, then a diversion to correctly align the PROW would be required and the crossing would have to be constructed in such a way that priority is given to the PROW. If the road is to become adopted public highway, then the revised crossing point would not require a diversion provided the realigned routes fell entirely within the area to be adopted and the construction type of the crossing points would need to meet Highways' standards.***
- 5.1331 3. As mitigation for increased use of the Network in the area, as well as the impact on the amenity of the use (Landscape/visual), the loss of recreational walks in the countryside, we would seek S.106 funding for offsite improvements to MR484 north and east of the development to complete the links detailed above and improve off road connectivity for the wider area. We refer the applicant to the KCC Rights of Way Improvement Plan which outlines our objectives for improvement opportunities across the PROW Network.
- 5.1332 4. We would seek S.106 funding for improvements to MR100 to link to the development to the north.

- 5.1333 5. We would seek S.106 funding for improvements to MR481 between the proposed development and Finch Close to improve pedestrian links.
- 5.1334 6. The above will provide recreational, health and well-being benefits as well as connectivity and encourage modal shift.
- 5.1335 7. In consideration of Kent Design standards and Police guidance, any forthcoming master plan should keep PROW within overlooked areas of Open Space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PROW network.
- 5.1336 8. We advise engagement with the British Horse Society due to the level of equestrian use of the area network.
- 5.1337 Comments are made in reference to the following planning policy.
- 5.1338 NPPF (December 2023) para. 96: 'to achieve healthy, inclusive and safe places', which specifically encourage social interaction, minimise crime and disorder and the fear of such, and enable and support healthy lifestyles.
- 5.1339 NPPF (December 2023) para. 97: to 'plan positively for the provision and use of shared spaces... support the delivery of local strategies to improve health, social and cultural well-being...guard against the unnecessary loss of valued facilities and services...and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'.
- 5.1340 NPPF (December 2023) para. 102: to be 'based on robust and up-to-date assessments of the need for open space, sport and recreation facilities ... and opportunities for new provision.'
- 5.1341 NPPF (December 2023) para. 104: 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'
- 5.1342 NPPF (December 2023) para. 108: 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- c) opportunities to promote walking, cycling and public transport use are identified and pursued
- 5.1343 NPPF (December 2023) para. 110: 'Planning policies should:
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

5.1344 NPPF (December 2023) para. 116: '... 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;

5.1345 ***With regard to the plan Proposed Site Access - ProW Access 1 (Ref 22-031-050)- 20(1), I note that the proposal is to replace the existing vehicle barrier/gap arrangement with a new bridle gate. As things stand, this would breach both the requirements of the Equality Act 2010 and Kent County Council's policies regarding least restrictive access and we would have to object to such a proposal. The current public access is via an unrestricted gap and this should remain so. The entrance may be restricted by the provision of fencing or bollards, provided that a gap of at least 1.5m width is provided. The design of these restrictions and the siting of the gap should be agreed with KCC PROWAS in advance of any work being carried out or it may become subject to our enforcement powers and removed.***

5.1346 **KCC Economic Development** (31/05/24) - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

5.1347 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind.

- 5.1348 These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices). *[Officer Note: full details of required contributions set out in paragraph 6.155 under chapter “Planning Obligations” later in report]*
- 5.1349 **TMBC Environmental Health Protection (27/03/24) - Noise**
- 5.1350 Chapter 9 of the submitted Environmental Statement addresses noise and vibration.
- 5.1351 I do have some concerns with this document. At Para 9.17 reference is made to the withdrawn document Planning Policy Guidance 24 (PPG24). This document is no longer valid and should not be referenced.
- 5.1352 Table 9.2 does not appear to include any reference as to where the cited levels for LOAEL and SOAEL have been obtained from. I would recommend that the ABC method in BS 5228-1:2009+A1:2014 be used for this and would assess the site as a Category A site (based upon the levels detailed in Appendix 9.4 & 9.5). This will impact upon the conclusions derived further in the document.
- 5.1353 Para 9.3 uses a 15dB attenuation for partially open window, which is at the upper end of the accepted 10-15dB range. A more robust assessment will be achieved if a more conservative figure of 13dB is used.
- 5.1354 Para 9.88 proposes to use the Upper Limit of 55dB LAeq,t as the external amenity area target. I would recommend that the Desirable Limit of 50dB LAeq,t be used instead and only where this level cannot be achieved with suitable attenuation should any higher level be considered.
- 5.1355 No account appears to have been taken of the nearby quarrying activities at Hermitage Quarry. Blasting occurs on a regular basis at the quarry and the impacts from this will need to be considered by the applicant and appropriate mitigation proposed.

Air quality

- 5.1356 Due the large number of developments taking place around hermitage lane I would request that money is sort from S106 agreements to cover running and installation costs of putting up continuous sensors to monitor along Hermitage lane.

Contaminated land

- 5.1357 Based on the review of:

- Phase I Contaminated Land Assessment (EAME, February 2024)

5.1358 The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Various potential sources of contamination have been identified both on and offsite which could pose a risk to future site users, and as such an intrusive investigation is required to determine the extent and severity of any contamination present. I therefore recommend the following conditions:

5.1359 Standard Contamination 2 (no phasing) (Submission of Remediation Scheme & Implementation):

5.1360 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.

5.1361 Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021 (paragraphs 183-185).

5.1362 Standard Contamination 3 (no phasing) (Verification):

5.1363 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.

5.1364 Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021 (paragraphs 183-185).

5.1365 **TMBC Environmental Health Protection** (03/12/24) - Contaminated land

5.1366 No additional comments.

Environmental protection

5.1367 No additional comments.

5.1368 **TMBC Waste Services** (28/03/24) - No objections but refer to refuse storage standards.

5.1369 **TMBC Waste Services** (28/11/24) - Although this is a huge and in depth project, there is nothing to comment on from Waste Services at this time. We will of course take the opportunity once full planning has been submitted.

5.1370 **Kent Police** (28/03/24) - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

5.1371 Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

5.1372 There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

5.1373 We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and

Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;

Dwellings

- 5.1374 1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site, any parking areas/ courts and pedestrian routes. These areas must be well lit and covered by natural surveillance from neighbouring properties.
- 5.1375 2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m in height. Any alleyways to have secure side gates, which are lockable from both sides, located flush to the front building line.
- 5.1376 3. To meet SBD guidance we would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict and promote safer spaces for families. It is now common practice to have some shared vehicle/ pedestrian areas on secondary routes. If pavements cannot be installed in these shared spaces, we strongly recommend traffic calming measures, especially where there is a curvature in the road.
- 5.1377 4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. Undercroft areas can attract crime and therefore, should be finished in a light colour and be well lit. If car ports are unavoidable, we recommend they be lit and painted in a light colour to optimize surveillance opportunities. For car parks, we recommend the Safer Parking Scheme, which follows CPTED guidance from both the police and the British Parking Association.
- 5.1378 5. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
- 5.1379 6. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and

light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided. "Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

- 5.1380 7. Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of its location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.
- 5.1381 8. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors and individual flat entrance doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.
- 5.1382 9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
- 5.1383 10. We advise on the use of ground/ wall SBD or sold secure anchors within a cycle storage area/ sheds of dwellings to deter bicycle theft.
- 5.1384 11. Mail delivery to meet SBD TS008 with a fire guard are strongly recommended for dwellings. For buildings with multiple occupants we recommend TS009 standards. Please note we advise against trade buttons, if mail is to be delivered inside a lobby there must be an airlock/ access-controlled door to prevent access further into the building for anyone other than residents.
- 5.1385 12. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
- 5.1386 13. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

- 5.1387 14. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
- 5.1388 15. CCTV is advised for all communal entry points and to cover the mail delivery area.
- 5.1389 16. Defensible spaces. Corner properties require well established boundaries to avoid desire lines across front gardens. This can be provided by using hedges or knee rails/ fences, for example.
- 5.1390 17. Blank Walls. It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation tends to attract graffiti, inappropriate loitering, and ball games. The provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.
- 5.1391 18. Vehicle mitigation may be required on pedestrian routes, to prevent mopeds or similar vehicles accessing the area and causing nuisance.
- 5.1392 19. Open space. Open space areas must be well lit and boundaries must be clearly defined to avoid conflict or ball games causing nuisance. For any LAP or LEAP, we recommend fencing at a minimum height of 1.2m and vandal resistant play equipment. Consideration should be given to a single dedicated entry and exit point to enable adult control/supervision.

Village Centre/commercial floorspace

- 5.1393 20. We recommend boundary treatments be a minimum of 2m and the installation of lockable gates to the sides of the village centre and commercial floor space to provide controlled access to the rear. These gates must be flush to the building line to optimize surveillance.
- 5.1394 21. We recommend natural surveillance for parking areas. As a secondary layer of security, we would also recommend CCTV be installed to further monitor use. We also strongly recommend gating access roads/ parking areas to prevent nuisance parking and misuse out of hours.
- 5.1395 22. Defined pedestrian routes to/ from the building are recommended to improve safety and avoid pedestrian and vehicle conflict.
- 5.1396 23. Cycle storage must be well lit and with natural surveillance. We recommend the sold secure or SBD recommended products for additional security.
- 5.1397 24. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g., a Member of the ILP), particularly where a lighting condition is imposed, to help

avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.

- 5.1398 25. CCTV to be installed, especially in areas with limited natural surveillance such as rear of the village centre and the commercial floorspace, utility areas/ bin stores and on the access/ exit road. We also recommend cameras in the following areas to keep users safe and monitor their movements; any stairs, emergency access doors, lifts, loading/ unloading areas, car park and reception, main office/ safe. The CCTV must not infringe any lighting plan.
- 5.1399 26. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
- 5.1400 27. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation, and locks) including folding or sliding to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
- 5.1401 28. Windows on the ground floor to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
- 5.1402 29. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013.
- 5.1403 30. Bin Stores must be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed. We also strongly advise against placing this store close enough to the building that it can be used as a climbing aid into the building when closed. Please note where there is a mixed-use building, residential and commercial bins must be segregated.
- 5.1404 31. If any buildings are to have roof access for maintenance of solar panels and lift shafts etc., we recommend that ladders/ access doors to these areas are securely locked so that members of the public are unable to access this area. We also require CCTV to cover this area in order to monitor unauthorized access Primary School.
- 5.1405 32. We recommend the use of the Secured By Design (SBD) principles for this proposal to show commitment to crime prevention and community safety.

- 5.1406 33. For doorsets and windows, please refer to SBD New Schools 2014 guide for recognised security standards products of a Police preferred specification.
- 5.1407 34. Vehicle mitigation barriers are recommended for wide pedestrian areas and near the main entrance to avoid conflict and to safeguard pedestrians.
- 5.1408 35. SBD prefers one entrance area at the perimeter of the site serving both vehicles and pedestrians or separate entrances that are located in close proximity to one another to aide mutual supervision. The entrance should be gated and when the school is closed and unoccupied, the gates must be locked. Access control of these gates is essential, and a full audio-visual access control system should be installed. CCTV coverage to monitor access and egress.
- 5.1409 36. Formal recreation spaces such as multi-use games areas and external all-weather sport facilities may encourage trespass outside of normal school hours. Perimeter security is paramount as previously discussed.
- 5.1410 37. Secure storage for play and sports equipment, including seasonal storage for goalposts etc, should, where possible, be provided within the main building, with ready secured access from outside.
- 5.1411 38. Regarding renting out facilities or community use, the layout of the building must allow visitors access to be restricted to those areas only preventing any further access. Door access control may be required.
- 5.1412 39. From a security and child safety aspect, we recommend that all fire exits are alarmed to alert staff should these be opened.
- 5.1413 40. A security alarm system should be installed and utilized when the building is not in use.
- 5.1414 41. Landscaping. Trees should be pruned so that they do not provide climbing aids, which may compromise the secure boundary.
- 5.1415 42. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can be used as a means to commit crime, be a climbing aid or even an arson hazard.
- 5.1416 43. Lighting. Appropriate lighting will be required. Please refer to the SBD guide.
- 5.1417 44. We recommend CCTV coverage of the main entrances/exits and remote areas that tend to be unsupervised due to the lack of natural surveillance and can potentially attract antisocial gathering.
- 5.1418 45. Secure cycle racks are required as previously discussed, and ideally covered by CCTV to prevent cycle theft. We strongly advise SBD and Sold Secure standard certified cycle storage that has passed testing as they offer additional

security. In addition, we advise the inclusion of SBD and Sold Secure standard certified wall or ground anchors.

- 5.1419 If approved, site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
- 5.1420 Our comments are designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. This information is provided by Kent Police Design Out Crime Team and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.
- 5.1421 **Kent Police** (28/11/24) - Kent Police have provided the same response as the one above from 28/03/24.
- 5.1422 **Sport England** (22/01/25) - Sport England – Non Statutory Role and Policy
- 5.1423 The site is not considered to form part of, or constitute a playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore, Sport England has considered this a non-statutory consultation.
- 5.1424 The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.
<https://www.gov.uk/guidance/openspace-sports-and-recreation-facilities-public-rights-of-way-and-local-greenspace#open-space-sports-and-recreation-facilities>
- 5.1425 This application falls within the scope of the above guidance as it relates to major housing development above 300 dwellings and because it involves the creation of new playing field.
- 5.1426 Sport England assesses this type of application considering the National Planning Policy Framework (NPPF) and against its own 12 planning-for-sport principles. The three overarching principles are to: recognise and give significant weight to the benefits of sport and physical activity; undertake, maintain and apply robust and up-to-date assessments of need and strategies for sport and physical activity provision, and base policies, decisions and guidance upon them; and plan, design and maintain buildings, developments, facilities, land and environments that enable people to lead active lifestyles. These three overarching principles form the framework for a further nine principles under the broad categories of Protect, Enhance, and Provide. Further information on the principles and Sport England's

wider planning guidance can be found on its website:

<http://www.sportengland.org/planningforsport>

- 5.1427 The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up-to-date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The Proposal and Assessment against Sport England's Objectives and the NPPF

- 5.1428 The proposal is to create up to 1,300 dwellings and associated infrastructure.
- 5.1429 The population of the proposed development is estimated to be 3,211 (page 650 of the Environmental Statement). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.
- 5.1430 You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that an additional population of 3,211 in Tonbridge and Malling will generate a demand for the following: 0.09 artificial grass pitches at a cost of £104,068; 0.05 indoor bowls centre rinks at a cost of £25,898; 0.42 outdoor tennis courts at a cost of £50,901; 0.83 sports hall courts at a cost of £661,592; and 0.65 swimming pool lanes at a cost of £799,019.
- 5.1431 The Applicant's planning statement refers to possible contributions through a s.106 legal obligation towards education, healthcare, social infrastructure, and public services. Sport England would support those, however, no references appear to be made in respect of indoor sport and recreation facilities. Sport England considers that, in the absence of the Local Authority being satisfied that this demand can be accommodated within existing facilities, a financial contribution towards off site provision should be secured based on the figures generated by the Sports Facility Calculator. In the absence of contributions being secured, Sport England is currently unable to support the application.

Playing Field Demand

- 5.1432 The proposal includes a site with land for playing fields to be set aside for transfer to an education provider for the provision of a primary school. This would be secured through a s.106 legal agreement if outline planning permission is granted. It is not clear at this stage the exact dimensions these pitches will be.
- 5.1433 The FF (Football Foundation), who represent the FA and the Kent FA, advise that the Tonbridge and Malling Playing Pitch Strategy indicates that there is a deficit in 9v9, 7v7, and 5v5 pitches in the Malling and surrounds sub area during peak times and this will be exacerbated with this housing development and the continued rise in participation in youth football nationally, so, the pitches proposed for the school site could help to alleviate this pressure. The FF and Kent FA would like to see a community usage agreement for the pitches to ensure they will be able to be accessed by the local community and priced reasonably. Furthermore, the FF advise that the pitches will need to be suitable for football and offer advice on how this can be achieved.
- 5.1434 It is recognised that provision of new playing fields will be determined at the Reserved Matters (RM) stage, if and when, the school is delivered. However, at this juncture Sport England would recommend that as part of that RM stage reference is made to the Council's Playing Pitch Strategy (PPS) in arriving at the final mix of pitch provision. The emerging PPS identifies that for football there is an undersupply of pitches.

Playing Field Design

- 5.1435 Given this is an outline application there is no detail provided at this stage regarding the design of the proposed new playing field. Notwithstanding this, it is advised that the applicant should consider (at the RM stage) whether there are sufficient run-offs surrounding the pitches, and whether the space around the pitches is sufficient to allow the pitches to be marked out in different locales to avoid wear and tear and allow for the long term management of the pitches.
- 5.1436 Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. It is recommended that these details are provided as part of the Reserved Matters application for the school so that the design of the playing field can take into account the constraints of the site and ensure that the resulting playing field is fit for purpose. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport', and in the guidance of the relevant NGB's for the sports to be played at the site. A scheme of playing field maintenance will also be required.
- 5.1437 A copy of this guidance can be found at:

<http://www.sportengland.org/facilities-planning/tools-guidance/design-andcost-guidance/natural-turf-for-sport/>

- 5.1438 To address this, the planning conditions towards the end of this response are required, including the securing of the use of the school's playing field and associated sports facilities including changing rooms, and car parking through a community use agreement; to maximise the benefits to sport and to ensure that the terms of community use are secured in accordance with best practice.

Active Design

- 5.1439 Sport England, in conjunction with Active Travel England and the Office for Health Improvement and Disparities, has produced 'Active Design' (May 2023), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/designand-cost-guidance/active-design>

Conclusion

- 5.1440 Given the above, Sport England raises an objection to the application because it fails to provide for a financial contribution towards the off-site provision of indoor sport and recreation facilities. Notwithstanding this and without prejudice to our objection, in the event that the Local Planning Authority wish to approve the application, we would recommend the following conditions be secured:

Condition 1

- 5.1441 a. No development shall commence [or other specified time period] until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

- 5.1442 b. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 5.1443 Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.
- 5.1444 Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)

Condition 2

- 5.1445 The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application *, Section * and Drawing No. **] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before [first use] [or occupation] [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.
- 5.1446 Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy **.

Condition 3

- 5.1447 No development shall commence [or other specified time period] until a schedule of playing field maintenance including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period] has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.
- 5.1448 Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.
- 5.1449 Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the

National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

Condition 4

- 5.1450 Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."
- 5.1451 Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.
- 5.1452 Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.
- 5.1453 **Forestry Commission** (17/04/24) - As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to avoid or limit impacts and result in overall gains wherever possible.

Impacts

- 5.1454 We appreciate that this is an outline planning application with all matters reserved except for access, so have based our comments on the principle of development of the scale and layout indicated in the submitted documents. Our advice is based on an initial desk-based assessment and in consultation with the local woodland officer who is familiar with the area.
- 5.1455 In our view, the proposed development is likely to result in significant deterioration of ancient woodland as a result of the following impacts:
- Recreational pressure
 - Habitat fragmentation
 - Artificial lighting impacting species using the woodland

- Potential for hydrological changes to the ancient woodland
- Other potential impacts that should be robustly assessed in line with the Standing Advice for Ancient Woodland, Ancient Trees and Veteran trees, including the Standing Advice Assessment Guide (see policy section below)

5.1456 This particularly applies to Dog Kennel Woods (ancient semi natural woodland) but there are also concerns relating to the severance and impacts on other ancient and non-ancient woodland to the east and south of the site, which require careful consideration.

5.1457 We advise that significant changes to the proposed design and layout, in addition to suitable mitigation measures are likely to be needed before deterioration of ancient woodland can be ruled out.

Buffer

5.1458 We welcome the principle of providing a buffer between the Ancient Woodland and development. We would like to highlight that the 15m buffer quoted in the standing advice is a minimum starting point that applies to any development near to ancient woodland. For example, this would also apply to a development to one dwelling. Therefore, I would question the suitability of applying the same minimum buffer for a site for these dwellings and would strongly encourage a significantly larger and high quality buffer should be adopted in this case, especially as the development would be putting pressure on the woodland and the species it can support from multiple sides (e.g. from recreational pressure, light/noise, littering, loss of surrounding green space for foraging etc.)

5.1459 For large-scale developments like this, I would encourage a buffer that includes a graded edge from new woodland, to minor species/scattered tree planting, scrub to species-rich rough grassland.

Connectivity

5.1460 I am concerned about the severance and pressure on the woodland that is likely to be caused by the development. As it currently stands, the proposal is likely to result in the woodland becoming isolated 'islands' in amongst a predominantly built environment. This could be avoided by expanding the buffer (as suggested above), focussing a greater extent of habitat creation/woodland expansion around the woodland edge and adding linear and 'stepping stone' habitats around the site boundary in the form of hedgerows, lines of trees, woodland, ponds, nature-based SuDS and other habitats, to allow species such as bats, birds, mammals etc to move between existing habitats.

Policy

5.1461 Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 186(c) in the NPPF sets out that development resulting in the loss or

deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.

- 5.1462 Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 136 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.
- 5.1463 For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.
- 5.1464 Biodiversity Net Gain (BNG): Paragraph 180(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 186(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the wider range of benefits trees, hedgerows and woodlands can provide as part of delivering good practice biodiversity net gain requirements. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.
- 5.1465 Mitigation of impacts
- 5.1466 If the principle of development on this site is to be considered further, we advise that the following measures would be required to help avoid deterioration of the ancient woodland and to prevent wider environmental impacts:

- Substantially larger buffer area between development and ancient woodland than the 15m minimum.
- Propose more significant levels of high quality ecologically designed green space that complements the existing habitats, prioritising ancient woodland. This could include green infrastructure that also provides multi-functional benefits such as recreation and sustainable drainage.
- Direct biodiversity gains provision around the woodland. This could include woodland planting around the existing woodland areas to expand canopy cover, followed by a graded edge from scattered tree planting, scrub and species-rich grassland to amenity grassland.
- Bolster existing and create new linear habitats that safeguard and improve connectivity between woodlands. This could be achieved by making hedgerows wider and incorporating additional habitat to widen linear habitats and space between development.
- Restricted/sensitive access to the ancient woodland and additional greenspace to provide more dedicated recreational space to direct away from the ancient woodland.
- Active management of the woodland on site with a commitment to enhance its ecological condition.

5.1467 We would also like to point out that biodiversity net gain is likely to be very difficult to achieve given the scale of development on greenfield land with minimal levels of habitat creation/enhancement being proposed.

5.1468 **Forestry Commission** (28/11/24) - As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to avoid or limit impacts and result in overall gains wherever possible.

5.1469 The planning authority should consider the following policy and guidance as part of their decision-making process for this application (updated February 2024):

5.1470 1. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 186(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Impacts can be caused by activities outside of areas designated as ancient woodland (e.g. within buffer zones), or within open areas of ancient woodland, which can result in loss or deterioration of ancient woodland.

- 5.1471 Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.
- 5.1472 The Town and Country Planning (Consultation) (England) Direction 2024 (published January 2024) requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development that affects ancient woodland: The Town and Country Planning (Consultation) (England) Direction 2024 - GOV.UK (www.gov.uk).
- 5.1473 2. Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution. Paragraph 136 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.
- 5.1474 For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.
- 5.1475 3. Biodiversity Net Gain (BNG): As of the 12th of February 2024, major development (unless exempt) will have to deliver 10% net gain in biodiversity. Paragraph 180(d) of the NPPF also sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the wider range of benefits trees, hedgerows and woodlands can provide as part of delivering good practice biodiversity net gain requirements in addition to contributing to the BNG figure. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.
- 5.1476 We would also like to remind applicants that tree felling may require a felling licence from the Forestry Commission.

5.1477 **Forestry Commission** (09/01/25) - We welcome the added commitment to manage and enhance the woodland on site. However, in our view, managing the woodland does not mitigate all impacts to the woodland that would occur as a result of the development due to its scale, proximity and layout which completely surround the woodland, severing it from other habitats and the wider landscape and the multiple impacts that are likely to impact the woodland's condition that we have previously highlighted. We reiterate our comments outlined on the 17th of April 2024 and advise that these still apply in that the significant deterioration of ancient woodland is expected as a result of this project as it currently stands. Please refer to our previous comments outlined in the below including the ways that impacts might be avoided.

5.1478 **British Horse Society** (08/05/24) - We wish to place a conditional objection on both of these planning applications. We have recently met the applicants and their agents and have discussed our proposals with them (outlined below). Subject to these matters being included and formalised within any planning permission granted, we would be willing to remove our objection.

Background for our comments

5.1479 9190 passported horses are owned by people living in the postcodes contained within Tonbridge & Malling Borough Council area, contributing in excess of £63 million to the economy, much of which is spent locally (feed, bedding, farriers, vets, riding instructors and riding schools, etc.).

5.1480 British Horse Society statistics for road incidents involving horses and riders for 2023 show that:

- A total of 3,383 road incidents involving horses were recorded with the BHS
- Of those, 66 horses died and 86 were injured
- Three people died, and 94 people were injured
- 23% of riders were victims of road rage or abuse
- 85% of incidents occurred because a vehicle passed by too closely or quickly.

5.1481 It is imperative that where new development takes place, the safety of ALL non-motorised users (NMUs) (not just walkers and cyclists) are taken into account. Connectivity and opportunities for off road respite from traffic are very important to equestrians as well as other NMUs.

National Planning Policy Framework

5.1482 "104. Planning policies and decisions should protect and enhance public rights of way and access, *including taking opportunities to provide better facilities for users*, for example by adding links to existing rights of way networks including National Trails." (my emphasis)

5.1483 Providing for equestrians within this application meets with NPPF requirements.

Kent ROWIP

5.1484 “The ROWIP will aim to encourage active lifestyles through:[...]

- working in partnership with planning authorities and developers to create well-designed, accessible environments that encourage active travel and walking, cycling and *horse riding* as leisure and recreational pursuits.”

AL01 Increase health & wellbeing benefits

5.1485 “1.3 *Improve connectivity and consider equestrian and other parking where reasonable to encourage recreational and leisure activity*; including access to country parks, honey pot sites and other facilities of high leisure use, such as National Trails, promoted routes and routes within and leading to AONBs.”

5.1486 “1.5 Work with partners to support implementation of health improvement initiatives, such as Walking for Health, cycling and *equestrian initiatives* and GP referrals.”

AL02 Active Travel

5.1487 “1.9 Provide motorised traffic free, safe walking, cycling and *equestrian* routes linking to towns, urban and rural areas. Seek to provide longer distance links between urban centres.”

KT06 Grow New Markets

5.1488 “3.17 *Improving priority routes which facilitate horse riding*, cycling and walking for more targeted tourist leisure and recreational use”

5.1489 Including equestrians within proposals for other NMUs goes a long way to meeting the aspirations of the Kent ROWIP and we would encourage KCC, the Borough Council and the applicant to work together to ensure this is done.

5.1490 (Areas highlighted are my emphasis)

5.1491 During the afore-mentioned meeting, the following matters were discussed:

5.1492 1. The access road connecting the development to East Malling should legally and demonstrably include equestrians (appropriate signage, etc.) The proposed provision for walkers and cyclists is sufficient to include horse riders.

5.1493 2. Where provision is made for cyclists through the site, this should also include equestrians. Where possible, and certainly where this is proposed over existing footpaths, these paths should be upgraded to bridleways rather than multi-use paths which, unfortunately, have no legal definition.

5.1494 3. Careful consideration of ALL NMUs needs to be made at the junction with Kiln Barn Road. The current plans would place horse riders between the motorised

traffic on one side and cyclists on the other. During our discussions it was felt that it should be possible to accommodate equestrians within much of the off road provision. To exclude the impact of this junction on equestrians from the risk analysis would be a serious omission.

- 5.1495 4. South of the junction with Kiln Barn Road, there is currently a missed opportunity to make safe connectivity of the development with byway MR496 for NMUs. Whilst space is limited along the 0.5km stretch of Kiln Barn Road, with some traffic management this would make a useful commuting route for vulnerable road users to the hospital and to Maidstone schools and beyond as well as provide connectivity to an area of informal open space which has been very popular for decades with local horse riders, cyclists and walkers.
- 5.1496 We believe that these measures would go some way towards mitigating the impact of the additional vehicular traffic on the safety of equestrians on local roads and to ensuring that new residents were immediately aware of the existence of equestrians in their neighbourhood.
- 5.1497 **Teston Parish Council** (03/05/24) – Background
- 5.1498 1. We assume that many Members and Officers of Tonbridge & Malling Borough Council would wish to see this application approved, as it would represent a very significant element of its need for “housing numbers” in its second endeavour to establish a new Local Plan.
- 5.1499 2. It is therefore essential that, if approved, it becomes clear that high standards have been applied to its scrutiny.
- 5.1500 3. While other factors also merit such high standards and may fail them, it is our view that the applicant’s consultant’s review of traffic implications is flawed and adverse consequences of additional traffic generation are such that this application would fail any reasonable, let alone high, standard of judgement.
- 5.1501 4. The East Malling Trust (the applicant) has existed for over a century, with the objectives:
- *The advancement of science for public benefit, primarily through the support of research and development, particularly in the fields of horticultural and other plant based disciplines*
 - *Optimisation of net income obtained from letting the Trust’s property asset*
 - *Fulfilling the duty of care to Bradbourne House, a Grade 1 listed building and maintaining the heritage of the estate.*
- 5.1502 5. This application may be the Trust’s first step towards completely exiting its historic home and taking the funds derived from housing development to collaborate with other parties elsewhere in the UK.

5.1503 6. It is concerning that a Trust, centred on horticulture and maintaining the heritage of the estate, is now endeavouring to sell its land for housing development to the detriment of both. Money is talking.

5.1504 7. While that is not a planning matter, it provides context for the ethical and community aspects of the application.

Teston's Interest

5.1505 8. Teston is in Maidstone Borough, but is adjacent to East Malling and Watlingbury that are within Tonbridge & Malling Borough.

5.1506 9. Teston has well-documented issues with traffic flows, particularly during rush-hours.

5.1507 10. Much of the traffic flow along Hermitage Lane also flows along the A26 through Teston and the traffic lights at Watlingbury.

5.1508 11. Similarly for traffic flow through East Malling.

5.1509 12. Teston's concern is therefore based on traffic that would be generated by this proposed development.

Travel scenarios

5.1510 13. Three are defined, with our highlighting:

5.1511 *Aspirational - fully embraces the vision for the develop and aspires to achieve the greatest levels of sustainability possible for the site. The trip rate assumptions associated with this forecast outcome will take account of a comprehensive strategy of sustainable travel improvements and incentivisation alongside an element of constraint on the surrounding highway network, further encouraging travel by sustainable modes where possible.*

5.1512 *Moderate – following the same ethos as the aspirational scenario in terms of seeking to achieve a highly sustainable site but represents a scenario whereby the aspirational levels of trip generation are not realised and more conventional peak hour vehicular trip rates to/from the development are realised instead.*

5.1513 *Pessimistic – represents the opposite end of the spectrum to the aspirational scenario and instead presents a plausible outcome where a highway capacity led approach to enabling and mitigating the development is adopted. This is reflected in the higher development trip rates used within this scenario.*

5.1514 14. The applicant's consultant welcomes the Aspirational Scenario delivering a "stick" to force behavioural change upon residents through adding to the already challenging highways experience near the proposed site.

Traffic Generation

- 5.1515 15. The applicant, The East Malling Trust, engaged Charles & Associates to provide a Transport Assessment; they are based at the East Malling Trust Estate, which may indicate the degree of objectivity brought to the analysis.
- 5.1516 16. Transport Assessment Vol 1 – Executive Summary contains, at paragraphs 2.1.1 to 2.1.4 (inclusive), with our highlighting:
- 5.1517 *This application for development at Bradbourne, East Malling comes forward during a paradigm shift in the way that new development in the UK is being planned for. Historically, development and infrastructure planning has endeavoured to predict the anticipated traffic outcomes of development, using historical trends and patterns, and thereafter provide interventions to support those predictions. This approach has failed, which is clearly evident through car dominated developments, ever increasing traffic congestion on our roads and worsening air quality.*
- 5.1518 *However, more recent research indicates that our society is experiencing significant changes in terms of travel behaviours, and technological advances are providing more opportunities and choice in how we work, shop etc. These changes have been accelerated by the effects of the COVID-19 pandemic, with increased levels of working from home, online shopping and access to services remotely. Therefore, maintaining the Predict and Provide (P&P) approach risks an over-provision of highway capacity which, in turn, encourages travel by car.*
- 5.1519 *New methods of planning for and assessing residential development which seek to learn from past mistakes and deliver much needed housing in a fully sustainable manner have been developed and are becoming more widespread across the UK. These methods will be adopted with respect to this development to lay the building blocks towards a highly accessible development and a transport network that prioritises sustainable modes of travel.*
- 5.1520 *A ‘Vision-led’ approach represents a new paradigm for more sustainable development. It is an approach to planning that no longer accepts or tolerates as inevitable the material impact of unsustainable development which simply provides mitigation for that impact. Rather, it drives the development towards a genuinely sustainable future that minimises or even eliminates the need for highway network interventions, which invariably provide for and encourage car-based travel in a manner at odds with long-term sustainability policy objectives.*
- 5.1521 *These objectives will never be achieved by continuing to build development which is dependent on the delivery of supporting highway infrastructure that simply perpetuates historical trends. Put simply, new development must ensure that people need to travel less and when they do need travel, it should be over the shortest distances possible and by the most sustainable and healthy modes of travel.*

- 5.1522 *Traffic congestion is often cited as a reason for development not to take place, particularly in areas where numerous amenities are provided and strategic movement corridors are present, as is the case with this proposal. However, it is apparent that sites which have the greatest inherent sustainability, in terms of proximity to surrounding amenities, will almost inevitably suffer from traffic congestion as these amenities will also serve the wider community where opportunities to travel by means other than the car are less. As such, if development is located away from these areas, people will still need to access the services in the locality, however, the opportunities for travel to/from these by sustainable modes will be lost.*
- 5.1523 *In the past, the identification and delivery of highway mitigation was considered as a prerequisite for development to take place. This TA embraces a different concept that a level of traffic congestion during highway peaks, when combined with sustainable travel improvements, will assist in encouraging use of alternative modes of travel. Clearly, the level of congestion will need to be considered and managed to maintain road safety, however, it is intended that an element of highway constraint will act as the ‘stick’ to the ‘carrot’ of comprehensive sustainable travel improvements.*
- 5.1524 17. That conveniently fits with the recent declaration by Kent County Council that makes clear that its shortage of funds has led to a change in its approach to highways interventions i.e. try to restrict, if not avoid.
- 5.1525 18. In essence, this application has grasped this “paradigm shift” to justify an apparently complex analysis of traffic implications that in reality is based on unsound foundations:
- underestimated new traffic generation;
 - optimistic views on modal shift, more-or-less dismissing residents’ propensity to use a car rather than walk, cycle or bus for any journey over a few hundred metres;
 - postulating trends in Trip Rate Trends that are highly “creative” (see pages 24-26 of Transport Assessment Vol 5 – Multi-Modal Assessment); and
 - delaying mitigation until after the adverse effect of newly generated traffic has been confirmed by measurement at annual intervals, with “trigger points” then likely to be followed by disagreement, debate and lack of funding and lack of commitment to install mitigation.
- 5.1526 19. The consultants implicitly admit that there will be an adverse traffic impact, but welcome it as a “stick” to force residents into what they assert would be more-sustainable behaviour, whether or not residents would welcome that stick.
- 5.1527 20. The TRICS Consortium provides statistics and briefing to its membership. TRICS made a success of its database by making historical traffic statistics available to its members when preparing reports to support proposed developments. The Consortium has now grasped this apparent paradigm shift to

provide material that is advantageous to would-be developers and to perpetuate its financial success.

- 5.1528 21. In essence, “Predict & Provide” predicts the anticipated traffic outcomes of development, using historical trends and patterns, with interventions then provided to mitigate adverse predictions.
- 5.1529 22. This is now being displaced by “Decide & Provide”. It no longer accepts or tolerates as inevitable mitigations against the adverse material impact of unsustainable development. It now chooses to endeavour to engineer behaviour, driving the development towards a “genuinely sustainable future”, thereby minimising or even eliminating the need for highway network interventions, as they “invariably provide for and encourage car-based travel in a manner at odds with long-term sustainability policy objectives”.
- 5.1530 23. All very laudable, but failing to recognise the behaviour and wishes of residents.
- 5.1531 24. The contrast is summarised by TRICS as:

Predict and Provide (P&P)	Decide and Provide (D&P)
Forecast a most likely mobility future	Decide on a preferred accessibility future
Demand-led supply	Supply-led demand
Conceals uncertainty	Accommodates Uncertainty
Reactive	Proactive

- 5.1532 25. That summary is somewhat misleading. It is D&P that is reactive, as it envisages intervention after need has been measured and demonstrated through actual experience, whereas P&P endeavours to avoid additional poor experience for residents by recognising obvious adverse impacts and possible mitigations. That is reinforced by D&P using supply restriction to reduce demand, rather than demand giving rise to planned supply. Finally, D&P only accommodates uncertainty by not planning for it and failing to accommodate easily foreseeable impacts of development and necessary mitigations.
- 5.1533 26. D&P is attractive to the developer, because it defers, perhaps forever, possible mitigations, leaving residents to suffer adverse impacts and then having to adjust travel patterns, shifting those impacts to other parts of the transport network, which, realistically, is predominantly not bus, rail or cycle, but vehicular traffic.

Trip Rates

- 5.1534 27. Transport Assessment Vol 5 – Multi-Modal Assessment Appendix C contains the TRICS Reports that were selected to provide the foundation for a complex construct to arrive at Trip Rates.

- 5.1535 28. The consultant's choice of "comparable" sites includes (with duplications below, as the table contents are extracted from the various elements of the consultant's analysis), with our highlights:

03 SOUTH WEST CW CORNWALL 2 days 04 EAST ANGLIA SF SUFFOLK 1 days 05 EAST MIDLANDS LE LEICESTERSHIRE 1 days NT NOTTINGHAMSHIRE 1 days 06 WEST MIDLANDS WM WEST MIDLANDS 2 days WO WORCESTERSHIRE 3 days 07 YORKSHIRE & NORTH LINCOLNSHIRE NY NORTH YORKSHIRE 1 days 08 NORTH WEST BB BLACKBURN WITH DARWEN 1 days LC LANCASHIRE 1 days 09 NORTH TV TEES VALLEY 1 days 10 WALES CF CARDIFF 1 days CP CAERPHILLY 1 days WR WREXHAM 1 days 11 SCOTLAND FI FIFE 1 days 12 CONNAUGHT GA GALWAY 01 GREATER LONDON KI KINGSTON 2 days 04 EAST ANGLIA PB PETERBOROUGH 1 days SF SUFFOLK 1 days	06 WEST MIDLANDS OT STOKE ON TRENT 1 days SH SHROPSHIRE 1 days 08 NORTH WEST EC CHESHIRE EAST 1 days 09 NORTH CB CUMBRIA 1 days 11 SCOTLAND AG ANGUS 1 days HI HIGHLAND 1 days PK PERTH & KINROSS 1 days 14 LEINSTER KD KILDARE 1 days KK KILKENNY 1 days 17 ULSTER (NORTHERN IRELAND) AN ANTRIM 02 SOUTH EAST ES EAST SUSSEX 1 days HC HAMPSHIRE 1 days KC KENT 1 days 03 SOUTH WEST DV DEVON 2 days TB TORBAY 1 days 04 EAST ANGLIA NF NORFOLK 1 days 06 WEST MIDLANDS SH SHROPSHIRE 1 days 07 YORKSHIRE & NORTH LINCOLNSHIRE NY NORTH YORKSHIRE 1 days SY SOUTH YORKSHIRE 1 days	08 NORTH WEST MS MERSEYSIDE 1 days 10 WALES PS POWYS 1 days VG VALE OF GLAMORGAN 1 days 11 SCOTLAND FA FALKIRK 2 days 12 CONNAUGHT RO ROSCOMMON 1 days 14 LEINSTER WX WEXFORD 1 days 02 SOUTH EAST ES EAST SUSSEX 1 days EX ESSEX 1 days HC HAMPSHIRE 1 days KC KENT 1 days SC SURREY 1 days 03 SOUTH WEST DV DEVON 2 days TB TORBAY 1 days 04 EAST ANGLIA NF NORFOLK 1 days 06 WEST MIDLANDS SH SHROPSHIRE 1 days 07 YORKSHIRE & NORTH LINCOLNSHIRE NY NORTH YORKSHIRE 1 days	08 NORTH WEST MS MERSEYSIDE 1 days 10 WALES PS POWYS 1 days VG VALE OF GLAMORGAN 1 days 11 SCOTLAND FA FALKIRK 2 days 12 CONNAUGHT RO ROSCOMMON 1 days 14 LEINSTER WX WEXFORD 1 days 01 GREATER LONDON EN ENFIELD 2 days 02 SOUTH EAST EX ESSEX 1 days HC HAMPSHIRE 2 days HF HERTFORDSHIRE 1 days MW MEDWAY 1 days WS WEST SUSSEX 2 days 03 SOUTH WEST DC DORSET 1 days 04 EAST ANGLIA NF NORFOLK 2 days SF SUFFOLK 1 days 11 SCOTLAND AS ABERDEENSHIRE 1 days 14 LEINSTER WC WICKLOW

- 5.1536 29. The yellow highlights indicate those, in particular, which are rather surprising candidates for "comparability" with a proposed major development in an already very congested part of the South-East of England.

- 5.1537 30. Transport Assessment Vol 5 – Multi-Modal Assessment states, in paragraph 3.1.8, the conclusion from that TRICS analysis:

The weekday peak hour person trip rates for the proposed development have been established as 1.148 for the AM peak (0800-0900) and 0.824 for the PM peak (1700-1800), with a respective person trip generation of 1,492 and 1,071 from 1,300 residential units.

- 5.1538 31. It is revealing to consider what other consultants have assumed when promoting nearby sites. For instance, the consultants WSP for Berkeley Homes (Eastern Counties) Ltd at Broadwater Farm, North of Kings Hill submitted in 2021 the following statistics for the 900 proposed dwellings (application subsequently withdrawn):

Table 5-4 – Total Person Trip Rates (per-unit)

Time Period	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arr.	Dep.	Two-Way	Arr.	Dep.	Two-Way
Total Person Trip Rate per Unit	0.224	0.956	1.180	0.641	0.290	0.931

5.1.13. → The above TRICS assessment suggests total two-way person trip rates of 1.180 and 0.931 for the AM and PM peak hours respectively. This is greater than those used in the Liberty applications and is therefore considered to be robust and indeed may over-estimate the out-turn demand.

5.1.14. → The envisaged person trip rates shown in **Table 5-4** have been used as the starting point for the multi-modal trip generation analysis presented below. To inform the vehicle trip generation and distribution for the proposed development, trip rates in relation to vehicular (and other) modes have then been calculated as explained below.

5.1.15. → The total person trip rates at **Table 5-4** have been applied to the proposed development quantum of 900 units, as presented below at **Table 5-5**.

Table 5-5 – Total Person Trip Generation (900 Dwellings)

Time Period	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
Total Person Trips	202	860	1,062	577	261	838

5.1.16. → **Table 5-5** demonstrates that the residential element of the proposed development is envisaged to generate a total of 1,062 and 838 two-way person trips during the AM and PM peak hours respectively. The forecast purpose of each of these trips is assessed below.

5.1539 32. While in broad agreement for AM Peak, (1.148 vs 1.180), there is wide disagreement for PM Peak (0.931 vs 0.824 – 13% increase) for Total Person Trip Rates (per unit).

5.1540 33. That 13% would exacerbate adverse traffic impacts. Trip Rates – our summary comments.

5.1541 34. The consultant's traffic analysis is clothed in complex analysis, but on a foundation of doubtful statistics.

5.1542 35. It paints an optimistic picture of relatively low Trip Rates, reduced further by the Aspirational Scenario and its "stick" and then obvious adverse impact mitigations deferred, or even avoided, by adoption of Decide & Provide strategy.

5.1543 36. The developer and Highways benefit and residents suffer added pain.

5.1544 37. In summary:

Assumptions	Comment
A vision (Aspirational scenario)	In essence, a wish divorced from past experience and dependent on wielding a "stick" that residents are likely to resist.
Person Trip Generation	Car ownership amongst the new residents would probably be in excess of 2 per dwelling and, in the early years, residents will be of working age (while, over the years, more residents may be retired). Peak hour trips of 1,492 and 1,071 (AM and PM, respectively) look very "light" within the context of 1300 homes, 2 vehicles per home and residents generally of working age, with home- and local-working limited, buses limited and probably financially challenged, and walking and cycling assumptions very unrealistic.
Attraction Factors (page 10 of Transport Assessment Vol 5 – Multi-Modal Assessment)	We are unable to comment on these, other than wondering whether a Primary School would actually be established, given falling pupil numbers.
Sustainable Modes usage assumptions (page 10 of Transport Assessment Vol 5 – Multi-Modal Assessment)	Up to 3km is deemed suitable for walking and cycling, with up to 5km suitable for cycling and public transport. Such ideas are fanciful, especially when laden with shopping or with young children or when the weather is inclement. Realism is required and all but a very small proportion of trips should be assumed by private vehicle.
Trip Rate Trend Graphs (pages 24-26 of Transport Assessment Vol 5 – Multi-Modal Assessment)	The extrapolated lines, particularly for the Moderate Scenario, somewhat stretch credibility. For AM and PM Peaks, they claim a 14% and 27% reduction by 2038, respectively, from the 2018 figures i.e. before COVID-19.
Queue Lengths (pages 41-44 of Transport Assessment Vol 5 – Multi-Modal Assessment)	As would be expected, the Aspirational Scenario, with its vision, shows no significant increases at the 17 observation points. However, the other scenarios show a significant worsening at many of those sites, particularly A20/Hermitage Lane.

- 5.1545 38. What is required is reversion to Predict & Provide, rather than residents being treated with a "stick" while available traffic mitigations are deferred until confirmed by real-life measurements (i.e. after the event) as necessary, then planned, then financed, then delivered.
- 5.1546 39. The Aspirational Scenario and its "stick" should be discarded as social engineering, unwelcomed by residents.
- 5.1547 40. The Moderate Scenario should attract focus, with Trip Rate Assumptions reviewed and revised upwards considerably and Trip Rate Trend Graphs flattened at the 2018 level.
- 5.1548 41. It also requires that mitigations at Watlington Traffic Lights and at the Fountain / A26 are tested for realism. Both have previously been reviewed by Highways and declared as infeasible. Both of these locations would be adversely affected by any increase in traffic on Hermitage Lane.
- 5.1549 42. Linking the proposed development to New Road, East Mallings would produce a "competitor" to the A20, with considerable leakage through East Mallings Conservation Area, Watlington Traffic Lights and Teston.
- 5.1550 43. That would also encourage the development of a further large number of houses on the rest of the land owned by East Mallings Trust, with major implications for affected Parishes. That would remove any possibility of The East Mallings Trust gifting, and perhaps endowing, that land to a Community Trust for ongoing community amenity. If they are exiting the site, that would be somewhat more in keeping with their objectives than building houses and taking the resultant

monies away from the community that has provided it with a home for over one hundred years.

Monitoring

5.1551 44. The potential situation is made worse by advocacy for Decide & Provide; that is, reacting after it becomes evident through experience, and measurement, of real-life that there is a problem, rather than applying common sense and past experience to arrive at a view of what adverse impacts will arise and what mitigations will be necessary.

5.1552 45. That D&P strategy depends on subsequent monitoring of actual traffic flows.

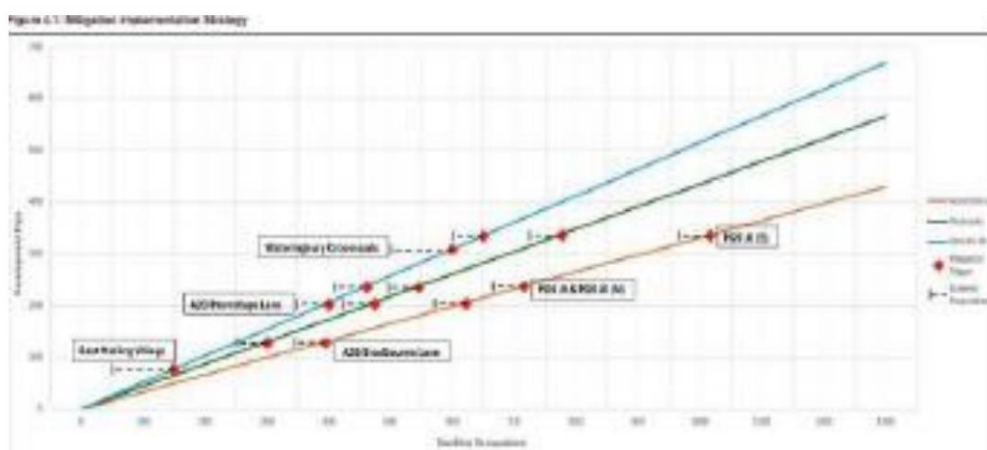
5.1553 46. Transport Assessment Vol 1 – Executive Summary contains, at paragraphs 8.1.5 to 8.1.7 (inclusive), with our highlighting:

A proposed monitoring strategy is identified in the MEP to evidence the transport impacts of the development at various stages throughout its construction and following completion/occupation of the development. A monitoring regime of yearly survey events starting a year after first occupation and finishing 3 years after final occupation, will track the progress of the site and its associated infrastructure in terms of trip generation and modal split.

The outputs of the surveys will be provided to the LPA as vehicular trip rates/generation and the modal split of development related traffic for the weekday highway peak hours.

Based upon the identified mitigation requirements and monitoring regime an overarching implementation mechanism was developed to inform the creation of appropriate planning conditions which enable appropriate mitigation responses to be applied in a flexible manner based upon the actual outcomes of the development.

5.1554 47. Transport Assessment Vol 6 – Monitoring & Evaluation Plan, in page 34, contains:



5.1555 48. It will be seen that:

48.1. Aspirational Scenario requires A20/Bradbourne, M20 J5 & M20 J6(n) and M20 J6(S) interventions;

48.2. Moderate Scenario then adds A20/Hermitage Lane intervention; and

48.3. Pessimistic Scenario then adds East Malling Village and Watringbury Crossroads interventions.

5.1556 49. However, modelling would appear to ignore the fact that much Hermitage Lane traffic goes through Watringbury traffic lights – a very problematic air quality area. That site should be triggered in line with Hermitage Lane, but mitigation has already been reviewed and set-aside by Highways.

5.1557 50. At each trigger point, there would be discussion, procrastination, funding challenges and then implementation issues. That is, not so much Decide & Provide as Procrastinate & Not Provide, while residents suffer the pain i.e. application of the “stick”.

5.1558 51. Voters may not remain relaxed at such outcome generated by T&M's decision, should it approve this application.

Our Request

5.1559 52. We note that many Members and Officers of T&M will be desperate to approve this application, as a very significant element of its need for “housing numbers” in its second endeavour to establish a new Local Plan.

5.1560 53. However, we ask that this application be refused, as the sustainability of additional traffic flows is not demonstrated by documents submitted with the application.

5.1561 54. To progress its preparation of a second Local Plan submission, we ask that T&M does not seek to place more development on its eastern border, compounding traffic issues that it and Maidstone Borough Council have already created around Hermitage Lane and A20.

5.1562 55. Instead we request that T&M follows MBC's example for its next Local Plan and, rather than distributing sites around the Borough and compounding existing problems, focuses upon cohesive concentrations, as MBC has done with its Garden Communities. That would imply that release of Green Belt may have to be countenanced.

5.1563 56. Finally, to ensure that the highest standards of scrutiny are applied to this application, and given T&M's potential conflict of interests, we request that East Malling & Larkfield, perhaps in cooperation with other Parishes, engages traffic

consultants to review the situation, with T&M agreeing fully to reimburse their costs of so doing.

5.1564 **TMBC Leisure Services** (23/02/2026) - Regarding the outline application for the development of up to 1300 dwellings west of Hermitage Lane Aylesford I can advise that Leisure Services would normally seek contributions for the following provision:

- Outdoor sports
- Parks and Gardens
- Amenity Green Spaces
- Children and Young Peoples Play Areas
- Natural Green Spaces contribution

5.1565 While the plans indicate that the development will include provision for Parks & Gardens, Amenity Green Spaces and Natural Green Spaces, we note a deficiency in both Outdoor Sport provision with regards to sports pitches and facilities, and Children and Young Peoples Play Areas, particularly the provision of Multi-Use Games Areas.

5.1566 If off-site provision were to be required, the Council may look to seek between £2,609,950 and £2,618,610 in contributions toward outdoor sports facilities. Indicative figures for the provision of Outdoor Sports Facilities have been calculated using the ranges within the illustrative housing mix provided on page 29 of the planning statement below.

Outdoor Sports Provision – Housing Mix A			
Dwelling type	No. of dwellings	Indicative on-site provision (sq. m)	Indicative contribution to off-site provision
1 Bed Apartment	78	62856.69	£2,618,610
2 Bed Apartment	182		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
Total provision	1300		

Outdoor Sports Provision – Housing Mix B

Dwelling type	No. of dwellings	Indicative on-site provision (sq. m)	Indicative contribution to off-site provision
1 Bed Apartment	104	62648.82	£2,609,950
2 Bed Apartment	156		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
Total provision	1300		

5.1567 Please note that the final sum for off-site contributions to be sought will be calculated using the calculations below:

5.1568 In the document, Guidance for outdoor play: Beyond the six acre standard, Fields in Trust sets out Quantity benchmark guidelines for equipped/designated play space. This is summarised in the table below:

Scale of development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi Use Games Area (MUGA)
5 – 10 dwellings	X			
10 – 200 dwellings	X	X		Contribution
201 - 500 dwellings	X	X	Contribution	X
501+ dwellings	X	X	X	X

5.1569 While the planning statement refers to LAPS, LEAPs and NEAPs being incorporated into the development further detail is required regarding size and design, there is no mention of Multi Use Games Areas, and this should be provided on-site.

5.1570 If off-site provision of a MUGA were to be required, **the Council may look to seek a portion of a figure between £343,841 and £342,704 in contributions toward the creation of a multi-use games area**, (Sport England MUGA (Multi-Use Games Area) costs generally range from £150,000 to over £500,000 for new builds, depending on size, surface type, and lighting. This figure excludes the price of land), indicative figures for the provision of Children and Young Peoples Play Areas have been calculated using the ranges within the illustrative housing mix provided on page 29 of the planning statement below:

Outdoor Sports Provision – Housing Mix A			
Dwelling type	No. of dwellings	Indicative on-site provision (sq.m)	Indicative contribution to off-site provision
1 Bed Apartment	78	3066.18	£343,841
2 Bed Apartment	182		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
Total provision	1300		

Outdoor Sports Provision – Housing Mix B			
Dwelling type	No. of dwellings	Indicative on-site provision (sq.m)	Indicative contribution to off-site provision
1 Bed Apartment	104	3056.04	£342,704
2 Bed Apartment	156		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
Total provision	1300		

5.1571 **Please note that the final sum for off-site contributions to be sought will be calculated using the calculations provided below:**

5.1572 **Outdoor sports contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing outdoor sports pitches within 3 miles of the development:

$$£41.66 \times 20.5 \times OS = \text{Outdoor Sports Contribution}$$

Where OS =

(number of one bed flats x 1.25) +

(number of two bed flats x 1.64) +

(number of three + bed flats x 2.17) +

(number of one bed houses x 1.30) +
(number of two bed houses x 2.11) +
(number of three bed houses x 2.62) +
(number of four + bed houses x 3.25)

- 5.1573 **Parks and Gardens contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing parks and gardens within 3 miles of the development:

$\text{£}18.62 \times 25 \times \text{PG} = \text{Parks and Gardens Contribution}$

Where PG =

(number of one bed flats x 1.25) +
(number of two bed flats x 1.64) +
(number of three + bed flats x 2.17) +
(number of one bed houses x 1.30) +
(number of two bed houses x 2.11) +
(number of three bed houses x 2.62) +
(number of four + bed houses x 3.25)

- 5.1574 **Amenity Green Spaces contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing amenity green spaces within 3 miles of the development:

$\text{£}6.38 \times 13.3 \times \text{AG} = \text{Amenity Green Spaces Contribution}$

Where AG =

(number of one bed flats x 1.25) +
(number of two bed flats x 1.64) +
(number of three + bed flats x 2.17) +
(number of one bed houses x 1.30) +
(number of two bed houses x 2.11) +

(number of three bed houses x 2.62) +

(number of four + bed houses x 3.2)

- 5.1575 **Children and Young Peoples Play Areas contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing Children and Young Peoples play areas within 3 miles of the development:

$£112.14 \times 1 \times PA = \text{Children and Young Peoples Play Areas contribution}$

Where PA =

(number of one bed flats x 1.25) +

(number of two bed flats x 1.64) +

(number of three + bed flats x 2.17) +

(number of one bed houses x 1.30) +

(number of two bed houses x 2.11) +

(number of three bed houses x 2.62) +

(number of four + bed houses x 3.25)

- 5.1576 **Natural Green Spaces contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing Natural Green Spaces within 3 miles of the development:

$£6.38 \times 28 \times NB = \text{Natural Green Spaces contribution}$

Where NG =

(number of one bed flats x 1.25) +

(number of two bed flats x 1.64) +

(number of three + bed flats x 2.17) +

(number of one bed houses x 1.30) +

(number of two bed houses x 2.11) +

(number of three bed houses x 2.62) +

(number of four + bed houses x 3.25)

5.1577 **Neighbour Consultee Comments:** A total of 525 comments have been received from local residents. Of these 523 have raised objections to the proposals and two letters of support has been received. The objections to the application are summarised below:

- Traffic / road safety concerns.
- Staggered junctions are confusing for drivers who don't know right of way.
- Traffic from the Bovis development (23/03060) – retrospective permission for access road onto Mill Road and New Road.
- No room for proposed cycle lanes.
- Not realistic to expect people to use bikes instead of cars due to an insufficient wider network.
- Straight streets on the new development may encourage speeding.
- Concerns regarding existing road conditions and the impact additional traffic will have on local roads.
- Concern over GP and hospital capacity.
- Lack of GPs to be employed at the practice even if one is built – reference to the Leybourne Chase development.
- Planning permission granted for two care homes in Kings Hill and West Malling will also increase demand on the existing practices.
- Significant harm to local wildlife through loss of habitat.
- Specific mention of stag beetles, skylarks, yellowhammers (red listed), waxwings, fieldfares, red wings, house martins (red listed), and bats.
- Loss of/damage to mature hedgerows and oak trees.
- Wildlife increasingly entering local gardens due to loss of habitat – e.g., grass snakes.
- Concern over school capacity, limited SEN capacity, potential teacher shortage. The area also has experienced reduced catchment of existing schools. There is no guarantee that the school will be built.
- Loss of valuable green space in the area.
- Too much development occurring in this area of the Borough.
- Air quality / dust / pollution concern.
- Reference to the TMBC Air Quality Report.
- Loss of recreational green space and changing character of footpaths.
- Limited NHS dentists in the area.
- Reduction in the quality of life of existing residents.
- Concern over limited water supply and frequent hosepipe bans.
- Flooding concern to local area.
- Loss of agricultural land for food growth and important agricultural research.
- Excessive noise will be generated from increased traffic and through construction.
- Concern over sewer capacity.

- Cycle lanes likely will not be used as the roads are not safe.
- The Sustainable Movement Corridor (SMC) should be removed/conditioned to ensure it is not turned into an all-access road.
- Concern that SMC will act as a by-pass for the A20.
- The bus gate will likely be abused – with reference to the existing bus gate in Allington.
- Doubt whether the proposed bus service will be used if it runs only to East Malling.
- Impact on the St James Church in East Malling will be unacceptable and will negatively impact mourners.
- Queries as to why the East Malling Trust would submit this application when they are a research charity.
- Proposed housing will not be affordable as the houses will be large family homes with few low-cost rentals.
- Loss of privacy for the Orchard Gate development.
- Light pollution will increase, and concern that the survey was conducted on a cloudy night and is therefore inaccurate.
- Insufficient parking is provided in the plans, and EV provision is unclear. The Brampton Fields development was cited as a previous development with parking issues.
- Harm to the character of the local villages, the East Malling Conservation Area, and the listed buildings within East Malling.
- Loss of the strategic gap between Tonbridge and Maidstone – related to Policy CP5.
- Lack of public transport/bus services and the proposed new routes will likely not be popular.
- Lack of community clubs and facilities.
- Concern over carbon emissions and contribution to climate change.
- Further EMT land could be sold along the SMC for future development.
- Insufficient provision of train services from Barming and East Malling stations, making the stations inadequate for commuters. This will increase vehicle traffic as people will have to travel to West Malling to commute.
- Concern over the impact of lengthy construction periods for the residents nearby.
- Poor existing bin services and too much litter.
- Queries as to how TMBC can decide without an up-to-date Local Plan.
- Potential for more sinkholes and potholes from heavy road use.
- Proposed density of the development is too high.
- Concern over National Grid coping with the increased demand.
- Archaeological concern as over one third of the site did not have trenches dug and a depth of 0.5m is not deep enough due to ploughing of the fields.
- Potential for soil and land contamination following extensive agricultural research which may be hazardous for future residents.
- Concern over broadband and phone signal.

- Anti-social behaviour will increase.
- Unacceptable removal of the listed wall at the entrance to the SMC.
- Reduced property value for existing houses nearby.
- Ancient Woodland buffer is insufficient.
- Concern over increased area for the police and fire services to attend to.
- Concerns with the accuracy of the data in the Transport and Access Statement.
- The park and ride service is no longer operational.
- Potential harm to the East Malling Roman Villa.
- Concern over the BNG report and suggestion that reports should be independently verified by a CIEEM registered ecologist.
- Impact on the Grade I listed Bradbourne House through the selling of the estate.
- The provision of natural learning/ play environments for children in the area is being removed.
- Impact on local geology.
- The additional traffic will prevent roads from closing to allow for certain festivals and celebrations.
- Housing will be of poor quality.
- Decreased job availability for locals due to increased population.
- Concerns over landslips onto the railway line.
- Impact on Deadman's Wood and the archaeological potential.
- Noise from Gallagher's quarry could impact future residents – work starts early in the mornings on weekdays and Saturdays.

6. Determining Issues:

6.1 The following policies and other material considerations are relevant to the proposal

National Planning Policy Framework (NPPF) 2024 (December)

National Planning Practice Guidance (NPPG)

Tonbridge and Malling Borough Core Strategy 2007 (TMBCS)

Policy CP1 Sustainable Development

Policy CP2 Sustainable Transport

Policy CP5 Strategic Gap

Policy CP6 Separate Identity of Settlements

Policy CP9 Agricultural Land

Policy CP14 Development in the Countryside

Policy CP24 Achieving a High Quality Environment

The Core Strategy is now time expired, however not all policies contained within it are out of date. The Core Strategy Policies Document sets out the weight of each policy based on relative conformity with the NPPF

Managing Development and the Environment Development Plan Document 2010 (MDE DPD):

Policy NE2 Habitat Networks

Policy NE3 Impact of Development on Biodiversity

Policy NE4 Trees, Hedgerows and Woodland

Policy SQ1 Landscape and Townscape Protection and Enhancement

Policy SQ5 Water Supply and Quality

Policy SQ6 Noise

Policy SQ8 Road Safety

TMBC Biodiversity Net Gain (BNG) Interim policy position statement

Kent Design SPD (Kent Design Guide)

KCC'S Parking Standards

TMBC Climate Change Strategy 2020 to 2030

Emerging Local Plan

- 6.2 On 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council's cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025, closing on 2 January 2026.
- 6.3 The emerging Local Plan sets out how the Council will meet the government's objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.
- 6.4 It should be noted that this Regulation 18 Local Plan carries no weight in the assessment of the application, but the evidence base may be material.
- Environmental Statement (ES)
- 6.5 There are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment. These arrangements include consideration of the adequacy of the information

provided, consultation, reaching a reasoned conclusion on the significant environmental effects of the proposed development, publicity, and informing the consultation bodies and public of both the decision and the main reasons for it.

- 6.6 The local planning authority must take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application.
- 6.7 The Council has followed the required steps of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regs) by consulting statutory consultees, informing persons having an interest in the application, placing the ES on the planning register and making it available on the Council's website, and sending copies of the ES to the Statement to Secretary of State.
- 6.8 Further information has been provided by the applicant, and the Council has followed the required processes in considering this information.
- 6.9 The ES has therefore been correctly submitted and the Council has correctly assessed the application in accordance with the EIA Regs.

Principle of the development

- 6.10 As Members will be aware, The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN) with its most recent published position at 2.89 years.
- 6.11 On 12 December 2024 the Government published an updated iteration of the NPPF, and the Minister of State for Housing and Planning, Matthew Pennycook MP, made a Written Ministerial Statement ("WMS"), 'Building the Homes We Need'. The WMS confirmed the Government's "ambitious goal of delivering 1.5 million new homes this Parliament" and outlined a series of measures to reflect the Government's "commitment not to duck the hard choices that must be confronted in order to tackle the housing crisis". The latest iteration of the NPPF, dated December 2024, retains the presumption in favour of sustainable development, as revised.
- 6.12 In the absence of a five-year supply of housing, the presumption in favour of sustainable development contained in paragraph 11 of the NPPF applies – including what is often called the "tilted balance", For decision taking this means:
- "c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 6.13 In undertaking this exercise, the adopted development plan must remain the starting point for the determination of any planning application (as statutorily required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this 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 development.
- 6.14 In relation to Paragraph 11(d)(i), the footnote to this paragraph (footnote 7) provides a list of those policies that relate to protected areas and assets of particular importance, this includes 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

- 6.15 The proposed development site is within the setting of heritage assets.
- 6.16 Paragraph 207 of the NPPF states that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”
- 6.17 Paragraph 208 of the NPPF set out 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.”
- 6.18 In terms of considering potential impacts arising from development proposals paragraph 212 of the NPPF confirms 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.”

- 6.19 Paragraph 215 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.”
- 6.20 Annexe 2 of the NPPF describes 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.”
- 6.21 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.
- 6.22 Within Chapter 15 of the ES, the applicant has addressed the significance of the relevant heritage assets, including the Grade I Church of St James, East Malling Village Conservation Area and the listed buildings within it, the Grade I Bradbourne House and the Romano-British villa complex, which is a Scheduled Monument. These heritage assets are found at the western end of the site, where the proposed SMC is located and where it meets New Road in East Malling. This being the case, it can be concluded that the housing element of the development, located between Hermitage Lane and Kiln Barn Road, will have no harm to the significance of any identified heritage asset.
- 6.23 Historic England’s guidance (The Setting of Heritage Assets, Planning Note 3) advises that the setting itself is not a heritage asset. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance.
- 6.24 The Historic England official list entry for the Church of St James includes the following description:
- “Church. C12, C14, rebuilt circa 1450-1500. Ragstone with some early materials, tiles and tufa, re-used in chancel. West tower, nave with aisles and chancel. Tower: 3 stages with angle buttresses, not original. Embattled with single pointed-arched belfrey openings and string below belfrey stage. Clock above tall west window. Norman windows to north and south (blocked). Clerestory nave and*

chancel. Transeptal chapels originally lengthened into aisles, early C14 windows to north, the original chancel windows. C19/C20 chancel east window.”

- 6.25 Historic England have provided a significant level of input to the application, given the potential for effects arising from the SMC on the setting of the Grade I Church of St James and the Grade I Bradbourne House and other heritage assets, including the East Malling Conservation Area. The focus of Historic England has been the harm that the SMC will have on the setting of the relevant heritage assets. The applicant has listened to the views of Historic England and has made amendments to the design of the SMC at the western end of the corridor, which have resulted in the layout before the Committee.
- 6.26 These amendments have reduced the level of infrastructure provided for the SMC in the section of the corridor between New Road and the crossing of the SMC by public right of way MR100 through the removal of the footway and cycle way on the southern side of the SMC and the provision of a shared footway and cycle way on the northern side of the SMC. Additional planting is proposed along this section of the SMC and this section will be sensitively surfaced and illuminated.
- 6.27 Following consideration of the amendments proposed, Historic England have concluded that the proposals will cause less than substantial harm, and within this category of harm, in their view the proposals would sit at the lower end of the scale of harm to the Church of St James.
- 6.28 Whilst it is acknowledged that design changes and mitigation measures, including landscaping, have reduced the impacts on the setting of the East Malling Conservation Area, it is considered that there is a degree of residual harm, although once again this would be at the lower end of the scale of harm within the less than substantial category. No harm is considered to arise to the remaining heritage assets assessed.
- 6.29 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. However, given that it is acknowledged that there will be less than substantial harm to a heritage asset, paragraph 215 of the NPPF requires this harm to be weighed against the public benefits of the proposal. This exercise will be carried out towards the end of this report.

Flooding

- 6.30 Policy CP10 of the TMBCS requires development 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.

- 6.31 Development which is acceptable 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.
- 6.32 These policies are consistent with the objectives of the framework at paragraphs 170 – 182, which require development not to be at risk of flooding (including through surface water flooding), not to increase the risk of flooding off site, and to provide suitable sustainable drainage systems. This is particularly relevant to major developments such as this.
- 6.33 The site lies with Flood Zone 1 and contains some very modest pockets of areas that are expected to experience 1 in 30 year and 1 in 100 year surface water flooding.
- 6.34 KCC (Flood and Water Management) has advised that it has no objection in principle to the development and are satisfied that the principles proposed for dealing with surface water, namely attenuation basins and deep bore hole soakaways do not increase the risk of flooding from or to the development. Furthermore, Southern Water have raised no objection to the application.
- 6.35 Conditions can be applied to ensure the scheme proceeds in line with the submitted details and that any future reserved matters applications demonstrate all requirements are met.
- 6.36 The development would therefore comply with policy CP10 of the TMBCS, and paragraphs 170 – 182 of the NPPF by not being vulnerable to flood risk, not increasing flood risk to adjoining areas or property, and by incorporating suitable SUDs, final details of which to be approved by reserved matters.

Locational characteristics and associated impacts

- 6.37 In terms of the principles of the development, Core Strategy policy CP14 is the most important to the determination of this application, due to its specific locational characteristics outside, but close to, the Malling Gap urban area.
- 6.38 Policy CP14 states that within the countryside, development will be restricted to:
- (a) Extensions to existing settlements in accordance with Policies CP11 or CP12; or
 - (b) The 1 for 1 replacement, or appropriate extension, of an existing dwelling or conversion of an existing building for residential use; or
 - (c) Development that is necessary for the purposes of agriculture or forestry including essential housing for farm or forestry workers; or

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

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

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

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

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

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

- 6.39 This policy seeks to limit development within the countryside including housing. However, the Borough Council has accepted on numerous occasions when dealing with other planning applications for residential developments within the countryside that this policy is out of date, inconsistent with more up to date policy in the NPPF and cannot, therefore, be attributed any meaningful weight in the determination of this particular planning application. As a result, this does not form a sufficient reason to resist the principle of development in this location.
- 6.40 Furthermore, this approach has been confirmed by numerous Planning Inspectorate decisions across the borough, including on land to the east of Hermitage Lane and to the south of Barming Railway Station (see: 20/02749/OAEA).
- 6.41 The application site lies within the area designated on the proposals map accompanying the current Development Plan as the Strategic Gap to which to policy CP5 of TMBCS applies. This policy seeks to protect the strategic gap between the built-up areas of the Medway Gap and Maidstone. However, following the abolition of the Regional Spatial Strategies (which supported such policy) by central Government and the subsequent production of the NPPF, which no longer supports the strategic gap policy, policy CP5 is also considered to be out of date and cannot be given any weight in the consideration of this application. This approach is also consistent with the Council's previous decisions, for example 17/01595/OAEA for Land at Hermitage Lane.
- 6.42 It is on this basis that no objection can be raised to the principle of development at this location, but the following assessment is made to consider whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits of doing so.

Separate Identity of settlements

- 6.43 Policy CP6 of the TMBCS relates to the separate identity of settlements. For the appeal against the refusal of the application for 340 dwellings on the land to the east of Hermitage Lane and to the south of Barming station (APP/H2265/W/21/3288065), the Council found no conflict with this policy, which states:

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

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

- 6.44 The aim of this policy is to preserve the separate identity of different settlements and their individual characters, rather than arbitrarily preventing development outside of settlement boundaries.

- 6.45 Furthermore, Quarry Wood Industrial Estate to the north, the existing railway line and the boundary treatment to the east and west boundaries spatially and visually cuts off the site from the surrounding area, and the submitted masterplan (although indicative at this stage) shows how a generous landscaped buffer to all boundaries of the site could be provided between the proposed development and the boundaries. This would provide a clear legible break between the site and the nearby developed areas, and is similar to the scheme to the south-east allowed on appeal (20/02749/OAEA), with the Inspector commenting as follows in this respect:

“The appeal site is located within a strategic gap defined by Policy CP5 of the CS. The Council accepts that this policy should not attract weight, having its origins in the now largely revoked South East Regional Plan and due to lack of consistency with the Framework. For these reasons, and bearing in mind that the policy allows for development in special circumstances such as a shortfall in strategic housing provision, I again only attach limited weight to the resulting conflict with this policy.”

“Policy CP6 seeks to maintain the separate identity of settlements. In this case, the Council finds no conflict with the policy, and I am inclined to agree. Whilst the site is located in the land between Maidstone and Aylesford, the railway embankment provides a physical barrier between the two settlements and the indicative masterplan demonstrates that an area of open space could also be incorporated along this side of the development. As such, the proposed development would be seen in the context of the large residential scheme adjacent to the south east, Hermitage Park, appearing as a further extension of Maidstone separate from Aylesford.”

- 6.46 Due to the visual enclosure of the site, as well as the physical barrier of the railway to the south, the scheme is not considered to erode the separate identity of settlements or harm the character when viewed from the countryside or adjoining settlements. Consequently, it would not be contrary to the requirements of policy CP6 of the TMBCS.
- 6.47 Paragraph 83 of the NPPF advises that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Paragraph 84 provides further guidance by stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Given that the site is covered by the countryside designation and the earlier reference to policy CP14 of the Core Strategy, a further assessment on this ground must take place.
- 6.48 Applications heard by this Committee have already considered the Court of Appeal judgment in *Braintree DC v SSCLG* [2018] which clarifies the definition of isolated homes in the countryside. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. (para.31)
- 6.49 In the case of this site, it is immediately adjacent to the urban area of Aylesford, and the developments under construction south of Barming Station, approved under application 20/02749/OAEA and Whitepost Field (17/01595/OAEA), as well as the development of Whitepost Wood Lane and the RBLI Centenary Village. Furthermore, the site lies a very short distance away from Barming Railway Station and other services within Aylesford and Maidstone. The land forms a logical spatial expansion of this urban area, and given the scale of the development proposed, would not result in isolated homes in a rural area. The location is in fact highly sustainable and would not conflict with paragraph 84 of the NPPF.
- 6.50 As such, in locational (spatial planning) terms and having due regard to relevant case law and material planning considerations, it is concluded that the location of the development of this site for residential purposes would not conflict with policies CP5 or CP6 of the TMBCS.

Character, Pattern of Development, Design and Impact Upon Landscape and Visual Amenities

- 6.51 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 in conformity with those contained within the Framework which relate to quality of new developments.

- 6.52 Notably, paragraph 131 of the NPPF states: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 6.53 Paragraph 135 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. In addition, paragraph 134 sets out that permission should be refused for development that is not well designed especially where it fails to reflect local design policies and government guidance on design.
- 6.54 Within the evidence documents of the Council’s draft Local Plan, the site is identified in the Landscape Character Assessment as falling within the East Malling Greensand Fruit Belt character area of the Borough. The published Landscape Sensitivity Assessment confirms that the area has a medium to low landscape value. In addition, the Landscape Sensitivity Assessment sets out that the area has a medium landscape sensitivity to large scale residential development.
- 6.55 Information on both landscape and visual effects has been provided as part of the planning application in the form of the ES. Chapter 10 covers Landscape and Visual Impacts and considers the baseline condition of the site, adjoining land, key local viewpoints and receptors, including the Kent Downs National Landscape (AONB), which lies some distance to the north, beyond part of the built-up area of Aylesford and the M20 motorway.
- 6.56 The evidence within the submitted ES concludes that the landscape and visual impacts of the development, particularly given the context of surrounding approved schemes, would not be significant upon the wider landscape. This is due to the naturally limited visual envelope of the site, resulting from the combination of the existing surrounding landform and vegetation cover.
- 6.57 While there would be some more significant visual effects within the site itself, as a result of the proposed development, including from several public rights of way, it is not considered that the effects on the character and appearance of the area as a whole would be significant enough to justify a refusal.
- 6.58 The scale of the development allows for the retention of Ancient Woodland, the provision of a 20m buffer to the Ancient Woodland, several areas of open space, landscaping and new tree planting, to be considered in subsequent reserved matters applications, which would soften the proposal and allow for seamless

integration with adjacent development. The new tree planting includes the reintroduction of an avenue of trees historically located towards the north-eastern corner of the residential development.

- 6.59 The indicative plans, including the illustrative landscape masterplan, confirm sufficient space for this, such that confidence can be had at this outline stage that the development would not be harmful to character and appearance. As noted, the density levels would be in accordance with expected levels for a suburban area. It is also necessary to note that higher densities tend to prevail when forming new mixed use areas / centres. As noted above, densities will vary from largely 30dph to 40dph and 65dph around the proposed village centre. The indicative plans also show opportunities for tree lined streets; a measure encouraged by recent updates to the NPPF at paragraph 136.
- 6.60 The draft allocation of the site has been assessed within the Regulation 18 Landscape and Visual Appraisal (site 59861). The conclusions of this assessment support the above view that the visual effects of development on this site would be limited, provided setbacks of the development and strategic buffer planting are provided, and the design of the accesses from the east should also be carefully designed to minimise opening up views into the development. This suggested mitigation has been incorporated in the illustrative layout of the site.
- 6.61 The Sustainable Movement Corridor (SMC), proposed to run from Kiln Barn Road, past the East Malling Trust research site, to New Road, East Malling is proposed to be treated in a similar manner to the area of the site where the housing-led development would be located. That is, the northern and southern edges of the SMC are proposed to be landscaped to provide natural buffers to the surrounding area. This will replicate the trees and hedging that currently lines the existing access road that links the East Malling Trust research site to both Kiln Barn Road and New Road. It should also be noted that part of the SMC follows the route of the existing EMT access road, and this limits a degree of the additional visual and landscape impact.
- 6.62 Overall, the development is considered to be of limited and very localised harm to the character and appearance of the site and the surrounding landscape character, albeit it is important that the indicative open spaces, landscaped buffers and treatment of the accesses are realised through subsequent reserved matters applications.
- 6.63 Subject to this, the development would accord with policies CP24 of the TMBCS, SQ1 of the MDEDPD and paragraphs 131–136 of the NPPF, by respecting and reflecting local character, density and layouts, functioning well, and being visually attractive with effective landscaping.
- 6.64 Furthermore, no policy conflict or harm is identified in respect of the setting of the Kent Downs National Landscape, due to the significant level of separation,

surrounding urban context and site edge planting. This would accord with policy CP7 of the TMBCS and paragraph 189 of the NPPF.

Highways Safety, Capacity and Parking Provision

- 6.65 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.66 Policy SQ8 goes on to state that 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. In addition, development proposals should comply with parking standards, which are set out in Kent County Council's Parking Standards (January 2025). 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.
- 6.67 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.68 Paragraph 115 of the NPPF confirms that when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 6.69 Finally, paragraph 117 notes 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.
- 6.70 Policy SQ8 is considered to be consistent with the aims of the relevant sections of the NPPF highlighted above, in requiring development not to harm highways safety, encourage sustainable and accessible transport solutions and electric vehicle charging, and to provide adequate parking to meet the needs of future occupants.
- 6.71 With a few exceptions (including a small number of vacant dwellings to be demolished) the site is currently undeveloped, and would therefore generate, at best, negligible vehicle movements to and from the site as the existing position. The introduction of up to 1,300 new dwellings would therefore result in a substantial increase in traffic on the surrounding road network, including the strategic highways network due to the proximity of the M20 motorway and A20 / M20 junction.
- 6.72 The impacts of the development on the local and strategic highways network have been considered by both KCC Highways and National Highways (formerly Highways England), with their detailed responses set out above. These authorities also have regard to the cumulative impact on the highway networks, given the proximity of surrounding consented developments.
- 6.73 The conclusion of these expert authorities is ultimately that they do not object to the proposal in respect of highways safety and capacity. However, this is subject to an extensive list of mitigation measures, many of which must be delivered prior to first occupation of the development (from which vehicle movements will start to

be generated), either by condition or via the necessary legal agreement. This includes:

1. No occupation of the development until a highways 'Monitor and Manage Strategy (MMS) has been approved by the Council, in consultation with National Highways.
2. Limitation to the number of two-way vehicle trips until the improvement scheme identified for M20 Junction 5 is complete and open to traffic.
3. Limitation to the occupation of dwellings until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout is complete and open to traffic.
4. Limitation to the occupation of dwellings until the improvement scheme identified for the M20 Junction 6 Westbound Diverge is complete and open to traffic.
5. No development to commence, save for preliminary works, until a Construction Traffic Management Plan (CTMP) has been approved by the Council, in consultation with National Highways.
6. No occupation of the development until a comprehensive Travel Plan has been approved by the Council, in consultation with National Highways.
7. The design of the Sustainable Movement Corridor (SMC) requires appropriate traffic enforcement, in consultation with KCC Highways.
8. A Transport Review Group (TRG) must be established prior to the first monitoring period for the development, in consultation with KCC Highways.
9. A Mobility Hub shall be provided within the site prior to first occupation of the site.
10. Each resident, with a valid driving licence, to be offered one year's free membership to a car club and £50 driving credit, to encourage take-up.
11. No use of the site until a Travel Plan has been approved by the Council, in consultation with KCC Highways. Monitoring fee of £1,422 for every five-year period necessary.
12. A financial contribution of £1,680,000 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
13. A 6-month bus ticket to be offered to each resident upon first occupation of each dwelling, with a maximum claim of two tickets per household. Alternatively, the equivalent monetary value to be made available to an phone app / service that supersedes it.

14. A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000, to be paid at the end of each six month period.

15. A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment offered to residents upon occupation of their associated unit.

16. Wayleave for a potential link road to be constructed between the northern access to the site from Hermitage Lane and the Quarry Wood Industrial Estate to the north.

- 6.74 Notably these responses are clear that the planned improvements to Junction 5 and 6 of the M20 must be completed before first occupation. Given the potential increase in vehicle movements, it is considered entirely reasonable and necessary in planning terms to restrict occupation of the development by planning condition until these works are finished. There is therefore sufficient certainty that they will be delivered such that these conditions are reasonable.
- 6.75 The financial contributions also sought by KCC provide further highways / transport mitigation, including additional bus service enhancements, and monies towards the encouraging of future occupants to use sustainable methods of travel.
- 6.76 Any potential disruption during the construction process from HGVs and other construction vehicles can be managed and mitigated through the submission of a Construction Traffic Management Plan. This can be secured by condition.
- 6.77 In respect of parking, it must be remembered that the proposal is currently made in outline form, and final details of the level of parking layout would be confirmed through subsequent reserved matters applications. It must also be remembered that parking allocation will vary, with smaller units being afforded less parking, and larger units allocated more.
- 6.78 It will be important to carefully consider this at the reserved matters stage and ensure that parking distribution is acceptable and has regard to future occupants, including the need for EV charging and accessible parking spaces for disabled occupants.
- 6.79 Additionally, the application proposes high levels of cycle spaces, to be set out in more detail at the reserved matters stage. The high number of cycle spaces is welcome, and would encourage alternative transport methods other than private cars, consistent with national policy which encourages modal shift towards more sustainable travel methods.
- 6.80 One further important consideration is the provision of the SMC, which will provide a dedicated route for buses, cyclists and pedestrians, linking the development with New Road, East Malling. The SMC is proposed to be restricted to general

vehicular traffic through the provision of a bus gate, which will be adopted and enforced by Kent County Council.

- 6.81 The design of the SMC embraces the best practice aspirations of guidance within Local Transport Node 1/20, and is supported by National Highways, KCC Highways and is strongly supported by Active Travel England.
- 6.82 The submission made by the applicant, together with the consultee responses received from National Highways, KCC Highways and Active Travel England, have all been independently reviewed by RPS Group, who were commissioned by TMBC to undertake a review of the assessment methodology presented by the applicant, the strategic modelling employed by the applicant, National Highways and KCC Highways, the mitigation and monitoring submitted by the applicant, and the suitability of the SMC.
- 6.83 RPS has concluded that the 'Vision-Led' approach to highways, which is promoted by the NPPF, is an acceptable strategy, the strategic assignment modelling approach is appropriate with which to undertake assessment of the residual traffic impacts of the proposed development, that the mitigation and modelling proposed and agreed by KCC Highways is in accordance with best practice, that a strategy is in place to ensure that the design of the SMC would be appropriate for its intended use, and that there would be buses along the SMC, which in turn would contribute towards modal shift and ensure the bus gate at the junction with Kiln Barn Road would be enforceable.
- 6.84 Overall, given the outline stage of this application, it is considered that the provision of the proposed accesses to the housing-led development and associated parking is acceptable, and consistent with adopted standards. Further scrutiny of the internal highway network for the housing development and parking provision can be provided at the reserved matters stage to ensure full policy compliance.
- 6.85 Furthermore, providing that the planned highways improvements to Junctions 5 and 6 of the M20 are delivered before first occupation of the development, the County and National Highways Authorities are satisfied that traffic generation and vehicle movements would not be harmful to road safety and operation. Accordingly, there is no evidence that the development would conflict with policy SQ8 of the MDE DPD and paragraphs 116 and 117 of the NPPF.

Archaeology

- 6.86 Chapter 15 of the ES provides an assessment of archaeology on the site. The application site lies within an area of archaeological potential, especially for the Palaeolithic and Bronze Age periods. Prior to construction commencing, a programme of investigative archaeological works can be requested to be carried out.

- 6.87 Subject to the investigative programme being undertaken prior to construction, the development is unlikely to cause harm or loss to archaeological assets. The investigative assessment programme for archaeological works can be sought by planning condition.

Ecology and Biodiversity / Appropriate Assessment

- 6.88 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’.
- 6.89 Policy NE3 of the MDE DPD 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 the proposals for the 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’.
- 6.90 Policy NE4 of the MDE DPD 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, as appropriate locations to support and enhance the Green Infrastructure Network’.
- 6.91 Decisions made for development sites should accord with these policies and should contribute to 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.’
- 6.92 Policy CP8 of the TMBCS deals with developments regarding International and UK statutory designated sites. Development that will directly impact these will not be permitted.
- 6.93 Policy CP25 of the TNBCS requires development that impacts the natural environment to provide mitigation measures including replacing habitats lost and new links between existing areas of wildlife where these will add a value. This may include ‘compensation to off-site schemes for strategic enhancement of biodiversity where such schemes are close to the development and of similar biodiversity interest.’
- 6.94 The council does not currently have an adopted Local Plan policy relating to BNG. Therefore, the council has produced an interim policy approach, which will be a material consideration until the new Local Plan is adopted. This establishes the council’s expectations in relation to BNG and seeks to respond to the

requirements of the Environment Act, the National Planning Policy Framework (NPPF), Planning Practice Guidance and the biodiversity emergency declared by TMBC in 2019.

- 6.95 The interim policy position is that all relevant new developments are required to provide a minimum of 10% biodiversity net gain and submit a Biodiversity Gain Plan. Biodiversity net gain must be calculated using the relevant Statutory biodiversity metric and be secured for a minimum of 30 years after the development is completed. Delivery of BNG should be sought on site first before looking at off site options.
- 6.96 It is also important to have regard to the following legislation:
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
 - European Protected Species are listed in Schedules 2 and 5 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 6.97 Taken together, these policies and legislative requirements require development proposals to not harm international and nationally designated sites, important habitats including their quality and quantity, and protected or notable species. The policies within the development plan are generally consistent with the more recent national policy objectives, requiring development not to have harmful effects on protected species and sites, and encouraging biodiversity net gain and ecological enhancement.
- 6.98 Chapter 11 of the ES considers the effect of the development on the relevant biodiversity and ecology considerations outlined above, along with several statutory designated locations with 4km of the site. The application site is currently dominated by arable farmland, commercial orchards, other neutral grassland and broadleaved woodland, some of which is designated as Ancient Woodland. A number of hedgerows and treelines are also present on the site.
- 6.99 Badger presence within the site is noted, including the existence of a badger sett. Bats are also present within active day roosts in two buildings and one tree on the site. In addition, woodland, trees, hedgerows and scrub within the site offer foraging / commuting habitat for bats.
- 6.100 A small number of dormice have been recorded within the site, and the site is considered to have value for hedgehogs. Several species of breeding birds have been recorded at the site, as have several species of wintering birds. Low populations of two species of reptiles, common lizard and slow worm, are found at the site, but the existing habitat was not deemed to be suitable for great crested newts. Lastly, the site is considered to have limited potential to support invertebrates.

6.101 The application proposes a series of mitigation and enhancement measures, which will overall result in a positive residual impact on the site in terms of both retained and created habitats. This includes:

- The preparation of a Construction Environmental Management Plan (CEMP), which will include measures proposed to manage, mitigate and monitor the main environmental impacts during the construction phase
- The retention of large areas of the established habitat, enhanced with other neutral grassland (sown with wildflower seed), individual trees and new woodland and mixed scrub planting.
- Where trees are to be lost to facilitate the new development, these will be cut as near to the ground as possible and used to form a number of loggeries within woodland and open grassland areas.
- Also any existing deadwood will be carefully lifted and added to the loggeries. This will provide important habitat for invertebrates, bryophytes and fungi.
- Sensitive design of the development in order to maintain the social group of badgers within the area.
- Any boundary treatment of the new development will be designed to promote permeability of the site to minimise fragmentation and allow free movement of wildlife throughout the site.
- New planting will be introduced to the site, with large areas of public open space created as part of the overall scheme, and native species of local provenance or species of known value to wildlife will be used.
- Suitable ecological buffer zones will be provided alongside the existing woodland areas, with a minimum 20m buffer zone to be created around Deadman Wood Ancient Woodland.
- Enhancement measures across the site including the provision of new roosting, nesting and sheltering opportunities for a range of species and the creation of new wildlife habitats.
- The production of a Landscape Ecological Management Plan (LEMP) for the site restoration and management will be carried out to the regrowth woodland areas to remove non-native or crowding trees and create woodland glades. Mixed species understory and woodland ground flora will be introduced to these areas;
- Native tree and hedgerow planting to extend and enhance existing tree lines;

- Addition of at least three brash piles using cuttings from the Application Site to provide wildlife habitat (in addition to the reptile receptor site);
- Install a total of 40 bird brick boxes within the walls of residential units to the edges of the Proposed Development, for species known to use the site e.g. house sparrows, ten of these will be swift boxes to encourage, swift, swallows and house martin;
- Creation of a wildlife/ SUD pond to be planted with native emergent and wildflower grassland;
- Creation of a native species rich wildflower meadows to all open space areas to form buffers for the retained woodland and railway corridor; and
- Creation of diverse scrub clumps throughout the open space to minimise impacts through scrub reduction to construct the Proposed Development.

6.102 No likely significant cumulative effects are anticipated to Ditton Quarry Local Nature Reserve (LNR), Ditton Quarry Local Wildlife Site (LWS) or Oaken Wood LWS. Each of these designated sites are found within 1km of the site will remain unlit by the development.

6.103 A consultation response has been provided by KCC Ecology, which acknowledges the fact that this is an outline application, and there are opportunities to ensure that the design of the proposed open space provides appropriate ecological mitigation can be implemented. This is subject to several conditions, which are included in the recommendation to the Committee below.

6.104 The application illustrates that the final development could achieve a net gain of 10% in biodiversity through the following measures:

- The majority of the woodland and some grassland, hedgerows, lines of trees and scrub will be retained and enhanced as part of the works, with the majority of the arable fields and intensive orchards removed to facilitate the development;
- The proposed development has been designed sensitively to incorporate a community element, in which woodland, parkland and meadows, structural planting, ponds and play areas will be created; and
- In addition, further enhancement measures will include the provision of new roosting, nesting and sheltering opportunities for a range of species and the creation of new wildlife habitats.

6.105 Under Part 6 of the Conservation of Habitats and Species Regulations 2017, Tonbridge and Malling Borough Council is required as the competent authority to

undertake an appropriate assessment of the likely impacts of the development, individually or cumulatively, on protected habitats sites.

- 6.106 This includes the Oaken Wood SSSI, the Allington Quarry SSSI, the Aylesford Pit SSSI, the North Downs Woodlands SAC (formed of Wouldham to Detling Escarpment SSSI and Halling to Trottiscliffe Escarpment SSSI) and Peter's Pit SAC/SSSI.
- 6.107 The perceived threats to the integrity to each of these protected habitat sites are from recreation and air quality, invasive non-native species and inappropriate forest management. Due to the distances of separation between the application site and the surrounding protected habitats sites the development is generally not seen as a threat to them.
- 6.108 This is particularly the case when the development is considered in isolation and providing the following conditions / integral mitigation and embedded measures are all agreed prior to construction commencing and fully implemented during construction and operation including: effective implementation of a Construction Environmental Management Plan (CEMP), including a Ecological Mitigation Strategy (EMS), and effective implementation of a Landscape Ecological Management Plan (LEMP).
- 6.109 Additionally, when considering the cumulative effects of the proposed development, in conjunction with other nearby committed developments, these potential cumulative effects are limited to changes in air quality impacts to these protected sites, as a result of increased traffic flow from the development on nearby road networks.
- 6.110 Concluding the assessment of the development's potential effects on biodiversity, ecology, protected species and locally and statutorily protected wildlife sites and habitats, it is considered that subject to the conditions and recommendations outlined in the submitted reports, the development would not have any significant harmful effects. Through the potential delivery of a biodiversity net gain of 10%, ecology and biodiversity can also be protected and enhanced across the site.
- 6.111 This would therefore comply with policies NE2, NE3 and NE4 of the MDE DPD, and policies CP8 and CP25 of the TMBCS, and the Council's statutory obligations outlined above.

Best and Most Versatile Agricultural Land

- 6.112 An agricultural land quality survey has been undertaken of the site. This has found that 51.9ha, or 81%, is Grade 2 quality agricultural land and 10.4ha, or 16% is Subgrade 3a quality agricultural.
- 6.113 Policy CP9 of the TMBCS states that 'Development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will not be proposed in the LDF unless there is

an overriding need, and (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.’

- 6.114 Paragraph 187 of the NPPF explains that planning policies and 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.
- 6.115 Policy CP9 is therefore broadly consistent with objectives of the NPPF in this respect, although the NPPF does not maintain the tests set out in CP9 whereby the loss of BMV agricultural land can only be permissible where there is an overriding need and no suitable sites in a sustainable location or poorer quality / or alternative sites would result in worse harm to BMV land. Nonetheless, both national and local policy recognise the value of BMV land, and therefore the loss of the overall 62.3 hectares if the development proceeds is a matter which must be given consideration.
- 6.116 The loss of this BMV agricultural land would also follow a cumulative trend of the loss of such land in the Borough on nearby sites, including those mentioned previously, allowed on appeal but similarly containing the best and most versatile agricultural land.
- 6.117 However, the refusal of planning permission for this scheme would not in itself restore those sites to agricultural use, and the land is surplus to the operational and research requirements of the East Malling Trust. Therefore it is difficult to conclude that the cumulative loss of BMV land is sufficient grounds to refuse the loss of this parcel.
- 6.118 Nonetheless, there would be some adverse impact and therefore policy conflict with CP9 and paragraph 187 of the NPPF. This will be considered in the overall planning balance in later chapters.

Residential amenity

- 6.119 Paragraph 135 of the NPPF requires planning decisions to ensure that developments 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.
- 6.120 Policy CP1 of the TMBCS sets out that ‘The need for development will be balanced against the need to protect and enhance...residential amenity’.

- 6.121 Areas of existing residential development exist to the north-east of the proposed residential development, to the east and to south-east along Hermitage Lane. Residential development is also found with the Orchard Gate development adjacent to Kiln Barn Road, which will be surrounded by the proposed residential development. Lastly, residential properties exist at the western end of the SMC in East Mallong.
- 6.122 The established development close to the north-east of the site comprises the assisted living units and residential dwellings that make up the Centenary Village for the Royal British Legion. The parameter and illustrative drawings indicate that this north-east corner of the site is proposed to possess residential development wrapped around the vehicular access to the site proposed for this part of the site. Planting along this boundary is indicated and the proposed residential development can be positioned in such a way as to create a distance of separation between the two developments to ensure that residential amenity is preserved for both.
- 6.123 The development to the east lines Whitepost Wood Lane. The parameter and illustrative drawings again indicate that this area of the site is proposed to possess residential development. The existing woodland found in this part of the site is indicated to be retained, creating a buffer to the properties on Whitepost Wood Lane, and new planting is also indicated to be introduced on the boundary of the site. It is also the case that the proposed residential development can be positioned in such a way as to create a distance of separation between the new and existing development to ensure that residential amenity is preserved for both.
- 6.124 A small cluster of properties are situated to the south-east of the site, between the site and the railway line. This area of the proposed development is indicated to be planted up with a generous buffer, which will provide a natural screen to the development within the application site. Given the proposed relationship indicated, and distances of separation that can be achieved, it is considered that residential amenity on both sides of the application site boundary will be retained.
- 6.125 As noted above, the Orchard Gate development will be surrounded to the north-east and south by the proposed residential development. Along the boundaries shared with the Orchard Gate development, a generous natural buffer is indicated within a generous spacing between the proposed development and the existing Orchard Gate development. This indicated relationship demonstrates that the proposed development can be introduced whilst preserving the acceptable living conditions / amenity for both the new development and the existing development on Orchard Gate.
- 6.126 The proposed physical changes to the access on to New Road at the western end of the SMC reflect those that have already been approved by the Council under applications 22/00134/FL and 22/00135/LB. Given these changes have previously been accepted, and it is not considered that anything has changed at the site or the surrounding area since the approval of these applications, the proposed

development will continue to preserve the residential amenities of the properties found close to the existing access to the applicant's site from New Road.

- 6.127 Lastly, an increase in bus traffic will result from the introduction of the SMC. However, this increase will not be so significant that it will cause harm to the amenity of residents on New Road.
- 6.128 Overall, it is concluded that the submission has demonstrated that the development can be delivered whilst preserving the amenities of the occupiers of nearby dwellings and also the amenities of the future occupiers of the proposed development. This matter will be further considered in greater detail at the reserved matters stage. The proposals accord with the NPPF and policy CP1 of the TMBCS.

Renewable Technologies and Climate Change Strategy

- 6.129 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states quite clearly that where the Local Plan is silent on a specific issue, the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. Whilst the current adopted development plan policies relating to climate change and renewables are largely out of date now, the NPPF provides clear policy guidance.
- 6.130 Paragraph 164 states that new development should be planned for in ways that can 'help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'
- 6.131 Paragraph 166 states in determining planning applications, local planning authorities should expect new development to 'a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'
- 6.132 The development will make contributions to provide bus service enhancements in the locality and make highway, cycleway and footway improvements. Other transport related measures would also be secured as part of the Travel Plan including payment towards cycle equipment for future occupiers and free bus passes for a period of time. Electric vehicle charging points are covered under Building Regulations, but will be incorporated across the detailed designed scheme.

- 6.133 As has been reported in the ecology section, the development is shown to deliver a biodiversity net gain and create / improve the existing wildlife habitats within the site.
- 6.134 Matters such as passive solar gain and the use of renewable technology will be considered at the detailed design stage of the development. However, a condition can be used to ensure that such matters are submitted as part of those details and designed into the scheme from day one.
- 6.135 On this basis, it can be concluded that the proposed development meets the national and Council requirements in terms of climate change and renewable technologies.

Minerals

- 6.136 The development would be undertaken on land that is mostly safeguarded within the Kent Mineral and Waste Local Plan for Hythe Formation Ragstone (Limestone). The north-eastern corner of the site (an area of 2.8ha) is also identified as Sandgate Formation (Sandstone, Siltstone and Mudstone).
- 6.137 Whilst the site's geology is consistent with the above formations, there are several factors that negatively impact the feasibility of prior extraction. One factor is that the extracted material would have a high wastage factor of 50%. Another is the significant fill required to restore the land to pre-extraction levels.
- 6.138 There are also negative social and environmental impacts of mineral extraction on a site adjacent to Ancient Woodland, existing residential properties and an existing commercial estate. The situation of the site would likely attract significant statutory objections, providing significant uncertainty if planning permission could be granted and if the permitting processes associated with mineral extraction would be successful. This would further increase the costs of mineral extraction while reducing the chance that a viable extraction operation could be made feasible.
- 6.139 Kentish Ragstone is a relatively low-demand construction material and the market to sell the potential tonnage of new resource does not currently exist.
- 6.140 Furthermore, the last remaining company actively quarrying ragstone (Gallagher Group) operates two quarries locally with reserves until 2037 (Hermitage Quarry) and 2054 (Blaise Farm).
- 6.141 KCC Minerals and Waste refer to policy DM7 of the Kent Mineral and Waste Local Plan, which sets out the safeguarding of mineral resources. There are exceptions to this safeguarding. In this instance, there are material considerations, namely the identified need for housing to be delivered within the Borough, which indicate that the need for the development overrides the presumption for mineral safeguarding.
- 6.142 As such, the development of this site is confirmed as one of the exemptions to the safeguarding of a mineral resource, of which there is already an adequate supply

of in the local area. Accordingly, it is considered that the development would comply with the Kent Mineral and Waste Local Plan.

Land Contamination

6.143 Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:

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

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

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

6.144 Paragraph 197 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.”

6.145 Chapter 13 of the ES addresses soils, geology and contaminated land. This sets out that an appropriate geoenvironmental investigation shall be undertaken to aid project design and to identify and assess on-site and off-site sources of contamination. The data collected will be utilised to inform the design of the proposed development whilst minimising risk to an acceptable level.

6.146 Where required, as dictated by the findings of the geoenvironmental investigation, gas protection measures may need to be incorporated into the design of some of the on-site structures. In addition, localised remediation may be required, for example localised soil removal / stripping and / or reducing exposure using a simple cover system. Subject to the mitigation measures proposed, the proposed development is likely to comply with all legislation and planning policy requirements concerning contaminated land.

6.147 The Environment Agency have raised no objections to the development subject to suggested conditions. The Contaminated Land Officer as part of the Environmental Protection Consultation had no additional comments to make to the overall “no objection” from the Environmental Health Protection.

6.148 The development would accord with paragraph 196 of the NPPF by avoiding harm to future occupants through land contamination.

Noise

- 6.149 Paragraph 198 of the NPPF states that planning policies and decisions should ensure that “new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”
- 6.150 Chapter 9 of the ES covers the matters of noise and vibration. The ES details the measurement of the existing and proposed noise climate present at the site and compares this with appropriate standards. It goes on to set out mitigation on the attenuation measures that could be implemented to secure an acceptable environment.
- 6.151 Environmental Health have raised several points regarding the assessment completed. However, it is considered that once a final layout is received at reserved matters stage, internal and external noise levels and appropriate mitigation can be assessed. A condition is recommended to ensure that the necessary noise mitigation / attenuation measures are incorporated into the development. The proposal therefore accords with paragraph 198 of the NPPF.

Air Quality

- 6.152 Paragraph 199 of the NPPF states that planning policies and decisions should “sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”
- 6.153 The site lies outside of any AQMAs with the nearest ones being approximately 0.5km to the north-east, along the A20 corridor at the top of Hermitage Lane, and the other at Larkfield located approximately 1km away to the north-west.
- 6.154 An air quality assessment has been submitted under Chapter 8 of the ES, which provides an in-depth assessment of the relevant air quality standards and the receptors, including those within the nearest AQMA.
- 6.155 Environmental Health have provided their comments on the scheme and state that a financial contribution should be sought to cover running and installation costs of putting up continuous sensors to monitor air quality along Hermitage Lane.

- 6.156 In line with the conclusions of the submitted air quality assessment, it is considered that the air quality effects of the development would not be significant. The development therefore accords with paragraph 199 of the NPPF.

Sport and Recreation

- 6.157 Paragraph 103 of the NPPF sets out that the 'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.'
- 6.158 Policy OS3 Managing Development and the Environment DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.159 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.
- 6.160 The proposal seeks to erect up to 1,300 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3. Open space provision should in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces.
- 6.161 In this case, the proposal incorporates 28 Ha of open space provision throughout the site. The indicative plans show a large central public open space with other less formal areas throughout the site as well as the provision of the required equipped play areas. Natural and Semi-Natural Green Space will also be delivered across the scheme.
- 6.162 In terms of contributions, the Council's Leisure Services Team have provided comments noting a deficiency in both outdoor sport provision (sports pitches and facilities), and children and young peoples play areas (Multi-Use Games Areas) within the Borough. If these facilities are not to be delivered on-site, contributions are sought to provide them off-site. These requests are set out in the section below in the planning obligations section.
- 6.163 The applicant has responded to this request confirming that the development has been designed at illustrative stage with the intention that it will provide the full mix of playing fields and associated play space on site. If the required level of provision is not provided on site, a proportionate contribution could be made through a mechanism to be agreed in the legal agreement.

Planning Obligations

- 6.164 Policy CP26 of the TMBCS confirms that development will not be 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.
- 6.165 The erection of up to 1,300 additional dwellings would place considerable additional pressure on local infrastructure, including healthcare, education and open space. In accordance with policy CP26 it is therefore fully justified that financial contributions are made to mitigate the impact of the development on these key services.
- 6.166 Policy CP17 of the TMBCS confirms that the Council will seek 40% affordable housing provision in rural areas on all sites of 5 dwellings or above, or 0.16ha or above. At paragraph 6.3.26 of the TMBCS, which introduces policy CP17, clarification is provided that the Council's approach to the delivery of affordable housing will be applied on a site by site basis alongside other planning considerations that affect delivery, such as "the of development bearing in mind the need for, and cost of, on and off-site infrastructure, including transport, education and other community facilities and the need for the development to be attractive to the lenders of private finance".
- 6.167 The applicant has presented the Council with a financial viability assessment. This assessment indicates that once all costs are taken into consideration, including build costs and the planning obligations required to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development, the provision of 40% affordable housing units renders the development unviable. The applicant's financial viability assessment also demonstrates that a 30% and a 25% provision would also be unviable.
- 6.168 Appreciating that the Council require both open market housing and affordable housing to be delivered within the Borough, the applicant is offering 25% affordable housing, which ultimately impacts upon the profit that results from the development.
- 6.169 The applicant's financial viability assessment has been independently reviewed on behalf of the Council by Aspinall Verdi. The outcomes generated by the independent review by Aspinall Verdi differ from those submitted by the applicant due to variations in assumed costs and values. Notwithstanding these adjustments, the independent review demonstrates that a policy-compliant scheme results in a deficit, which is significantly below the industry accepted level of profit (17.5%).

- 6.170 To allow for a like-for-like approach, the independent review has also tested a 25% affordable housing scenario. This scenario has been found to result in a profit only marginally less than the industry accepted level of profit. However, the independent review confirms that any acceptance of a lower profit level would be at the Applicant's discretion.
- 6.171 As such, the independent review recommends that the Council should accept the reduced offer of 25% affordable housing and implement a viability review mechanism within the legal agreement to allow the Council to benefit from any future favourable uplifts in viability.
- 6.172 The following table summarises the Heads of Terms to be agreed with the applicant as part of a S106 agreement. This includes contributions sought by various consultees to mitigate the impact of the development, and that relate to other material matters. This also includes the proposed affordable housing level, and tenure split, as follows:

<u>Affordable Housing</u>	25% Split between rented and intermediate/affordable home ownership to be agreed • Local lettings plan reference needed – relevant wards for this site are for the Medway gap housing area including Aylesford South and Ditton ward and Larkfield ward • nominations agreement and rights to be included • Affordable Rent definition needs to include reference to LHA • Social rent definition to be included
<u>Primary Education</u> <i>'New on-site 2FE primary school and/or **increased capacity in neighbouring Primary Education Planning Groups.'</i>	£1,770.30 per applicable flat. £7,081.20 per applicable house. Total - £6,904,170.00 <u>Applicable excludes 1 bed units less than 56m² GIA and any sheltered accommodation.</u>

<u>Primary Land</u>	1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per the County Council's attached General Site Transfer Requirements).
<u>Nursery</u>	26 place Nursery at the new 2 Form Entry Primary School – Provided as part of the 2FE Primary School
<u>Secondary Education</u> <i>'Towards the establishment of a new 6 FE secondary school as identified at Broadwater Farm</i> OR <i>**An alternative new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells.'</i>	£1,396.80 per applicable flat. £5,587.19 per applicable house. Total - £5,447,510.90 <u>Applicable excludes 1 bed units less than 56m² GIA and any sheltered accommodation.</u>
<u>Secondary Land</u> <i>'Towards land acquisition costs at Broadwater Farm, or a new secondary school in either the Malling non-selective and Maidstone & Malling selective, or Tonbridge & Tunbridge Wells non-selective education planning groups.'</i>	£1,196.49 per applicable flat. £4,785.97 per applicable house. Total - £4,666,320.10 <u>Applicable excludes 1 bed units less than 56m² GIA and any sheltered accommodation.</u>
<u>Special Education</u> <i>'Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough.'</i>	£139.96 per applicable flat. £559.83 per applicable house. Total - £545,834.90 <u>Applicable excludes 1 bed units less than 56m² GIA and any sheltered accommodation.</u>
<u>Community Services</u>	Community Learning and Skills at £44,473.00 (£34.21 per dwelling). Integrated Children's Services at £86,638.50 (£74.05 per dwelling). Library, Registrations and Archives Services at £81,419.00 (£62.63 per dwelling).

	Adult Social Care at £235,144.00 (£180.88 per dwelling). Waste at £67,600.00 (£52.00 per dwelling).
<u>NHS Kent and Medway ICB</u> <i>‘Towards refurbishment, reconfiguration and/or extension of existing general practice or other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare Estates and Infrastructure Strategy for the area.’</i>	To be calculated based upon dwelling size, type and level of occupancy and required to be paid prior to no more than 130 dwellings being occupied. Total approximately - £1,166,256 Please see method of calculation below at paragraph 6.177
<u>KCC Highways</u>	Bus service contribution - £1,680,000. Monitoring fee of £1,422 for every five-year period of the Travel Plan (30 years). One year’s free membership to the car club and £50 driving credit to all residents with a valid driving licence. A 6-month bus ticket to be offered to each resident upon first occupation of each dwelling with a maximum claim of two tickets per household. A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000, to be paid at the end of each six month period. A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment, to be well advertised and offered to residents upon occupation of their associated unit.

	The sustainable movement corridor between Kiln Barn and New Road will require appropriate traffic enforcement to be agreed by KCC Highways, with a commensurate maintenance fee. Transport Review Group (TRG) must be established prior to the first monitoring period and shall meet on a six-monthly basis unless otherwise agreed by KCC, ceasing two years post full occupation, in line with the life of the Travel Plan. The TRG should consist of a member from a) the Applicant team, b) KCC, c) Tonbridge and Malling Borough Council, and will be chaired by the TPC. Wayleave for a potential link road to be constructed between the northern access to the site from Hermitage Lane and the Quarry Wood Industrial Estate to the north.
<u>Network Rail</u> Improvements to Barming station.	Installation of new footpath - £35,000 Installation of new signage - £7,500 Installation of new, secure cycle hub - £100,000 Provision of improved passenger experience to accommodate increased use and encourage users to travel on the rail network - £300,000 Total - £442,500
<u>Biodiversity Net Gain</u> Monitoring of the management and retention of the approved Biodiversity Net Gain over a 30 year period.	Monitoring fee Total - £13,819
<u>Open Space</u>	Outdoor Sports Facilities - £2,618,610

<u>Total required if on site delivery is not achieved. However, intention is to deliver on site.</u>	Children and Young Peoples Play Areas - £343,841 Sub-total = £2,962,451 (£ 2,278.80 when aveaged out per unit)
<u>Lighting for the Church of St James</u>	Funding will be provided by the development for sensitive nighttime lighting of the church structure and tower to be agreed.
<u>Skylark plots</u>	At least 10 skylark plots being created within the site.
<u>Monitoring fee</u>	£506 per obligation

** The flexibility required across education projects and education planning groups is in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Para.20), which recommends that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information.

- 6.173 The contribution requested by NHS Kent and Medway ICB is based upon the number of proposed units multiplied by the assumed occupancy multiplied by £360. An illustrative housing mix has been submitted with the application and this has been used to inform the calculation and response. The agreed contribution should, however, reflect the final housing mix. Currently, the contribution has been calculated as follows –

% within scheme	Estimated total number of Units	Dwelling size	% dwelling type	Number of dwellings	Predicted occupancy per dwelling	Total predicted occupancy	x £360
20%	260	1 bed flat	30%	78	1.4	109.2	£39,312
		2 bed flat	70%	182	2	364	£131,040
80%	1040	2 bed house	35%	364	2	728	£262,080
		3 bed house	45%	468	2.8	1310.4	£471,744

		4 bed house	20%	208	3.5	728	£262,080
Total	1300			1300		3240	£1,166,256

- 6.174 The applicant has agreed to meet these obligations, the timing of which will be phased in accordance with the requirements of the relevant consultee and in line with adjacent developments. These obligations are considered to meet the statutory tests of CIL regulation 122 in that they are necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related in scale and kind to the development. Should the Committee approve a resolution to grant planning permission, Officers can finalise the S106 agreement with the applicant on this basis, issuing the decision once the agreement is signed.

Public Sector Equality Duty – Equality Act 2010: Equality Impact

- 6.175 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:
- 6.176 Eliminate unlawful discrimination, harassment, and victimisation;
- 6.177 Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- 6.178 Foster good relations between people who share a protected characteristic and those who do not.
- 6.179 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.
- 6.180 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legalisation and the Council's obligations under the PSED.
- 6.181 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous

legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 6.182 I can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.183 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

Planning Balance and Overall Conclusions

- 6.184 Returning to the tilted balance under paragraph 11(d) of the NPPF, triggered as a result of the Council's inability to demonstrate a 5-year supply of housing, the overarching test required to be considered by the Council is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.185 This is because no policies in the framework at the footnote to paragraph 11(d)(i) provide a strong reason for disengaging the tilted balance (i.e. Green Belt, National Landscape, irreplaceable habitats, designated heritage assets, flooding etc).
- 6.186 This is fundamentally a balancing exercise, whereby the individual benefits of the development must be weighed against any adverse impacts. But the tilted balance, by its clear framing, is not an even balance between benefits and harms: in order to promote the delivery of housing, national policy as set out at paragraph 11(d) mandates that permission should only be refused if the adverse impacts *significantly and demonstrably* outweigh the benefits.
- 6.187 The effect of this is that the starting point is weighted in favour of granting consent, and even where there are some moderate or even considerable harms arising, this may not be sufficient to reach the threshold of significantly and demonstrably outweighing the benefits.

Benefits of the scheme

- 6.188 There are the following public benefits that are associated with the proposed development:
- The delivery of 1,300 new residential dwellings, which is a significant number within the Borough.
 - The contribution to economic growth within the Borough both during construction and over the life of the development.

- The creation of full time equivalent and indirect jobs during the construction phase of the development will support the workforce and boost the local economy through local spending.
- The increase in the gross annual expenditure of the residential development.
- The provision of a range of flexible commercial and employment units to create a village hub.
- The delivery of a new primary school, which will service the site and the wider community, and will provide long term employment opportunities in the wider community.
- The proposal will create a sustainable place for people to live and support a strong, vibrant and healthy community where sustainable travel modes are encouraged.
- A range of new homes will be provided in different styles, types and sizes to support the needs of the present and future generations.
- The landscape-led masterplan design supports the creation of a well-designed, beautiful and safe place for people to live.
- Publicly accessible open spaces and new tree planting is proposed throughout the scheme. This will provide green spaces for residents to enjoy and create a healthy place for community supporting social and cultural well-being.
- The new homes will provide opportunities for those already living in the area to move in response to their changing housing needs or circumstance supporting the vitality of the local community.
- The provision of ecological enhancements across the scheme will result in a biodiversity net gain. Ecological enhancements will include new trees, shrubs and hedge planting.
- The scheme will deliver a high standard of sustainable design and high-quality new homes supporting the national direction for a shift towards a low carbon economy.
- The design and details of the scheme include measures and infrastructure to encourage the use of more sustainable modes of transport, including green routes through the site, new integrated pedestrian and cycle routes, and a sustainable link (SMC) from the site to East Malling encouraging walking, wheeling and cycling as well as providing a bus service from the site to East Malling and beyond.

- The proposal will support and encourage the minimising of waste and pollution to help mitigate and adapt to climate change.

Heritage balance

- 6.189 It has been acknowledged that there will be less than substantial harm, at the lower end of the scale, to the setting of the Grade I Church of St James and the East Malling Conservation Area.
- 6.190 The applicant has set out that the development, including the SMC, will allow a greater appreciation of the relevant heritage assets, most notably the Church of St James. This is due to the increase in the public use of the SMC by cyclists and pedestrians, which passes the site of the Church.
- 6.191 The applicant has also agreed in principle to provide funding to the Church to provide sensitive nighttime lighting of the Church building. This can be secured through the necessary legal agreement.
- 6.192 Another benefit identified by the applicant is the improvement to biodiversity within the application site, which it is claimed will encourage numerous species to inhabit the area, thereby improving the aesthetic setting of the historic environment.
- 6.193 The harm arising to the significance of the Church of St James and the East Malling Conservation Area, will be at the lower end of the scale of less than substantial harm. Given that part of the harm will occur to a Grade I listed building, this is afforded moderate weight. However, with the proposed mitigation and other benefits, it is considered that this heritage harm is not a strong reason for refusal against paragraph 11(d)(i) or footnote 7 of the NPPF.
- 6.194 It is concluded that the heritage harm would be overcome by the social, economic and environmental public benefits provided in the scheme that are identified at paragraph 6.188 above. Therefore, the harm identified is overridden by the outcome of the balancing exercise required by Paragraph 215 of the Framework.

Overall balance and conclusion

- 6.195 Taken together it is considered that the benefits that are associated with the proposals must be attributed very substantial weight in favour of granting permission, particularly the provision of up to 1,300 dwellings (along with the associated economic, social and environmental benefits). This is a significant number of dwellings, which would make a strong contribution towards the existing shortfall, as well as delivering urgently needed affordable homes. These new homes would strengthen the Council's housing supply position and help it resist inappropriate schemes in more sensitive areas.
- 6.196 The development would conflict with some local plan policies which seek to restrict development in the countryside. However, by virtue of the clear shortfall in housing supply, they are considered out of date, and in accordance with the provisions of

the NPPF, in such circumstances the weight afforded to such policies is significantly reduced.

- 6.197 Furthermore, the development is considered to be policy compliant in almost every other respect, including in regards to transport and highways, ecology, flooding / drainage, neighbouring amenity, air quality, land contamination, minerals and noise. The development is also supported by the evidence base for the Regulation 18 draft local plan.
- 6.198 Whilst there would be some harm to the identified heritage assets, and some change in character from the loss of previously open fields, the parameters of this outline scheme provide sufficient confidence that the development would be acceptably landscaped, with large areas of open space and screening, alongside the previously mentioned Ancient Woodland buffers and ecological enhancement measures. The Ancient Woodland buffers will, with appropriate management, ensure that there is no harm to irreplaceable habitats. This tempers the weight that can be afforded to the identified harm to the heritage assets and the loss of these open fields.
- 6.199 The SMC proposals have been amended which reduces the level of harm to the Grade I heritage asset and the East Malling Conservation Area, to the lowest level of less than substantial harm. With the design amendments secured (and noting the certainty on the design and appearance of this part of the SMC, which is to be fully considered at the outline stage) the level of residual harm is afforded moderate weight in the overall planning balance.
- 6.200 The loss of best and most versatile agricultural land, whilst a clear harm that weighs against the scheme, is limited by the lack of connectivity with wider agricultural parcels (owing to the relationship with the railway, established development to the north, and urban influences along Hermitage Lane). In itself, the loss of BMV land is afforded moderate weight.
- 6.201 However, it must be borne in mind that land in close proximity was granted consent on appeal with the Inspector concluding much the same. In the context of these approvals, it is further considered highly unlikely that the loss of BMV land, particularly in the context of the social, economic and environmental benefits arising from the delivery of the proposals would provide sufficient justification for refusing the development.
- 6.202 In conclusion, the proposal is largely consistent with the development plan and in line with national policy, which seeks to boost significantly the supply of housing. Where there is divergence from the adopted development plan in respect of harm at the lower end of less than substantial harm to the identified heritage assets, the loss of BMV agricultural land and the location outside of settlement boundaries, material considerations exist to justify a departure from these policies; namely, the inconsistency of the Council's spatial strategy with the more up to date NPPF, a clear shortage of housing land supply, and engagement of the tilted balance in

favour of sustainable development for a significant number of new homes (including affordable housing).

- 6.203 The adverse impacts of granting permission do not therefore significantly and demonstrably outweigh the numerous and weighty benefits of the development. On this basis, the application is recommended for approval, subject to the conditions set out below, and the satisfactory completion of a S106 agreement to secure the necessary level of affordable housing and planning obligations.

7. Recommendation:

7.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- 7.2 The applicant entering into a planning obligation with the Council to provide on-site affordable housing and financial contributions towards the provision of education facilities and community services, health provision, public transport, and Network Rail contributions for upgrading Barming Station as set out in paragraph 6.176; and

- 7.3 The following planning conditions and informatives:

Conditions

General Conditions

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

Reason: No such approval has been given.

2. Application for approval of the reserved matters in the first phase or first sub-phase of the development shall be made to the Local Planning Authority not later than 3 years from the date of this permission. Application(s) for the approval of the remaining phases or sub-phases of the development shall be made to the Local Planning Authority not later than 10 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 2 years from the date of the approval of the first reserved matters, 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 and documents:

- Vacant Buildings - Demolition Plan, Ref: 604822 - DP01
- Vacant Buildings - Demolition Plan (Site Wide), Ref: 604822 - DP02
- Proposed Site Access - Kiln Barn Road (Ref: 22-031-031 Rev. B)
- Proposed Site Access - Sustainable Movement Corridor (SMC) (Western Section) (Ref: 22-031-104 Rev. E)
- Proposed Site Access - Hermitage Lane (South) (Ref: 22-031-029 Rev. B)
- Proposed Site Access - Hermitage Lane (North) (Ref: 22-031-030 Rev. B)
- Proposed Site Access - New Road/Chapel Street (Ref: 22-031-047 Rev. C)
- Proposed Site Access - PRoW Access 1 (Ref: 22-031-050)
- Proposed Site Access - PRoW Access 2 (Ref: 22-031-051)
- Proposed Site Access - PRoW Access 3 (Ref: 22-031-052)
- Proposed Site Access - PRoW Access 4 (Ref: 22-031-053)

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 and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

5. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement (March 2024) and the following plans:

- Land Use Parameter Plan (Ref: 604822-PP02 Rev. H)
- Access and Circulation Parameter Plan (Ref: 604822-PP03 Rev. H)
- Building Heights Parameter Plan (Ref: 604822-PP04 Rev. G)
- Density Parameter Plan (Ref: 604822-PP05 Rev. G)
- Green and Blue Infrastructure Parameter Plan (Ref: 604822-PP06 Rev. G)

Reason: In order for the reserved matters to proceed in general conformity with the outline parameters of the scheme.

6. Prior to the submission or at the same time as the submission of the first reserved matters applications, a Phasing Plan to identify the phases of development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the quantum of development in each phase, whether that is the number of market and affordable dwellings or other uses, together with the general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, public open space, play areas and

access for pedestrians, cyclists and vehicles. The development shall thereafter be carried out in accordance with the approved phasing or any variation to the phasing as may be approved from time to time by the Local Planning Authority in writing.

N.B. For the avoidance of any doubt, any references in this decision notice to a phase shall be as per the phases identified in the Phasing Plan approved pursuant to this condition.

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

7. The Sustainable Movement Corridor, including the western section, shall be constructed and made available for use prior to the occupation of the 130th dwelling. Once constructed, the entire Sustainable Movement Corridor, including the western section, shall thereafter remain available for use by all permitted users, including bus services at all times.

Reason: To ensure delivery of infrastructure serving non-car travel modes and in the interests of highway safety and the amenity of the locality to ensure delivery of infrastructure serving non-car travel modes.

8. Applications for the approval of each phase of the reserved matters shall be accompanied by a scheme of landscaping and boundary treatment to broadly accord with the Illustrative Landscape Masterplan Drawing Ref: 6116-LLB-XX-XX-DR-L-0002-S4-P05.

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 and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

9. Applications for approval of each phase of the reserved matters shall show arrangements for the storage and screening of refuse and recycling to be approved in writing by the Local Planning Authority. Prior to the occupation of each dwelling / building, the approved arrangements shall be implemented in relation to that particular dwelling / building, and retained at all times thereafter.

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 and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

Sustainable Movement Corridor Landscaping

10. Prior to the construction of any part of the approved Sustainable Movement Corridor between New Road East Malling and Kiln Barn Road, as shown on drawing Proposed Site Access - Sustainable Movement Corridor (SMC) (Western Section) (Ref: 22-031-104 Rev. E) or a defined part of the Sustainable Movement Corridor, landscaping details along the relevant part of the Sustainable Movement Corridor are to be submitted and approved in writing by the Local Planning Authority. The Sustainable Movement Corridor landscaping is to broadly accord with the details shown on the following drawings:
- Illustrative Landscaping - Sustainable Movement Corridor - Existing Vegetation (6116-LLB-XX-XX-DR-L-0009-S4-P01)
 - Illustrative Landscaping - Sustainable Movement Corridor - Post-Development Vegetation (6116-LLB-XX-XX-DR-L-0010-S4-P02)
 - Illustrative Landscape Section Drawing - Section AA (6116-LLB-XX-XX-DR-L-0006-S4-P01)
 - Illustrative Landscape Section Drawing - Section BB (6116-LLB-XX-XX-DR-L-0007-S4-P01)
 - Illustrative Landscape Section Drawing - Section CC (6116-LLB-XX-XX-DR-L-0008-S4-P01)

The landscaping shall be carried out in accordance with the approved details within the first planting season following the first use of the Western Section of the SMC.

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 and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

Hermitage Lane Access (North)

11. The reserved matters application for the detailed design of the north eastern part of the site which utilise the northern access to the site from Hermitage Lane as shown on Proposed Site Access - Hermitage Lane (North) (Ref: 22-031-030 Rev. B) shall consider the potential for the creation of a link road to be constructed to allow a connection to Quarry Wood Industrial Estate to the north.
Reason: In the interests of highway safety and the amenity of the locality.

Highways Conditions

12. Prior to the first occupation of the development hereby permitted, a detailed highways 'Monitor and Manage Strategy' (MMS) shall be submitted to, and approved in writing by, the Local Planning Authority.

The MMS shall set out details of monitoring of vehicles to and from the development during its occupation and a methodology to determine the actual traffic impacts of the occupied dwellings in terms of traffic flow changes, changes to road safety risk, and changes in traffic conditions (queue lengths and delays) on the M20 Junctions 5 and 6. The information shall be set out in a report and be used to validate the appropriateness and timing of the implementation of the measures in the approved Travel Plan.

Reason: In the interests of highways safety and to support a vision led approach to development so the likely impacts of the proposal can be assessed and monitored in accordance with para 118 of the NPPF and to minimise traffic generated by the development and to ensure that the M20 Junctions 5 & 6 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

13. Subject to the validation of the outcomes of the highways Monitor and Management Strategy (MMS), no more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) for the development hereby permitted shall be allowed until the improvement scheme identified for M20 Junction 5, as shown in approved drawing ref: 22-031/049_Rev F in the Stage 1 Road Safety Audit Response Report (22-031-021 Rev - July 2025), is complete and open to traffic.

Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 118 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

14. Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such time that the development aggregately would generate from the site accesses more than 79 total departure trips in the PM peak hour (17:00 – 18:00) until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in approved drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled 'Proposed Arrangement for Northbound Slip of M20 Junction 6', is complete and open to traffic.

Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

15. Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such time that the development aggregately would generate from the site accesses 156 or more total arrivals trips in the PM peak hour (17:00-18:00) until the improvement scheme identified for the M20 Junction 6 Westbound Diverge, as shown in approved drawing ref: 20-078-008 Rev H (dated April 2024), titled 'Proposed M20 J6 Diverge Upgrade', is complete and open to traffic.

Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

16. Save for preliminary works, prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase shall be submitted to and approved in writing by the Local Planning Authority in the form of a Construction Traffic Management Plan (CTMP). The CTMP shall include (but not necessarily be limited to) the following:

- Routing of construction and delivery vehicles to / from site;
- Parking and turning areas for construction and delivery vehicles and site personnel;
- Timing of deliveries and permitted construction traffic arrival and departure times, avoiding network and school peaks where possible;
- Provision of wheel washing facilities;
- Temporary traffic management / signage;
- Details of construction phasing;
- Measures to prevent the discharge of surface water onto the highway; and
- Procedures for notifying local residents and other neighbours as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination.

Thereafter all construction activity in respect of the development in each phase shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highways safety and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with para 115 of the NPPF.

17. The development hereby permitted shall not be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include (but not necessarily be limited to) the following:

- The identification of targets for trip reduction and modal shift;
- The measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
- The timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter;

- The mechanisms for monitoring and review;
- The mechanisms for reporting;
- The remedial measures to be applied in the event that targets are not met; and
- The mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

18. The details submitted in pursuance of Condition 1 shall show land reserved for parking. No building hereby approved shall be occupied until the parking area to serve that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area unless otherwise agreed in writing with the Local Planning Authority.

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

19. Prior to, or at the same time as, the submission of the reserved matters application for the phase of development that includes the Village Centre as identified in red as the location of the “Mixed Use including residential (E, C1, C2, C3, F.1, F.2) (0.7ha)” on the Land Use Parameter Plan (Ref: 604822-PP02 Rev. H), full details of a Mobility Hub shall be submitted to and approved in writing by the Local Planning Authority. The Mobility Hub should contain as a minimum:

- Three dedicated car club parking spaces to support electric car club vehicles including plug in charge point;
- Electric bike hub with plug in charge point;
- Cycle stands and lockers;
- Cycle repair stand;
- Cycle pump;
- An information terminal;
- Cycle hire (including cargo cycles) and secure parcel lockers should also be considered; and
- Location of the Mobility Hub.

Unless otherwise agreed in writing, the approved Mobility Hub shall be provided prior to 300th occupation of the development and shall be thereafter maintained.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024).

20. Prior to the commencement of the development in any phase hereby approved, a Public Right of Way Management Scheme to cover both construction and operation of the Public Right of Way(s) within that particular phase shall be submitted to and approved in writing by the Local Planning Authority. This should detail widths, surfaces, road crossings and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the public right of way use. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not negatively impact the existing public right of way network.

Design

21. Applications for the approval of each phase of the reserved matters shall be accompanied by a contoured site plan and details of the slab levels at which the dwellings are to be constructed, and the development shall be carried out in accordance with the approved details for each phase.

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

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

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

Contamination

23. No development of any phase of the development (or part thereof) shall take place, other than as required as part of any relevant approved site investigation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;

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

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

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

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

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

24. Following completion of the approved remediation method statement for each phase of the development (or part thereof), and prior to the first occupation of the relevant phase a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground 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. 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 within any phase of the development (or part thereof) such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

25. 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 180 of the National Planning Policy Framework.

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

Reason: To 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 180 of the National Planning Policy Framework.

27. Prior to the commencement of any piling that is necessary for any building within any phase of the development, details of the piling techniques to be used for those buildings shall be submitted to the Local Planning Authority for its approval together with details of any measures that are considered to be necessary to mitigate against noise disturbance and groundwater contamination. Each phase of the development shall be undertaken in accordance with the details so approved for each phase.

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 180 of the National Planning Policy Framework.

Drainage

28. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment prepared by Charles and Associates (Revision A- March 2024). 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 curtilage of the site without increase to flood risk on or off-site.

- A description of the drainage system and its key components;
- A general arrangement plan with the location of drainage measures and critical features clearly marked;
- An approximate timetable for the implementation of the drainage system;
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities;
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime;
- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and
- 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 each phase in accordance with the approved details including the agreed timetable.

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.

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

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

constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

30. No development within a phase of development shall take place until a strategy detailing the proposed means of foul waste disposal for that phase and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

Archaeology

31. No development shall take place within each phase of the development until the applicant has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority in writing.

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

Ecology / Landscaping

32. No development (including ground works, site and vegetation clearance) shall take place until a site-wide outline construction ecological management plan (OCEMP - biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP - biodiversity shall include the following and be based on the ecological survey information submitted as part of the application and up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- Overview of the mitigation required and plans showing the areas it will be implemented;
- Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;
- Areas where a detailed arboricultural method statement to protect retained trees is required;
- Anticipated Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- Persons responsible for implementing the works.

Reason: To protect habitats and species identified within the site from adverse impacts.

33. No phase of development (including any ground works, site or vegetation clearance) shall commence until a construction ecological management plan (CEMP - biodiversity)) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP - biodiversity shall include the following and be based on the ecological information submitted with the outline application and the Outline Construction Ecological Management Plan required by condition 32 and up-to-date ecological survey information, as advised by a suitably qualified ecologist:
- Purpose and objectives for the proposed works;
 - The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
 - Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
 - Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
 - Confirmation of what protected species licences (e.g., badgers and dormice) are required to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
 - Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
 - Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works; and
 - Initial aftercare and reference to a long-term maintenance plan (where relevant).

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

Reason: To protect habitats and species identified within the site from adverse impacts.

34. No development (including ground works, site and vegetation clearance) shall take place until an Outline Habitat Management and Monitoring Plan (the OHMMP) informed by up-to-date ecology surveys as advised by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority and including the following:
- (a) measures to protect and enhance retained assets (noting commitments secured at the outline application stage);
 - (b) identify opportunities to create new biodiversity assets and links to existing off site ecological networks;

- (c) demonstration of how the above measures contribute to achievement of 10% minimum net gain target for the overall development site based on an up-to-date statutory biodiversity net gain metric and the overall biodiversity gain plan; and
- (d) the framework management and maintenance strategy.

Reason: To ensure mandatory Biodiversity Net Gain (BNG) is delivered, maintained and secured.

35. No phase of development shall commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Outline HMMP submitted as part of condition 34, approved Phase Biodiversity Gain Plan for that phase, and based on up-to-date ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the Local Planning Authority and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Phase Biodiversity Gain Plan for that phase;
- (d) the management measures to maintain habitat in accordance with the approved Phase Biodiversity Gain Plan for that phase for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP for that phase shall be implemented, managed and maintained in accordance with the approved HMMP for that phase. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP for that phase.

Reason: To ensure mandatory Biodiversity Net Gain (BNG) is delivered, maintained and secured.

36. With the submission of the reserved matters application for each phase an ecological enhancement plan must be submitted to the Local Planning Authority for written approval. It must demonstrate that integrated features for bats, birds or bees have been incorporated in to all buildings and enhancement features incorporated in to the open space. The plan must include a map showing the location of the features and details of the types, makes and modes of the features to be installed. The plan must be implemented as approved.

Reason: To ensure that the development actively improves the biodiversity value of the site.

37. Prior to the submission of the first reserved matters application, a site-wide lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:
- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;
 - The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
 - The provision of technical specifications for the external lighting;
 - An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
 - The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
 - Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

No external lighting shall be installed for any phase until a lighting plan(s) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light spill throughout the site.

38. Prior to the completion of each phase, a lighting plan(s) for biodiversity for that phase, shall be submitted to and approved in writing by the local planning authority. The plan(s) shall follow the design parameters set out in the approved site-wide lighting design strategy and include the following:
- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;
 - The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
 - The provision of technical specifications for the external lighting;
 - An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
 - The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
 - Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

All external lighting shall be installed prior to first occupation of each phase in accordance with the specifications and locations set out in the plan(s) for that phase, and these shall be maintained thereafter in accordance with the strategy.

Reason: To minimise light spill throughout the site.

39. No development shall take place (including any ground works, site or vegetation clearance) within each phase until a construction ecological management plan (CEMP (biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (biodiversity) shall include the following and be based on the findings and conclusions of up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
- Reference to the relevant protected species licences (e.g. bats or badgers) to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
- Inclusion of a detailed arboricultural method statement to protect retained trees;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Initial aftercare and reference to a long-term maintenance plan (where relevant);
- Disposal of any wastes for implementing work.

The works within each relevant phase shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

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

40. At the time of the submission of Reserved Matters for each phase of the development pursuant to Condition 1, a scheme of hard and soft landscaping and boundary treatment shall be submitted to the Local Planning Authority for formal approval as part of that particular phase. The landscaping details shall include an implementation programme for all planting, seeding and turfing including any

ecological enhancement measures. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The approved hard landscaping works shall be implemented prior to first occupation of those parts of the development to which they relate.

Reason: In the interests of visual and rural amenity and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 135 of the National Planning Policy Framework.

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

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

42. With the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority, addressing:

1. Creation and enhancement of habitats in accordance with the biodiversity net gain assessment, up-to-date ecological survey data and ecological commitments made within submission documents.

2. Management of on-site habitats to achieve biodiversity net gain in accordance with the biodiversity net gain assessment, up-to-date ecological survey data and ecological commitments made within submission documents.

3. Biodiversity enhancement measures, including building-integrated bat boxes, bird nest boxes, bee bricks, native species planting and installation of log piles.

4. Management and maintenance of public amenity areas and associated infrastructure and facilities.

The content of the LEMP shall be based on up-to-date survey information, and the LEMP shall include the following:

- a. Purpose and conservation objectives for the proposed ecological design works.

- b. Detailed design(s) to achieve stated objectives (including detailed soft landscaping plans, planting schedules, and habitat features such as bird and bat boxes shown on scaled plans suitable for construction).
- c. Extent and location/area of proposed works on appropriate scale maps and plans.
- d. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e. Timetable for implementation, including the planting of the screening hedgerow prior to first use of the development.
- f. Persons responsible for implementing the works.
- g. Details of initial aftercare.
- h. Aims and objectives of management.
- i. Prescriptions for management actions for the lifetime of the development.
- j. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- k. Habitat monitoring provisions.
- l. Details of the individual, body or organisation(s) responsible for implementation of the plan.
- m. A minimum of a 20m buffer to the Ancient Woodland along with on going management provisions.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Supporting Plans and Documents

43. The application was accompanied by the following documents to inform the planning assessment:
- Planning Statement dated February 2024
 - Agricultural Land Quality Report dated 26 October 2023 (Ref: 2036/1)
 - Arboricultural Impact Assessment dated 8 March 2024 (Ref: 1446-AIA-V1-B)
 - Tree Constraints Plan (Overview) (Ref: 1446-TCP-001-F)

- Tree Constraints Plan (Ref: 1446-TCP-002-F)
- Tree Constraints Plan (Ref: 1446-TCP-003-F)
- Tree Constraints Plan (Ref: 1446-TCP-004-F)
- Tree Constraints Plan (Ref: 1446-TCP-005-F)
- Tree Constraints Plan (Ref: 1446-TCP-006-F)
- Tree Constraints Plan (Ref: 1446-TCP-007-F)
- Tree Constraints Plan (Ref: 1446-TCP-008-F)
- Tree Constraints Plan (Ref: 1446-TCP-009-F)
- Tree Constraints Plan (Ref: 1446-TCP-010-F)
- Tree Constraints Plan (Ref: 1446-TCP-011-F)
- Arboricultural Impact Plan (Overview) (Ref: 1446-AIP-012-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-013-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-014-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-015-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-016-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-017-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-018-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-019-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-020-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-021-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-022-C)
- Framework Ancient Woodland Management Plan dated October 2024 (Ref: 223364)
- AAe response note dated 17 October 2024 (Ref: 223364/HRS)
- Technical Note - Biodiversity Net Gain Revision A dated November 2024 (Ref: 223364)
- Statutory Biodiversity Metric dated 7 March 2024
- Energy Statement dated February 2024 (Ref: SOL_22_S049_ENT)
- Flood Risk Assessment dated March 2024 (Ref: 22-031-002 Rev A)
- Statement of Community Engagement dated May 2023
- Sustainability Statement dated February 2024 (Ref: SOL_22_S049_ENT)
- Minerals Resource Assessment dated 17 March 2025 (Ref: 416.066124.00001)
- Archaeological evaluation report dated November 2024 (Ref: EV KBR 24)
- Historic Landscape Assessment dated April 2025 (Ref: OT KBR 24)
- The Church of St James and East Malling Conservation Area Heritage Statement dated November 2024 (Ref: OT KBR 24)
- East Malling Roman Villa Heritage Statement dated November 2024 (Ref: OT KBR 24)
- Nineteenth century park landscape associated with Preston Hall Heritage Statement dated November 2024 (Ref: OT KBR 24)
- Addendum to Heritage Surveys dated April 2025 (Ref: OT KBR 24)
- Assessment of the reduced width Sustainable Movement Corridor on the setting of the heritage asset dated December 2025 (Ref: OT KBR 24)
- Transport Assessment Vol 1 – Executive Summary dated September 2024 (Ref: 22-031-R1001 Rev B)
- Transport Assessment Vol 2 – Policy and Site Context dated September 2024 (Ref: 22-031-R1002 Rev B)

- Transport Assessment Vol 3 – Development Vision & Proposals dated September 2024 (Ref: 22-031-R1003 Rev B)
- Transport Assessment Vol 4 – Sustainable Travel Strategy dated September 2024 (Ref: 22-031-R1004 Rev B)
- Transport Assessment Vol 5 – Multi-Modal Assessment dated September 2024 (Ref: 22-031-R1005 Rev B)
- Transport Assessment Vol 6 – Monitoring & Evaluation Plan dated September 2024 (Ref: 22-031-R1006 Rev B)
- Transport Technical Note – Response to ATE Comments dated July 2024 (Ref: 22-031-R2002 Rev A)
- Transport Technical Note – Bus Gate Enforcement - Information Note dated July 2024 (Ref: 22-031-R2005 Rev A)
- Transport Technical Note – Response Note to KCC Highways dated August 2024 (Ref: 22-031-R2004 Rev -)
- Transport Technical Note – SMC Design Rationale dated August 2024 (Ref: 22-031-R2006 Rev A)
- Transport Technical Note – SMC Design Rationale dated September 2024 (Ref: 22-031-R2006 Rev B)
- Transport Technical Note – Response Note 2 to KCC Highways dated March 2025 (Ref: 22-031-R2013 Rev -)
- Transport Technical Note – Response Note to RPS Highways Review dated December 2025 (Ref: 22-031-R2019 Rev -)
- Sustainable Movement Corridor Statement of Need
- Sustainable Movement Corridor – Justification & Evidence Base dated December 2025 (Ref: 22-031-R2018 Rev A)
- Photomontage from Bradbourne House towards the Church of St James The Great
- Environmental Statement Addendum: Volume 1, Main Text, Chapters 1-6 dated 8 March 2024 (Ref: E3242) and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 7 – Transport and Access and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 8 – Air Quality and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 9 – Noise and Vibration and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 10 – Landscape and Visual Impacts and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 11 – Ecology & Biodiversity and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 12 – Water Quality, Hydrology and Flood Risk and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 13 – Soils, Geology and Contaminated Land and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 14 – Waste Management and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 15 – Archaeology and Heritage and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 16 – Socio-economics, Population and Human Health and appendices

- Environmental Statement Addendum: Volume 1, Main Text, Chapter 17 – Climate Change and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 18 – Lighting
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 19 – Conclusions
- Environmental Statement: Volume 3, Non-Technical Summary dated 7 March 2024 (Ref: E3242)
- EIA Statement of Conformity dated October 2024 (Ref: E3866)
- EIA Statement of Conformity dated 16 March 2025

Reason: The environmental impacts of the development have been assessed in relation to the parameters of the development shown in the submitted drawings and documents. In order to ensure the development proceeds on the basis of the assessed parameters.

Informatives

1. In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 5 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.
2. In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 79 departure vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.
3. In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 156 vehicle trip arrivals during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.
4. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as

trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. Borehole soakaways must maintain an unsaturated zone all year.

5. It is understood that foul drainage will be directed to the mains sewer network and that no discharge to the environment is proposed. We have no objection to this. The developer must ensure there is adequate capacity in the on-site and off-site network prior to any occupation of any phase.
6. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
7. The use of bonfires on the site could lead to justified complaints from residents and the disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that bonfires not be had at the site.
8. Your attention is drawn to the comments available online by Kent police Designing Out Crime Officers in relation to crime prevention on the site.
9. Your attention is drawn to the comments available online by TMBC Waste Services in relation to refuse collection provision.
10. Any tonal alarms used on site should be broadband or white noise type to minimise noise impact on nearby properties.
11. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
 - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
 - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

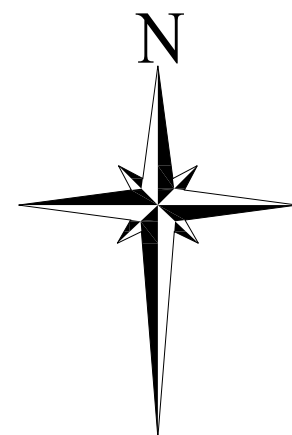
If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Contact: Robin Gilbert

EMT Bradbourne Site Location Plan

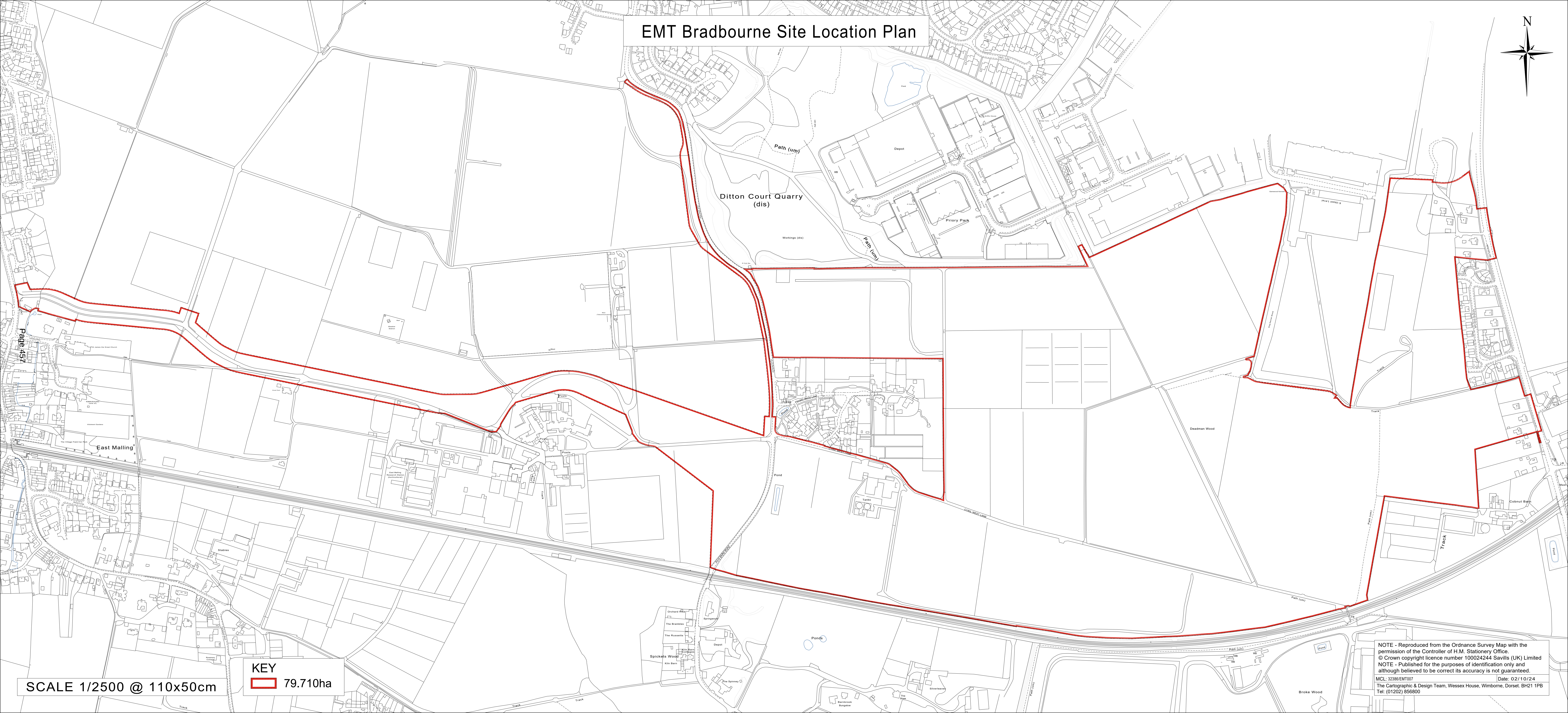


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SCALE 1/2500 @ 110x50cm

KEY
 79.710ha

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MCL: 32386/EMT007 Date: 02/10/24
The Cartographic & Design Team, Wessex House, Wimborne, Dorset. BH21 1PB
Tel: (01202) 856800



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SUPPLEMENTARY REPORTS

AREA 3 AND AREA 2 PLANNING COMMITTEE

DATED 9 March 2026

**East Malling and Larkfield, Aylesford,
Ditton**

TM/24/00372/OAEA

East Malling West Malling and Offham,
Aylesford South and Ditton

Location: Land East of Kiln Barn Road and West of Hermitage Lane Aylesford

Proposal: Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

Following the publication of the Committee report, eight representations have been received comprising seven objections and one letter in support. The issues raised by the objections include:

- A lack of infrastructure;
- An increase in traffic locally;
- Over development;
- The loss of the land within the countryside;
- Density of the development;
- Design of the development;
- Impact on heritage assets;
- Lack of amenity;
- Water supply;
- Highway safety; and
- Impact on local wildlife.

These matters have each been considered in detail within the Committee report, and so it is not considered that the matters raised at this stage alter the recommendation to Members contained within the report.

The letter of support highlights the need for new homes, affordable housing, the Sustainable Movement Corridor, the provision of facilities and infrastructure locally.

Officer recommended changes:

Under the Affordable Housing section of the Heads of Terms, it is proposed to add the following wording underlined:

“70% rented and 30% intermediate/affordable home ownership (rented element to include Social rent)”

This is to ensure that Social rent affordable housing is taken into consideration when deciding the final split.

Under the Open Space section of the Heads of Terms, it is proposed to add the following wording:

“A community use agreement for outdoor sports facilities and children and young peoples play areas.”

This is to ensure that the outdoor sports facilities and children and young peoples play areas provided can be used by all who wish to do so.

In paragraph 7.2 of the report, it states that contributions under the planning obligation are “as set out in paragraph 6.176” – this should be “paragraph 6.172”, which includes a table summarising the heads of terms of the s106 agreement.

The following amendments, which have been underlined for ease of reference, are proposed to conditions 10 and 18 listed under paragraph 7.3 of the Committee report:

“10. Prior to the construction of any part of the approved Sustainable Movement Corridor between New Road East Malling and Kiln Barn Road, as shown on drawing Proposed Site Access - Sustainable Movement Corridor (SMC) (Western Section) (Ref: 22-031-104 Rev. E) or a defined part of the Sustainable Movement Corridor, hard and soft landscaping details along the relevant part of the Sustainable Movement Corridor are to be submitted and approved in writing by the Local Planning Authority. The Sustainable Movement Corridor landscaping is to broadly accord with the details shown on the following drawings:

- Illustrative Landscaping - Sustainable Movement Corridor - Existing Vegetation (6116-LLB-XX-XX-DR-L-0009-S4-P01)
- Illustrative Landscaping - Sustainable Movement Corridor - Post-Development Vegetation (6116-LLB-XX-XX-DR-L-0010-S4-P02)
- Illustrative Landscape Section Drawing - Section AA (6116-LLB-XX-XX-DR-L-0006-S4-P01)
- Illustrative Landscape Section Drawing - Section BB (6116-LLB-XX-XX-DR-L-0007-S4-P01)

- Illustrative Landscape Section Drawing - Section CC (6116-LLB-XX-XX-DR-L-0008-S4-P01)

The soft landscaping shall be carried out in accordance with the approved details within the first planting season following the first use of the Western Section of the SMC. The hard landscaping shall be carried out in accordance with the approved details prior to the first use of the Western Section of the SMC.

“18. The details submitted in pursuance of Condition 1 shall show land reserved for parking of vehicles and secure cycle parking. No building hereby approved shall be occupied until the parking area or secure cycle storage to serve that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular or cycle access to reserved vehicle parking or cycle storage area unless otherwise agreed in writing with the Local Planning Authority.”

The following informatives are proposed to be added to the existing list under paragraph 7.3 of the Committee report:

“The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to ‘Natural Turf for Sport’, (Sport England, 2011).”

“The relevant phase(s) of the reserved matters will be expected to include the implementation and maintenance for a period of at least five years. It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England’s technical Design Guidance Note entitled ‘Natural Turf for Sport’ (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.”

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TONBRIDGE AND MALLING BOROUGH COUNCIL**AREA 3 PLANNING COMMITTEE****MINUTES****Monday, 9th March, 2026**

Present: Cllr D Thornevell (Chair), Cllr R W Dalton (Vice-Chair),
Cllr A G Bennison, Cllr T Bishop, Cllr R I B Cannon,
Cllr L Chapman, Cllr D A S Davis, Cllr P M Hickmott, Cllr D Keers,
Cllr A McDermott and Cllr C J Williams

In attendance: Councillors S Crisp, Mrs T Dean, J R S Lark, W E Palmer,
R V Roud, K B Tanner, Mrs M Tatton, D Harman* and D W King*
were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors Mrs S Bell,
S M Hammond and Mrs A S Oakley.

PART 1 - PUBLIC**AP3 26/9 DECLARATIONS OF INTEREST**

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

AP3 26/10 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning
Committee held on 29 January 2026 be approved as a correct record
and signed by the Chairman.

AP3 26/11 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 Regulatory Services 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.

MATTERS FOR RECOMMENDATION**AP3 26/12 TM/24/00372/OAEA - LAND EAST OF KILN BARN ROAD AND WEST OF HERMITAGE LANE, AYLESFORD**

Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

Members were reminded that, in accordance with the Borough Council's Constitution, Committee Procedure Rule 15.25, the application fell within the areas of more than one Area Planning Committee and must therefore be considered independently by both of the Committees concerned, with the recommendations of both Committees to be reported to Council for decision, unless both Committees were agreed on their recommendations (including reasons for their recommendations and any conditions to be attached to a grant of permission), in which case the Director of Planning, Housing and Regulatory Services might proceed to determine the application in accordance with those recommendations.

Due regard was given to the consultation responses and determining issues detailed in both the main and the supplementary reports of the Director of Planning, Housing and Regulatory Services, as well as representations made by the speakers.

Members expressed concerns regarding highways and traffic impacts, the Sustainable Movement Corridor, heritage and landscape effects, loss of best and most versatile agricultural land, and the adequacy of potable water supply and infrastructure capacity.

Queries were raised and responded to in relation to highways modelling, cumulative impacts, heritage considerations, Biodiversity Net Gain provision, affordable housing viability, ecological matters and the Sustainable Movement Corridor, with particular discussion focused on representations received in respect of potable water supply and whether a Grampian-style condition could be imposed to control phased development and occupation pending approval and confirmation of adequate infrastructure to meet water supply needs arising from the development.

A motion was proposed and seconded to grant planning permission in accordance with the officer recommendation, subject to completion of a section 106 legal agreement, conditions and informatives as set out in both the main and the supplementary reports of the Director of Planning, Housing and Regulatory Services, and the inclusion of an additional Grampian-style condition relating to potable water supply. On being put to the vote, the motion was lost with six Members voting against and five Members voting in favour.

A further motion was then proposed and seconded to defer consideration of the application to allow further information and evidence to be obtained in relation to the delivery capacity of South East Water to supply the development given the recent position change on their Water Resources Management Plan. This was carried with six Members voting in favour and five Members abstained from voting.

RESOLVED: That consideration of the application be DEFERRED, to enable further information to be obtained in respect of potable water supply and related infrastructure capacity, and for the matter to be reported back to a future meeting of the Area 3 Planning Committee.

[Speakers: Cllr N Newman (on behalf of Ditton Parish Council), Cllr T Sharp (on behalf of Aylesford Parish Council), Mr A Waters, Mr J Newman, Mrs J Newman, Cllr S Jeffery, Mr R Dove and Cllr P Coulling (members of the public) and Mr G Evans (Agent on behalf of the Applicant) addressed the Committee in person.]

AP3 26/13 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

There were no updates provided on planning appeals, public inquiries or hearings since the last meeting of the Planning Committee. However, attention was drawn to a dismissed appeal relating to an application at Lunsford Lane, Larkfield, Aylesford, which was previously refused by the Committee, with appreciation recorded to both Members and Officers for their support and contribution in responding to the appeal.

AP3 26/14 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.20 pm
having commenced at 5.30 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Monday, 9th March, 2026

Present: Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr S Crisp, Cllr S A Hudson, Cllr R V Roud, Cllr Mrs M Tatton and Cllr M Taylor

In attendance: Councillors D Thornewell, Mrs S Bell* and R I B Cannon* were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors C Brown (Vice-Chair), P Boxall, M A Coffin, Mrs T Dean, D Harman**, J R S Lark and K B Tanner.

(**apologies submitted for in-person attendance and participated via MS Teams)

PART 1 - PUBLIC

AP2 26/17 DECLARATIONS OF INTEREST

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

AP2 26/18 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 Regulatory Services 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.

MATTERS FOR RECOMMENDATION**AP2 26/19 TM/24/00372/OAEA - LAND EAST OF KILN BARN ROAD AND WEST OF HERMITAGE LANE, AYLESFORD**

Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

Members were reminded that, in accordance with the Borough Council's Constitution, Committee Procedure Rule 15.25, the application fell within the areas of more than one Area Planning Committee and must therefore be considered independently by both of the Committees concerned, with the recommendations of both Committees to be reported to Council for decision, unless both Committees were agreed on their recommendations (including reasons for their recommendations and any conditions to be attached to a grant of permission), in which case the Director of Planning, Housing and Regulatory Services might proceed to determine the application in accordance with those recommendations. Members further noted that any discussion or outcome at the Area 3 Planning Committee did not bind the Area 2 Planning Committee.

Due regard was given to the consultation responses and determining issues detailed in both the main and the supplementary reports of the Director of Planning, Housing and Regulatory Services, as well as representations made by the speakers.

Members expressed concerns regarding highways and traffic impacts, affordable housing provision, the Sustainable Movement Corridor, heritage and landscape effects, public transport provision and sustainability, loss of best and most versatile agricultural land, mineral considerations, local primary care capacity, and the adequacy of potable water supply and infrastructure capacity.

The Committee had an in-depth discussion in relation to highways modelling and cumulative impacts; the design, operation and enforceability of the Sustainable Movement Corridor; the bus gate at the nearby Chapelfield Way, Maidstone, and whether further evidence could be sought from Kent County Council Highways regarding its operation, long-term management and effectiveness; potential sterilisation of high-quality ragstone reserves and mineral extraction viability; and the

potential to strengthen a specific condition to ensure it adequately defined the permitted users of the Sustainable Movement Corridor.

Following debate, a motion was proposed and seconded to defer consideration of the application to allow further information to be obtained, including in relation to potable water supply, mineral extraction considerations, the operation of the bus gate at Chapelfield Way, Maidstone, and the wording and enforceability of Condition 7 as set out in the main report of the Director of Planning, Housing and Regulatory Services. On being put to the vote, the motion was carried with the Committee voting in favour unanimously.

RESOLVED: That consideration of the application be DEFERRED, to enable further information to be obtained and investigated in respect of the following areas, and for the matter to be reported back to a future meeting of the Area 2 Planning Committee:

- (1) potable water supply and related infrastructure capacity;
- (2) clarification on mineral extraction and whether this could be extracted prior to the development of housing;
- (3) assessment of impact of the bus gate at Chapelfield Way, Maidstone and its effectiveness; and
- (4) strengthening of the wording and enforceability of Condition 7 relating to the definition of permitted users of the Sustainable Movement Corridor to secure future consistent use of the road as designed.

[Speakers: Ms K Moore, Cllr S Jeffery and Cllr P Coulling (members of the public) and Mr G Evans (Agent on behalf of the Applicant) addressed the Committee in person.]

AP2 26/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.27 pm
having commenced at 8.35 pm

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Aylesford
Aylesford South And Ditton

24 JUNE 2026

TM/24/00675/FL

Location: Land South of St Andrews Close St Andrews Close Aylesford

Proposal: Erection of a part 2/part 3 storey building to provide Class C3 Retirement Home to create 50x residential units with associated communal facilities, parking, landscaping, access and associated works

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the erection of a part 2/part 3 storey building to provide Class C3 Retirement Home to create 50 residential units with associated communal facilities, parking, landscaping, access and associated works on land south of St Andrews Close, Aylesford.

2. Reason for reporting to Committee:

- 2.1 This application was called in by Cllr Cannon, Cllr Hammond, and Cllr Williams for the following reasons:
- 2.2 *"We would like this application to be called-in to Area 3 on the following grounds;- 1) The number of apartments and size, layout density, design and external appearance of the building. The overbearing nature of the proposal 2) Access and highway safety issues 3) Impact on the character of the area 4) Loss of trees and shrubs and an important local green space"*
- 2.3 The call-in request was subsequently accepted on 11th June 2024.

3. The Site:

- 3.1 The 0.8 hectare site comprises an open parcel of land within the urban area of Aylesford. It is situated between St Andrews Close to the north, London Road to the south and Culpeper Road to the west.
- 3.2 The site is mostly laid to lawn with mature trees to the west, east and south. The trees to the west include the avenue of trees lining Culpeper Road with additional mature trees within the site. There is a wooded area to the east and south.
- 3.3 The site formed part of the historic grounds of Preston Hall, a Grade II listed building, which was converted to flats, and which is situated to the northwest of the site
- 3.4 Culpeper Road to the west of the site provides access to Preston Hall and other residential dwellings making up the Royal British Legion Village. The dwellings to the west are mostly arranged in large blocks of two- and three-storey form whilst

dwellings to the north and south are mostly two-storey detached and semi-detached properties.

- 3.5 There is currently no existing vehicular access to the site, however St Andrew's Close extends into the application site boundary, providing an appropriate site access for the proposal.
- 3.6 The application site is in within the settlement boundary, as well as being part of a wider site allocation under policy H3 of the Development Land Allocation Development Plan Document. This policy considers the site as being appropriate for mixed-use, but predominantly residential development with a capacity in the order of 180 dwellings in accordance with a Master Plan with the aim to maximise the opportunities for development.
- 3.7 The site is located just north of a designated AQMA and is also within an area identified as a major groundwater vulnerability zone and an archaeological notification area.
- 3.8 Outline permission was granted in 2013 for residential development (about 36 dwellings on four sites) together with new road to Area R1 and improvements to memorial gardens. This permission included the application site (i.e. part of Area R1) alongside others within the wider housing allocation.
- 3.9 Area R1 was shown in the approved illustrative masterplan and design and access statement as having a capacity for 11, three-storey, five to six bed dwellings. However, as no reserved matters applications have ever been submitted following this outline approval, it is now lapsed and no longer capable of being implemented.

4. Planning History (relevant):

12/02443/OA

Approved - 01 March 2013

Outline Application: Residential development of about 208 dwellings (including about 68 affordable units) together with new roads, play areas and informal open space following demolition of existing hospital buildings. Conversion of Preston Hall for residential use

12/02439/OA

Approved - 01 March 2013

Outline Application for residential development (about 36 dwellings on four sites) together with new road to Area R1 and improvements to memorial gardens

12/02444/FL

Approved - 01 March 2013

Alterations and construction of new internal roads serving existing residential and health uses and proposed residential development. Alterations to existing car parking areas serving Heart of Kent Hospice, Gavin Astor House and Churchill Centre

5. Consultees:

5.1 Aylesford Parish Council: No objections

5.2 TMBC Environmental Health Protection Services:

Noise – No objections are raised, but a CEMP is required to mitigate the potential impact during construction of the development

Air Quality – No comments to make

Land Contamination – No concerns are raised. However, a watching brief condition is recommended as a precautionary measure to address any unforeseen contamination encountered during construction.

5.3 TMBC Leisure Services: A financial contribution of £46,036.00 towards the provision and enhancement of open space is required to ensure compliance with Policy OS3 of the MDEDPD and associated standards contained in Policy Annex OS3.

5.4 TMBC Waste Services: Standing advice applies.

5.5 TMBC Tree and Landscape Officer: It would not be justifiable to refuse this application on tree grounds, subject to the recommended conditions.

5.6 KCC Development Investment Team: A financial contribution towards community leaning and skills, library, registrations and archives service, adult social care and waste is sought in order to mitigate the impact arising from the development proposed.

5.7 KCC Highway Services: No objections, subject to planning conditions relating to 1) CEMP, 2) surface water management, 3) provision of loading/unloading and turning facilities, 4) provision of a 5m bound surface adjacent to the highway, 5) provision and retention of cycle parking facilities and 6) completion and maintenance of vehicular access

5.8 KCC Lead Local Flood Authority: No objections, subject to three planning conditions concerning 1) detailed sustainable surface water drainage scheme, 2) verification report, and 3) infiltration precautionary measures

5.9 KCC Ecological Advice Services: No objections, subject to planning conditions and informative relating to 1) habitat creation and management plan, 2) biodiversity enhancement plan, 3) artificial lighting plan and 4) breeding birds

- 5.10 KCC Heritage Conservation: No objections, subject the imposition of a planning condition requiring the submission and approval of an archaeological field evaluation, and the follow up investigation, recording and reporting.
- 5.11 Southern Water: No objection, subject to a condition requiring the submission of a SuDS scheme specifying the responsibility and timetable for implementation, together with details of the ongoing management and maintenance regime.
- 5.12 National Highways: Offer no objection
- 5.13 Public Representations (key issues summarised as follows):
- Inadequate vehicular access (including for emergency vehicles) contrary to the Kent Desing Guide
 - Parking issue exacerbated by the development
 - Inadequate infrastructure and services
 - Loss of green space
 - Impact resulting from additional traffic volume
 - Scale and design out of character of the site surroundings
 - Impact on Grade II Preston Hall
 - Noise, traffic, pollution and disturbance

6. Determining Issues:

Principle of Development

- 6.1 The application site lies within the settlement confines of the Medway Gap; an urban area where Policy CP11 of the TMBCS expects development to be concentrated, as it can minimise the need to travel, being located to existing services, jobs and public transport. The proposal for 50 residential units used as retirement homes would align with the spatial strategy set out within the TMBCS. There are accessible local shops and services in both Aylesford and Larkfield readily available to meet the needs of the future occupiers of the residential development. Connectivity to the rest of the county and the wider southeast region is satisfactory in part due to its proximity to M20 and Aylesford train station just under 1 mile from the site, with regular direct services to London as well as neighbouring towns including Tonbridge and Maidstone.
- 6.2 The site is part a housing allocation namely Preston Hall and Royal British Legion Village made under Policy H3 of the DPADPD. The wider allocation, including the site, is considered appropriate for mixed-use, but predominantly residential, development with a capacity in the order of 180 dwellings in accordance with Policy H3. The application site forms part of a parcel of land known as Area R1 that was granted outlined permission in 2013 for 11, three-storey, five to six bed dwellings, reinforcing the suitability of the site for housing or housing led development.

- 6.3 Chapter 5 of the NPPF requires the planning system to support the Government's objective of significantly boosting the supply of homes, having regard amongst other things to the size, type and tenure of housing needed for different groups in the community, including older people (those who require retirement housing, housing-with-care and care homes). The proposal for 50 residential units would make a meaningful contribution towards the supply of homes while addressing the needs of older people specifically.
- 6.4 The Council cannot currently demonstrate a five-year supply of deliverable housing sites when measured against its objectively assessed need (OAN). As such, the policies most relevant for assessing the current proposal should be treated out of date and hence the provision set out in Paragraph 11(d) applies. For decision making, this means granting permission unless:
- "i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."*
- 6.5 Policies protecting areas or assets of particular importance are highlighted in Footnote 7 of the NPPF. They relate to
- "habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change."*
- 6.6 The site is not located in any of the protected areas identified in Footnote 7 nor is it occupied by any designated heritage assets or irreplaceable habitat. Albeit within the sight of Preston Hall, which is Grade II listed, the site's contribution towards the setting of this designated heritage asset is, as the Council's conservation specialist has advised, very low. Moreover, with it being an allocated site for housing under Policy H3 of the DPADPD and granted permission previously for 11, three-storey townhouses in 2013, the application of the heritage conservation policies contained in Chapter 16 of the NPPF is not considered to provide a strong reason for refusing the development on heritage ground.
- 6.7 For these reasons, the proposal should only be refused permission where the situation outlined in Paragraph 11(d)(ii) of the NPPF arise namely the adverse impact of granting permission significantly and demonstrably outweigh its benefits when

assessed against the policies in the NPPF, taken as a whole. The potential impacts and benefits of the proposal are assessed further in the rest of this report.

Housing Supply, Mix and Affordable Housing

- 6.8 The most up to date housing land supply position briefing note published in January 2025 indicates that the Council could only demonstrate a supply of deliverable housing sites of up to 2.89 years against its objectively assessed need. As such, there is undeniably a shortfall in the supply of new homes, which the Council must seek to address in accordance with Chapter 5 of the NPPF.
- 6.9 The proposal, if permitted, has the potential of delivering 50 new retirement homes in a highly sustainable location, where the Development Plan specifically Policy CP11 of the TMBCS and Policy H3 of the DPADPD seeks to encourage and facilitate. It would assist in meeting approximately 3.8% of the annual housing requirement, which together with other allocated and windfall sites would make a meaningful contribution towards mitigating the identified housing shortage. This factor must therefore be afforded substantial weight in the overall planning balance as per the NPPF.
- 6.10 Turning next to housing mix, the Strategic Housing Market Assessment 2025 provides the most up-to-date evidence base to inform decision-making. In relation to retirement housing specifically, the SHMA identifies modest current shortfalls in housing with support (such as sheltered and retirement housing) across both the market and affordable sectors, alongside a more significant shortfall in residential care provision. The study further notes that the provision and retention of a range of attractive housing options for older households is an important component of achieving a balanced housing mix. Accordingly, it recommends that a total of around 950 additional housing units with support, split equally between market and affordable housing, is provided between 2024 and 2042.
- 6.11 The proposal comprises a total of 50 retirement units: 27 one-bedroom flats and 23 two-bed flats. Although the proposal consists of a significant higher proportion of flats than demanded across the borough, given the age-restricted nature of the development, the sustainable location of the site and the importance to optimise the development potential of the allocated housing site, its yield and benefit, it is considered that the proposed house type could be acceptable on this occasion and broadly consistent with the overall housing needs, mix and tenure as identified in the evidence base referred to earlier.
- 6.12 Referring to the Planning Statement, the proposal would create a barrier-free environment, with all corridors, communal areas and living accommodation designed to be fully wheelchair accessible and therefore compliant with the M4(3) standard. As such, it would be suitable for its intended occupiers. The proposal would also assist in addressing the shortfall in housing supply by providing older people with the opportunity to downsize while remaining within their local community. In doing so, it could potentially release existing family-sized dwellings back onto the market and

help address the needs of groups with specific housing requirements, consistent with paragraph 61 of the NPPF.

- 6.13 Concerning affordable housing, Policy CP17 of the TMBCS states that in the urban areas, affordable housing provision will be sought on all sites of 15 dwellings or above or 0.5ha or above at a level of 40% of the number of dwellings in any scheme. This Policy is elaborated further through the Affordable Housing Supplementary Planning Document adopted in July 2008 and the Affordable Housing Protocol recently revised in May 2026.
- 6.14 The SPD reiterates that *“all new residential developments will therefore be expected to provide affordable housing in accordance with the adopted Core Strategy unless the developer can demonstrate that the site can only come forward if essential infrastructure needs to be provided first, or where there are other significant costs such as site remediation or flood alleviation works, for example, and that in these circumstances the provision of the required amount and type of affordable housing would make the development unviable.”*
- 6.15 *“In these exceptional cases, it will be for the developer to demonstrate that less affordable housing and/or a different mix of affordable housing should be provided, and this will be subject to a confidential ‘open book’ assessment and independent audit.”* The Affordable Housing Protocol revised in 2026 further states that *“reduced provision will only be considered where justified by a viability appraisal.”*
- 6.16 In this case, the proposal comprises all market housing, meaning there is no affordable housing either provided on site or off site. This application is accompanied by a Financial Viability Appraisal, which suggests that the proposal could not be viably delivered while meeting the affordable housing requirements set out in Policy CP17 of the TMBCS. In accordance with the SPD and Protocol, the Council has appointed an independent viability consultant (BNP Paribas) to scrutinise the FVA, with latest formal written advice received in August 2025
- 6.17 Contrary to the findings presented in the applicant's FVA, BNP Paribas considers that the proposed development would generate a surplus of £528,309 against the viability benchmark of £1,047,672, with a profit margin of 17.5% of GDV, based on the Alternative Use Value (AUV) derived from the 11-dwelling approved in 2013. The most significant area of disagreement between the applicant and the Council's viability consultant is in respect of the level of profit the developer should be expected to obtain from a scheme of this scale and nature, with the former suggesting 20% while the latter 17.5%.
- 6.18 In determining what constitutes a reasonable level of profit for this development, due consideration has been given to the viability position of other retirement housing schemes across the Borough that have been agreed by either the Local Planning Authority or the Planning Inspectorate, in addition to the advice received from BNP Paribas. Amongst these schemes is the proposal for 36 retirement living apartments for older persons on land to the rear of 78–80 High Street, Tonbridge, submitted by the same applicant and subsequently granted permission at appeal (21/01542/FL). In the appeal decision, the Inspector, whilst noting the differences between the parties in respect of the assessment of GDV, accepted a developer profit of 20% as a

reasonable margin for a comparable retirement housing scheme of 36 units. However, given the disagreement over GDV, the Inspector also supported the inclusion of a late-stage viability review mechanism to be secured through a legal agreement.

- 6.19 In light of the above, the Local Planning Authority initially proposed to accept a developer profit margin of 20% for this application, subject to the inclusion of a late-stage viability review mechanism, broadly consistent with the approach taken by the Inspector as outlined above. The applicant has since made a counteroffer to increase the financial contribution to £370,000, covering all potential planning obligations, in order to avoid the need for a late-stage review mechanism. The amount offered is marginally higher than £367,226, which represents the mid-point between the Council's adopted profit level and the applicant's preferred profit assumption.
- 6.20 Having regard to the above, it is considered that the applicant's offer of a £370,000 financial contribution represents a reasonable and pragmatic resolution to the viability discussions. The contribution marginally exceeds the mid-point between the Council's adopted profit assumption and the applicant's preferred profit level and therefore provides an appropriate balance between securing planning obligations and maintaining the viability of the development.
- 6.21 Whilst the removal of the late-stage review mechanism may reduce the ability of the Local Planning Authority to capture any windfall profit arising from an increase in Gross Development Value (GDV), this is partly offset by the uplift in the financial contribution offered upfront. In any event, the inclusion of a late-stage review mechanism does not guarantee an increased financial contribution but rather provides the opportunity for the Council to share in any windfall arising from a GDV uplift.
- 6.22 On this basis, subject to a legal agreement securing the aforementioned contribution towards, amongst other items, affordable housing, the proposal is considered, on balance, acceptable in respect of Policy CP17 concerning affordable housing, albeit without a late-stage review mechanism. The proposal would also deliver much need homes at a mix, type and tenure appropriate to its surroundings, compliant with Policy H3 of the DPADPD and Chapter 5 of the NPPF.

Quality of Accommodation

- 6.23 The proposal comprises 50 units in total, spreading across three floors. The smallest apartment has one bedroom measured 51.84sqm while the biggest one has two bedrooms measured 90.47sqm. The schedule of accommodation is as follows:
- 6.24 All new units would well exceed the minimum gross internal area stipulated by the Nationally Described Space Standards and many of which would have their own balconies, in addition to a communal garden south of the apartment block. Adequate outlook and natural light would be provided to each flat through appropriately sized windows
- 6.25 Being adjacent to A20 Lond Road means the occupants of the proposed development could potentially be exposed to noise from heavy and regular traffic flow

unless otherwise mitigated. Having reviewed the noise assessment and its addendum, the Council Environmental Health Protection Services are satisfied that the potential of noise could be adequately mitigated to avoid a significant adverse impact upon the living conditions of the future residents.

6.26 For these reasons and subject to a condition requiring compliance with the noise assessment and its recommendation including mitigation measures, the proposal could deliver its future occupiers a good quality of accommodation, complying with Policy CP24 of the TMBCS and Chapter 12 of the NPPF.

6.27 Design, Character and Appearance (including Heritage Consideration)

6.28 The proposed development comprises 50 retirement units contained within a part two-storey, part three-storey detached building arranged in an “L”-shaped formation. The building would be positioned broadly parallel to London Road, with the principal elevation facing north and the rear elevation facing south. A 39-space car park would be provided to the front while a communal garden area for the benefit of future residents to the rear. The building would be constructed using a mix of external materials including clay roof tiles, red brick, white render, and stone banding with stone trim/mouldings.

6.29 The wider Royal British Legion Village does not exhibit a clearly defined pattern of development. The grounds historically associated with the Grade II listed Preston Hall have been developed incrementally over time, resulting in a varied pattern of development of differing ages, layouts and architectural styles. A mix of two- and three-storey residential buildings, including both houses and apartment blocks, already exists within the Village and are readily visible within the surrounding context. In view of this, the presence of a part two-storey and part three-storey building is not considered to be out of keeping with the prevailing scale of development within the wider Village. Furthermore, the application site is of sufficient size to accommodate a building of the scale proposed without appearing cramped or overly dense when compared with development elsewhere within the Village.

6.30 It is also pertinent to note that the site previously benefited from outline planning permission granted by the Area 3 Planning Committee in 2013 for the erection of 11 townhouses arranged in a crescent formation – see plan below. No concerns were raised at that time regarding the principle of three-storey buildings within Parcel R1, which substantially overlaps with the current application site.



- 6.31 In the absence of any significant change in planning policy at either the local or national level, or to the spatial context of the site and its surroundings, there is no compelling reason to resist the current proposal on the basis of building height. In any event, when assessed on its own merits and having regard to the site-specific circumstances, the proposal is considered acceptable in terms of scale, layout and pattern of development.
- 6.32 Although larger in scale than some surrounding buildings, the proposed development would not appear overly bulky. Its overall massing would be broken down into smaller elements through a varied roofline and a staggered building frontage incorporating balconies and several three-storey gable features. The proposed material palette, together with quoin detailing and other architectural features, would provide a visually attractive and coherently designed façade when viewed from St Andrew Close and London Road. The overall design approach would be in keeping with the character of more recent development within the wider Royal British Legion Village, notably the three-storey Brenchley House located adjacent to the Grade II listed Preston Hall.
- 6.33 Preston Hall to the north of the site is Grade II listed so the development impact on its setting and heritage significance is pertinent to the assessment of this application. The Council Conservation Officer, having regard to the planning history of the wider housing allocation and the supporting documents, offers the following advice.
- 6.34 “The proposal is located at the furthest point of the avenue and does unfortunately enter into the space of the avenue. However, this has no old trees, and the avenue is of very low significance. The impact on the setting of Preston Hall by encroachment into this part of the avenue will be very low and would not be considered harmful. Correspondingly, there would be no harmful impact on Preston Hall or its associated listed structures”. As such, applying the heritage conservation policies contained in the NPPF does provide a strong reason for refusing this development proposal.

- 6.35 The proposal would retain all mature trees along the site boundaries, together with additional soft landscaping around the car park and a landscaped communal garden wrapping around the western corner of the building. The landscaping details shown on the submitted Landscape Proposals are considered broadly satisfactory from a visual amenity perspective. However, to ensure a high-quality and coherent landscape treatment upon completion of the development, a condition should be imposed requiring the submission and approval of a comprehensive hard and soft landscaping scheme, in line with the advice of the Council's Tree and Landscape Officer.
- 6.36 In addition, whilst the proposed materials of construction are acceptable in principle, full details (including colour, texture and finish) are required in order to ensure compliance with the design policies of the TMBCS and the NPPF. A condition requiring the submission and approval of a detailed schedule of external materials is therefore recommended
- 6.37 In conclusion, although the proposal would be relatively large in scale, it would be consistent with the prevailing building heights within the wider Royal British Legion Village and the established pattern and density of development. The design and appearance of the building are considered acceptable from visual amenity and heritage conservation perspectives. The proposed landscaping, particularly the retention of mature tree belts along the site boundaries, would provide appropriate mitigation against the potential visual impact arising from the scale of development. Subject to the imposition of the recommended conditions, the proposal is considered to comply with Policy CP24 of the TMBCS, Policy SQ1 of the MDEDPD, and Chapter 12 of the NPPF.

Residential Amenity of the Neighbouring Properties

- 6.38 The residential properties most likely to be affected by the proposed development are No. 7 St Andrews Close to the north, Nos. 196 and 198 London Road to the south, and Nos. 1–19 (odd) London Road East.
- 6.39 Starting with No. 7 St Andrews Close, this is a two-storey detached dwelling set perpendicular to the application site, with its side elevation facing towards the proposed development. Although the building would be visible from the rear garden of this neighbouring property, the intervening distance would be in excess of 20m, which is sufficient to mitigate the potential for significant overshadowing or overbearing impacts. This distance is also consistent with the separation distances recommended in the National Model Design Code. No. 7 St Andrews Close would continue to benefit from an open and largely unobstructed outlook to the front and rear and would therefore continue to receive adequate levels of natural daylight and sunlight.
- 6.40 The proposal would include three windows across the floors of the elevation facing the rear garden of No. 7; however, these would serve corridor areas rather than habitable rooms. As such, they could be fitted with obscure glazing to avoid any direct or significant overlooking impact on the neighbouring property. Subject to the

imposition of such a condition, no undue harm to the privacy of these neighbouring occupiers would arise.

- 6.41 Turning next to Nos. 196 and 198 London Road, these properties form a pair of semi-detached dwellings located to the south of the application site. The proposed development would have its rear elevation facing these houses; however, a separation distance of approximately 30m would be maintained between the buildings, together with the retention of the dense mature tree belt along the southern site boundary. As such, the potential for overlooking would be limited, and the proposal would comfortably exceed the separation distance of 15–20m recommended in the National Model Design Guide for back-to-back relationships between buildings. In addition, the outlook from the rear of these properties is already partially restricted by the existing tree belt. Consequently, the presence of a three-storey building approximately 30m away would not result in any significant additional harm to outlook or natural light available to these occupiers.
- 6.42 The impact on the residential amenity of properties on London Road East would also be minimal due to the intervening distance between the buildings and the presence of established wooded areas separating the site from these dwellings.
- 6.43 Due to the scale and nature of the development proposed, it is anticipated that a degree of noise and disturbance may arise during the construction phase unless appropriate mitigation measures are put in place. Consequently, it is reasonable and necessary to impose a Construction Management Plan condition to ensure that noise, disturbance, traffic impacts and potential pollution arising from construction activities are minimised as far as reasonably practicable, in accordance with the advice of the Council's Environmental Health Protection Service.
- 6.44 In summary, notwithstanding the concerns raised in the written representations regarding residential amenity, the above assessment demonstrates that the proposal could be implemented in a manner that avoids any significant adverse impact on the living conditions of neighbouring occupiers. Any residual impacts could be further mitigated through appropriately worded planning conditions relating to boundary treatment, obscure glazing and construction management. The proposal is therefore considered acceptable from a residential amenity perspective and would comply with Policy CP24 of the TMBCS and Chapter 12 of the NPPF.
- 6.45 Highway Safety and Parking
- 6.46 The proposal for 50 residential units would represent a significant intensification of use compared with the previously consented scheme for 11 townhouses and would therefore have a greater potential to affect highway safety and parking provision. The application is accompanied by a Transport Statement which assesses the likely trip generation associated with the proposed 50 retirement living apartments, the anticipated uptake of public transport, car parking demand, and other highway safety considerations. The Transport Statement has been independently reviewed by KCC Highways, who raise no objection to the proposed development, subject to the conditions set out in their consultation response.

- 6.47 It is also noted that pre-application engagement took place between the applicant and KCC, in its capacity as the Local Highway Authority, in October 2023. The pre-application response is included within the Transport Statement as Appendix A. Within this response, KCC Highways provided initial advice and assessment on the following matters:

Access (Vehicular and Pedestrian)

- 6.48 Access is proposed via a connection with the recently adopted road known as St Andrews Close. Such an approach is considered logical given how it would provide direct connectivity with the wider, high quality pedestrian network, whilst also avoiding the necessity for the creation of a new access onto the strategic road network. Consequently, the access strategy is acceptable in principle to KCC Highways.

Sustainability (Walking and Cycling and Public Transport)

- 6.49 KCC Highways note that an assessment of the site's sustainability credentials is contained in the TSN. This assessment correctly identifies the fact that the site is within acceptable walking distance of many existing facilities including shops, bus stops and a train station. The development is therefore considered to be situated in a reasonably sustainable location, with good opportunities for travel by alternative, more sustainable means.

Trip Generation and Traffic Impact

- 6.50 The TSN anticipates that the development would generate up to 5 trips (combined arrivals and departures) in any peak hour. To derive these forecasts the TRICS database has been interrogated. Given how these forecasts focus on sites in a suburban or edge of town location, with similar locational characteristics to the development site they are considered acceptable for assessments purposes.
- 6.51 Whilst it is recognised that the network surrounding the development has been subject to long standing congestion, due to the development's limited levels of traffic generation, further assessment is not considered necessary. As such it is agreed that *the scope of assessment can be limited to a traffic forecasting exercise.*

Parking

- 6.52 Car Parking - 38 parking spaces are proposed. As set out in the TSN KCC Highways adopted standards (Supplementary Planning Guidance Note 4, Kent Vehicle Parking Standards) requires 1 space per resident warden and 1 space per 2 units. Therefore, based upon the proposed accommodation schedule a total of 26 car parking spaces are required. Owing to how the proposed provision would be in excess of adopted standards it is considered acceptable.
- 6.53 Cycle Parking - 2 cycle parking spaces are proposed. The TSN contends that a level of cycle parking that is less than adopted standards is acceptable based upon research commissioned by the perspective developer. Whilst this research is acknowledged a policy compliant level of cycle parking should be provided

Turning and Servicing

- 6.54 Confirmation that the existing turning head will be retained is welcomed. Although it is acknowledged that the swept path analysis confirms a small amount of overrunning of the footway by refuse vehicles, given their infrequent nature, this is not considered to represent a significant problem

Personal Injury Collision (PIC) Record

- 6.55 Whilst it is noted that some PIC analysis is contained within the TSN this is extremely dated (up to 2021). Any TS should contain up to date PIC analysis using the most recently available data. The scope suggested within the TSN for assessment purposes is considered acceptable.
- 6.56 It is evident from both the pre-application response and the subsequent consultation response from the Local Highway Authority that they are satisfied that the number of additional vehicular movements arising from the proposed development would not unduly disrupt the flow of traffic on London Road, nor undermine the effective operation of the wider local highway network. They are also satisfied with the level of parking provision and the sustainability of the site location. The proposed vehicular access, turning and servicing arrangements are considered acceptable and would pose no unacceptable risk to highway or pedestrian safety. In addition, National Highways has raised no objection to the application.
- 6.57 Reference has been made to a technical note prepared by Stantec UK Ltd, which questions the suitability of the vehicular access for the scale of development proposed. The note argues that St Andrews Close should be treated as a 'Minor Access Way' serving no more than 25 dwellings, in accordance with the Kent Design Guide. However, as the note itself acknowledges in paragraph 3.2, the road width falls between the classifications of 'Minor Access Way' and 'Minor Access Road'. Whether the 25-dwelling capacity limit applies is therefore a matter of professional judgment for the Local Highway Authority, which they have exercised in providing their advice of no objection to the Local Planning Authority.
- 6.58 Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios." Therefore, even if the 25-dwelling capacity limit were applicable to St Andrews Close, it would be difficult to resist the development unless it can be demonstrated that exceeding this limit is likely to cause an unacceptable impact on highway safety. The Stantec UK Ltd technical note highlights potential shortcomings with the road width relative to the Kent Design Guide, but it does not substantiate that the development would inevitably result in an unacceptable highway safety impact.
- 6.59 Given the site's location on a busy classified A road, it is considered reasonable and proportionate to require the submission of a Construction Management Plan to ensure that construction traffic associated with the development is managed in a manner that minimises potential disruption to the local highway network. All other

conditions recommended by the relevant consultees would also be imposed in the interests of highway safety in the event that planning permission is granted.

- 6.60 In summary, notwithstanding the highway safety concerns raised by interested parties, the supporting technical evidence submitted by the applicant, together with the assessment of the Local Highway Authority, demonstrates that, subject to the recommended planning conditions, the development would not result in an unacceptable impact on highway safety or parking provision. The proposal is therefore considered acceptable in respect of Policy CP23 of the TMBCS, Policy SQ8 of the MDEDPD, and Chapter 9 of the NPPF.

Biodiversity and Trees

- 6.61 The application is accompanied by a Preliminary Ecological Appraisal, Landscape Proposals and a Statutory Biodiversity Metric, all of which have been reviewed by KCC Ecology. In respect of Biodiversity Net Gain (BNG), KCC Ecology is satisfied that the proposal could deliver the statutory minimum 10% net gain entirely on site. However, further details of the proposed habitat creation, management and monitoring arrangements are required. It is therefore recommended that a Habitat Management and Monitoring Plan be secured by way of a planning condition..
- 6.62 In addition to meeting the minimum BNG requirement, the proposal should also seek to incorporate ecological enhancement features that are not accounted for within the BNG metric. Such measures could include integrated bat and bird bricks or durable boxes, log piles, hedgehog homes and gaps within close-boarded fencing to facilitate wildlife movement. To ensure that opportunities for ecological enhancement are maximised as part of the development, KCC Ecology recommends that a Biodiversity Enhancement Plan be secured by condition. It is also considered necessary to secure details of an external lighting scheme to ensure that any lighting installations are designed to minimise potential impacts on bats and their habitats.
- 6.63 The site contains several mature trees that make a valuable contribution to the visual amenity of the area, particularly those located along London Road. A Tree Survey, Arboricultural Impact Assessment, Tree Constraints Plan and Tree Protection Plan have been submitted as part of the application. Having reviewed these documents, the Council's Tree and Landscape Officer confirms that the proposed development could be constructed without causing undue harm to adjacent trees. As such, there would be no justification to refuse the application on arboricultural grounds, subject to the imposition of planning conditions relating to finished levels, service runs, hard and soft landscaping, and the implementation of tree protection measures and an arboricultural method statement.
- 6.64 Overall, the proposal would not result in significant harm to biodiversity or existing trees and would therefore accord with Policies NE2 and NE3 of the MDEDPD and Chapter 15 of the NPPF.

Flood Risk, Drainage and Potable Water Supply

- 6.65 The site is not located within an area at risk of flooding from any source. A Drainage Strategy Report has been submitted in support of the application. The Lead Local

Flood Authority (LLFA), in its most recent consultation response, advises that it has no objection to the proposal on flood risk and drainage grounds, subject to the imposition of three planning conditions should the Local Planning Authority be minded to grant planning permission. These conditions would be imposed as recommended.

- 6.66 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users.
- 6.67 The proposal constitutes a major development, comprising a total of 50 retirement homes. South East Water's consultation response to the draft Local Plan is that there is sufficient capacity for up to 2566 dwellings from 2025 to 2029. Due to the scale of development proposed and its potential additional demand for water, further information was sought from the applicant to ensure that the proposal would have the necessary water infrastructure to meet the demand of the future residents at the time of occupation. A letter issued by South East Water was subsequently provided; this includes an estimate of the cost to provide new water connection on site, which remains valid until 1 August 2026.
- 6.68 Once the offer to connect has been accepted the relevant payment has been settled, the work, the letter indicates, should be finished within the financial year of 2026 to 2027. Based on the information provided, officers are satisfied that there is a realistic prospect of the scheme being provided with the essential water infrastructure in time to support its occupation as retirement homes. To mitigate the residual risk further, a Grampian style condition could be imposed requiring the submission of a strategy detailing the proposed delivery of potable water for the building together with an implementation timetable to the Local Planning Authority for approval.
- 6.69 For the above reasons and subject to the recommended condition, it is considered that the proposal could be made compliant with the relevant requirements set out in the local and national planning policies and acceptable in terms of flood risk, drainage and potable water supply.

Archaeology

- 6.70 The site of the proposed development lies within an area of archaeological potential associated with Iron Age activity, as well as Medieval and Post-Medieval activity connected to the Preston Hall manorial complex and 20th-century health and welfare heritage. Prehistoric remains have been found both to the north and south of the site, indicating Bronze Age and Iron Age occupation and settlement. Preston Hall itself was originally a medieval manorial complex, later developing into a high-status Post-Medieval residence. In the early 20th century, the estate was converted into a military hospital, notably treating gassed soldiers and those with tuberculosis. Many designated and historically significant buildings from these periods survive within the modern residential development.
- 6.71 However, the residential development around Preston Hall was not subject to any formal archaeological investigation. As such, our understanding of the archaeological

resource on the application site remains limited. It is therefore recommended that an archaeological field evaluation be secured by way of a planning condition.

Planning Obligations (Other than Affordable Housing)

- 6.72 Policy OS3 of the Managing Development and the Environment Development Plan Document (MDE DPD, adopted April 2010), which forms part of the Council's Local Development Framework (LDF), requires open space provision for all residential developments of five units or more (net) in accordance with the standards set out in Policy Annex OS3. Annex D of the MDE DPD sets out the methodology for implementing Policy OS3 in respect of development proposals.
- 6.73 Whilst some open space would be delivered as part of the proposed development, it would not fully meet the policy requirements relating to Parks and Gardens and Natural and Semi-Natural Green Spaces. As such, a financial contribution of £46,036 towards open space provision and enhancement is required to ensure that the relevant policy requirements are fully met.
- 6.74 Kent County Council has assessed the implications of the proposal in relation to the delivery of its community services and considers that the development would place additional demand on these services. These impacts require mitigation either through the direct provision of infrastructure or through the payment of appropriate financial contributions. The requested contributions relate to community learning and skills, library services, registration and archives services, adult social care and waste management. These services are considered directly relevant to the development and the request for financial contributions is therefore justified.
- 6.75 The financial contributions and the items they would fund are set out in the agreed Heads of Terms, which have been discussed and confirmed in writing by the applicant. The agreed financial contributions would be secured through a Section 106 Agreement in the event that planning permission is granted.
- 6.76 Conclusion and Planning Balance
- 6.77 Having regard to the above assessment, the proposal is considered acceptable and generally consistent with the aims of the Development Plan and the National Planning Policy Framework. If permitted, the development would contribute towards the provision of affordable housing, open space and other essential local facilities and services.
- 6.78 The proposal would make effective use of an allocated housing site in a sustainable location for new homes. In the absence of a five-year supply of deliverable housing sites across the Borough, the scheme's contribution to housing delivery and the optimisation of housing yield in a suitable location carry substantial weight in accordance with the National Planning Policy Framework. This, together with the socio-economic benefits associated with job creation, increased activity within neighbouring centres and additional consumer expenditure, weighs positively in favour of granting planning permission. A number of technical matters, including noise, biodiversity and drainage, can be satisfactorily addressed through the

imposition of appropriate planning conditions to ensure compliance with relevant policies.

6.79 Applying the tilted balance set out in paragraph 11(d) of the NPPF, it is considered that the benefits of the proposed development would significantly and demonstrably outweigh any potential harm, taking into account the mitigating effect of the recommended planning conditions and obligations. On this basis, it is recommended that planning permission be granted, subject to the completion of a Section 106 Agreement and the imposition of the recommended planning conditions.

7. Recommendation:

7.1 **APPROVE** subject to the following:

7.2 Heads of Terms

Developer to pay the Council's reasonable legal costs (amount TBC).

Payment of a Section 106 monitoring fee of £506.00, payable upon completion of the Agreement.

Payable upon occupation of the 13th dwelling

Community Learning and Skills - £1710.50

Library, Registrations and Archives Service - £3,131.50

Adult Social Care - £9,044.00

Waste - £2,600.00

Parks & Gardens – £33,269

Natural and Semi Natural Green Spaces - £12,767

Payable upon occupation of the 25th dwelling

Affordable Housing - £307,478

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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

TCP-01 Tree constraints plan received 29 Apr 2024

TPP-01 Tree protection plan received 29 Apr 2024
0002 Site location plan received 29 Apr 2024
0003 Proposed site layout received 29 Apr 2024
1000 Proposed ground floor plan received 29 Apr 2024
1001 Proposed first floor plan received 29 Apr 2024
1002 Proposed second floor plan received 29 Apr 2024
1003 Proposed roof plan received 29 Apr 2024
1500 Proposed site and floor plan areas received 29 Apr 2024
2000 Proposed north and east elevations received 29 Apr 2024
2001 Proposed south and west elevations received 29 Apr 2024
3000 Watercolour perspective 1 received 29 Apr 2024
3001 Watercolour perspective 2 received 29 Apr 2024
101 Proposed drainage plan received 29 Apr 2024
01 Proposed landscape plan received 29 Apr 2024
Tree survey and impact assessment received 29 Apr 2024
Preliminary ecological appraisal received 29 Apr 2024
Noise impact assessment received 29 Apr 2024
Site investigation report received 29 Apr 2024
Transport statement received 29 Apr 2024
Statement of community involvement received 29 Apr 2024
Planning statement received 29 Apr 2024
Financial viability appraisal received 29 Apr 2024
Energy statement received 29 Apr 2024
Covering letter received 29 Apr 2024
Archaeological assessment received 29 Apr 2024
Air quality assessment received 29 Apr 2024
Design and access statement 17 May 2024
Acoustic image production document received 9 May 2024
Biodiversity net gain metric received 9 May 2024
Acoustic report memorandum received 6 Jun 2024
Drainage strategy report stage 3 received 25 Jun 2024
Financial viability appraisal

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.

3. No development above slab level 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

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

4. The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting

that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space

Reason: In the interests of highway safety

5. The development hereby approved shall not be occupied unless and until the bike/mobility scooter and bin stores as shown in the approved ground floor plan have been provided in accordance with the approved details. The bike/mobility scooter and bin stores shall thereafter be retained permanently for their intended purposes.

Reason: To ensure appropriate bin and bike storage facilities are provided to the future residents at the time of occupation and ensure they remain available throughout the lifetime of development.

6. The proposed vehicular access serving the residential units and the associated car park hereby permitted shall be provided, surfaced and drained in accordance with the approved Landscape Proposals (MCS770/Drg01 P2). Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position to preclude vehicular access

Reason: In the interests of highway safety, to ensure safe vehicular access is provided and maintained in support of the development proposal.

7. The development hereby permitted shall not commence until a Construction Management Plan comprising the following details has been submitted to and approved in writing by the Local Planning Authority.

- (a) Routing of construction and delivery vehicles to / from site.
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.
- (g) Environmental management control of all demolition and construction works

The Construction Management Plan shall thereafter be implemented strictly in accordance with the approved details throughout the construction phase.

Reason: In the interests of highway safety and to ensure the potential of disruption caused to the local highway network is minimised as far as reasonably practicable during the construction.

8. The measures for mitigation of environmental noise as set out in a) Noise Assessment (R10437-1 Rev 0, dated 16th February 2024) and b) Noise Assessment Memorandum (10437-2 Rev 0, dated 5th June 2024)) by 24 Acoustics Ltd shall be fully adhered to and a report containing photograph and written evidence confirming full implementation of the details of the acoustic work shall be submitted to and

approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of the protecting the amenities of the future residents of the flats.

- 9.** The building hereby permitted shall be occupied until full details of the mechanical ventilation of the building have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) / leisure facilities hereby approved.

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

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

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

Reason: In the interests of amenity and public safety.

- 11.** Within 3 months of works commencing within the site a habitat creation and management plan must be submitted to the Local Planning Authority for written approval. The plan must include the following:

- Details of habitats currently on site
- Aims and objectives of the creation and management plan
- Plan of the habitats to be created
- Management requirements to create/enhance habitats on site.
- Overview of long term management requirements
- Rolling 5 year timetable to implement long term management
- Details of who will be responsible for implementing long term management
- Details of how it will be funded.

The plan must be implemented as approved.

Reason: To ensure the creation and long-term management of habitats on the site in order to protect and enhance biodiversity, in accordance with Policies NE2 and NE3 of the MDE DPD and Chapter 15 of the National Planning Policy Framework.

- 12.** Within three months of works commencing, detailed plans showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include details of bat and bird durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved measures will be implemented and retained thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 13.** Prior to occupation, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Reason: In the interests of visual amenity and to ensure the protection of wildlife species.

- 14.** Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Stage 3 Drainage Strategy Report prepared by Infrastructure Design LTD (Jun 2024) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of 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.

- 15.** No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report,

pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

- 16.** Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details and will require additional infiltration testing further highlighting the viability of infiltration.

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

- 17.** 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.

- 18.** 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 (the submitted information shall be based on the Stage 3 Drainage Strategy Report Land South of St Andrews Close, Aylesford, ME20 7FW on behalf of McCarthy and Stone Retirement Lifestyles Limited dated April 2023 (reference IDL/1182/DS/001) and the Proposed Drainage Plan Darwing No. LSE-2915-03-DE-101 Rev A, but include full and finalised details of details of proposed excavations for all services in relation to the trees).

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.

19. a) A scheme of hard and soft landscaping based on the Landscape Proposals Drawing No. MCS770/Drg01 Rev P2 and to comply with the species mix recommended in the enhancement measures specified at section 5.4 of the Land South of St Andrews Close, Aylesford Preliminary Ecological Appraisal dated 28/03/2024, and including finalised details of existing trees to be retained and size, species/cultivar, planting heights, densities and specific positions of any soft landscaping to, 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.

20. a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until a dimensioned tree protection plan based on the Tree Protection Plan Drawing No. 2130-KC-XX-YTREE-TPP01 Rev 0 with any necessary amendments to take account of finalised design and technical details and in accordance with Section 5.5 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) and a site specific arboricultural method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) and including, but not limited to, details of precautions and methodologies relating to preventing/minimising damage to trees during installation of services, any proposed level changes, no dig construction of new path(s) through Root Protection Areas of retained trees, details of a tree felling/pruning specification and details of an auditable/audited system of arboricultural site monitoring, have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these

fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 21.** The ground, first and second floor windows in the north elevation of the development hereby permitted which serve corridor areas shall be fitted with obscure glazing and, apart from any top-hung light, shall be non-opening below 1.7 metres above the internal finished floor level. The windows shall be installed prior to the first occupation of the development and shall thereafter be permanently retained in that condition.

Reason: To protect the privacy of the occupiers of neighbouring residential properties, in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the National Planning Policy Framework.

- 22.** 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; and
- iii programme of post excavation assessment and publication.

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

- 23.** No unit of accommodation shall be occupied at any time other than by a person aged 60 or older together with their spouse, partner or companion as appropriate, except that where a person aged at least 55 years is predeceased having resided within the development as a spouse, partner or companion, that person may continue to reside within the development.

Reason: To ensure that the development is retained and remains available to meet the identified need for retirement housing within the Borough, thereby supporting the maintenance of a mixed and balanced community, in accordance with Chapter 5 of the National Planning Policy Framework, in particular paragraphs 63 and 71.

- 24.** No development shall take place until a strategy detailing the proposed delivery of potable water for the building, together with an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with SE Water. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To ensure that adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

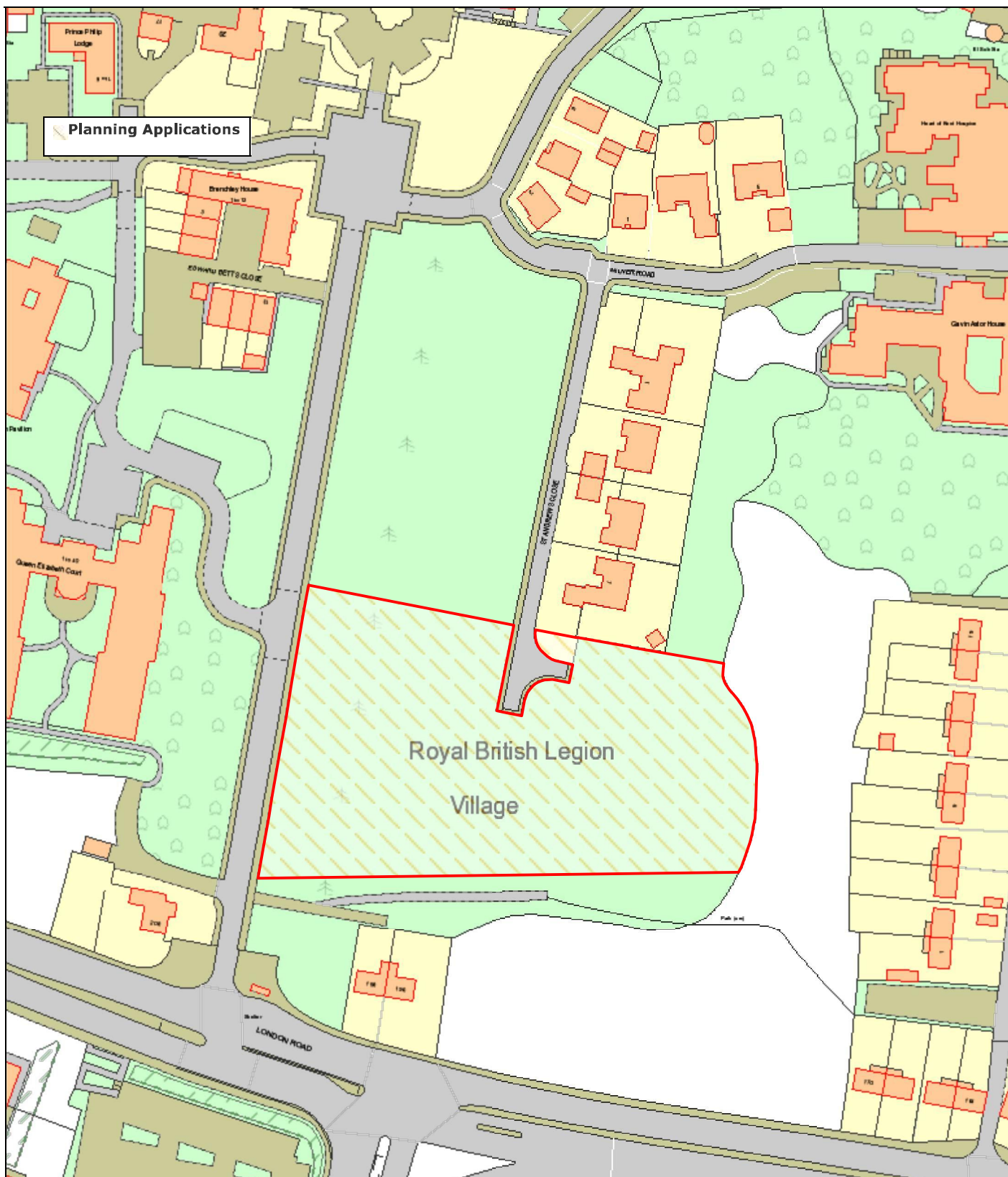
Informative

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

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

Contact: Josh Kwok



Planning Applications 24/00675/PA

Scale: 1:1250



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Date: 11/3/2026 16:01

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Wateringbury
East & West Peckham
Mereworth & Wateringbury

24 JUNE 2026

TM/25/01412/FL

Location: Land North of Drayhorse Meadow, Fields Lane, Wateringbury

Proposal: Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 This application seeks planning permission for the development of the site to provide 66 dwellings (including 50% affordable) together with associated access, parking, open space and landscaping. The development would deliver a mix of new homes (limited to two storey) comprising of 6 x 1 bed, 24 x 2 bed, 24 x 3 bed, and 11 x 4 bedroom homes.
- 1.2 A new vehicular access is proposed on Tonbridge Road, along with a secondary emergency access also located on Tonbridge Road further to the east.

2. Reason for reporting to Committee:

- 2.1 This application was 'called' to Area 2 committee on 18 February 2026 by Councillor M Boughton, so that Members could take a view on the impact of the development on the nearby Air Quality Management Area (AQMA), Medway Valley Landscape, and the Green Belt. The original committee report can be found at **Annex 1**.
- 2.2 Due regard was given to the determining issues detailed in the committee report, as well as points raised by the speakers. Members expressed concerns regarding the proximity of the development to the existing AQMA, the loss of Best and Most Versatile land, and the harmful impact of the development on the landscape character, specifically the views to and from the Medway Valley. Furthermore, Members considered the proposal to be an inappropriate development in the Green Belt.
- 2.3 Following these concerns, it was proposed by Councillor R Betts and seconded by Councillor S Hudson, that the application be refused, contrary to Officer's recommendation, for the following reasons:
 - (1) The proposal by virtue of the proximity of the development to the existing Air Quality Management Area (AQMA) would lead to the worsening of the AQMA contrary to paragraph 199 of the National Policy Planning Framework and policy

SQ4 of the Managing Development and the Environment Development Plan Document;

- (2) The proposal by virtue of the layout, loss of Best and Most Versatile land and loss of important views into and out of the Medway Valley would result in irreversible landscape harm to the detriment of this countryside location, contrary to paragraph 187 of the National Planning Policy Framework, policy CP14 of the Core Strategy and Maidstone Borough Council Landscape Character Assessment (Medway Valley); and
- (3) The proposal would constitute inappropriate development in the Green Belt contrary to paragraph 154 of the National Planning Policy Framework for which no very special circumstances have been demonstrated.

2.4 Following a formal vote, which was supported by the majority of the Committee, Members were advised that not all of the suggested reasons for refusal were considered reasons that could be substantiated at an appeal. It was resolved that the consideration of the planning application be deferred for a report from the Director of Central Services and Monitoring Officer on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution).

3. Determining Issues:

- 3.1 As stated above, following the formal vote Members were advised that not all of the suggested reasons for refusal were considered to be reasons that could be substantiated on appeal. The Director of Central Services and Monitoring Officer has prepared a cost report which can be found within Part 2 of the committee agenda.
- 3.2 In relation to reason for refusal 1, (AQMA) the legal advice considers that *“there is no evidence to suggest that the development would result in the AQMA being worsened. This is explicitly dealt with in the Officer’s Report (at paragraphs 6.142 to 6.153). It is of note that the Council’s Environmental Health Team raised no objection in relation to Air Quality. I am not aware of any evidence to suggest that the current levels fall outside the acceptable range”*. Concluding *“I am not of the Opinion that this reason, as it currently stands, and in light of the current evidence is properly defensible”*.
- 3.3 Moreover, since the application was deferred, the Council’s Environmental Health Officer has reiterated that according to current air quality data, the AQMA has not worsened and is within the acceptable range.
- 3.4 In relation to reason for refusal 2, legal advice was sought on whether it is acceptable to reference Maidstone Borough Council’s Landscape Character Assessment (Medway Valley) within the reason for refusal.

- 3.5 The Legal advice has considered this as a two pronged approach, confirming that it is not considered that the first aspect of the current draft reason for refuse (as set out below) would put the Council at risk of a costs application.

The proposal by virtue of the layout, loss of Best and Most Versatile land and loss of important views into and out of the Medway Valley would result in irreversible landscape harm to the detriment of this countryside location, contrary to paragraph 187 of the National Planning Policy Framework, and policy CP14 of the Core Strategy.

- 3.6 However, in relation to the use of the Maidstone Borough Council Landscape Character Assessment DPD, the legal advice is as follows:

“The proposed draft reason does not refer only to local planning policy. Rather, it specifically refers to the Maidstone Borough Council Landscape Character Assessment DPD. The site does not fall within the Maidstone Borough Council boundary, nor does the responsible planning authority for that area (Maidstone Borough Council) object upon consultation. Accordingly, I do not consider that this is a defensible reason for refusal. I also consider that this Council had the opportunity to include this area of land within an additional layer of protection for the landscape – and choose not to do so”.

- 3.7 Moreover, it is also material to note that nowhere in the Planning Practice Guidance does it advise that a Council’s Development Plan can be applied to a site that does not fall within its boundary.
- 3.8 In relation to reason for refusal 3, the legal report notes that no evidence has been put forward as to why the site would not compromise of Grey Belt land and moreover that the suggestion that the land is anything other than Grey Belt land is contrary to the Council’s evidence base for the emerging local plan, which suggests that the site is in Grey Belt land. Concluding “*Accordingly, I consider that this draft reason for refusal may place the Council at risk of a costs application*”.

Other Matters

- 3.9 As Members are aware the representations made by South East Water in response to the emerging Local Plan in regard to capacity, are now a material consideration. South East Water’s consultation response to the draft Local Plan is that there is sufficient capacity for up to 2566 dwellings for from 2025 to 2029.
- 3.10 The proposal is to create 66 dwellings which would increase the demand for potable water. Policy SQ5 of the Managing Development and the Environment Development Plan Document and Policy CP25 of the Tonbridge and Malling Core Strategy, which collectively require new development to demonstrate that adequate infrastructure is available to meet its demand, or that additional capacity can be provided in time to do so.

- 3.11 Following Counsel advice any residual risk in respect of potable water supply could be mitigated through a Grampian-style condition requiring the submission and approval of a strategy detailing the provision of potable water and an implementation timetable prior to the commencement of development.
- 3.12 The Planning Practice Guidance advises that local planning authorities should not refuse planning permission on grounds that can be adequately addressed through the imposition of planning conditions, where it is concluded that such conditions would enable the development to proceed, as is the case here.
- 3.13 For the reasons set out above, and subject to the imposition of the recommended condition, the proposal is considered capable of complying with Policy CP25 of the TMBCS and Policy SQ5 of the MDEDPD. As such, the additional demand for potable water arising from the development would not constitute a sufficient reason for refusal subject to the Grampian condition.
- 4. Recommendation: The officer recommendation remains the same as previously set out - Approval subject to the heads and terms for the S106 and conditions as set out in the original committee report together with the imposition of the Grampian condition as set below.**

Condition 20

No development shall take place until a strategy detailing the proposed delivery of potable water for the residential apartments hereby permitted and an implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with SE Water. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

Contact: Susan Field

Wateringbury
East & West Peckham
Mereworth & Wateringbury

18 FEBRUARY 2026

TM/25/01412/FL

Location: Land North Of Drayhorse Meadow, Fields Lane, Wateringbury

Proposal: Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 Planning permission is sought for the development of the site to provide 66 dwellings (including 50% affordable) together with associated access, parking, open space and landscaping.
- 1.2 The development would deliver a mix of new homes (limited to two storey) comprising of 6 x 1 bed, 24 x 2, 24 x 3, and 11 x 4 bedroom homes.
- 1.3 A new vehicular access is proposed on Tonbridge Road, along with a secondary emergency access also located on Tonbridge Road further to the east.
- 1.4 The 2 and 3-bedroom homes will be provided with 2 parking spaces each and the 4-bedroom homes with 3 parking spaces. The 1-bedroom maisonettes will benefit from 1 allocated space per unit. In addition, 14 visitor spaces will be provided across the site. One cycle space per bedroom will be provided (e.g. 3 bedroom homes will have 3 cycle spaces).
- 1.5 The proposed development provides a number of access points for pedestrians and cyclists.
- 1.6 Footways will be provided on both sides of the primary access through the site whilst a separate pedestrian/cycle access (that also forms the emergency access) is provided further east. A pedestrian access to the south will provide access towards Wateringbury Playing Fields and the PRow route (MR509).
- 1.7 A Sustainable Drainage Scheme is proposed; this includes the provision of an attenuation basin along the south eastern edge of the site.

2. Reason for reporting to Committee:

- 2.1 The application is presented to committee at the request of Councillor Boughton as this is a 'Grey Belt' planning application for a site which is in the Green Belt and so Councillors may take a view on the impact on the nearby Air Quality Management Area, Medway Valley Landscape, and Green Belt.

3. The Site:

- 3.1 The application site extends approximately 4.42 ha and is located on the south side of Tonbridge Road
- 3.2 The site comprises a field which is currently used for horse grazing, alongside some small structures associated with its current use in the north-western corner and timber fencing. The site is currently accessed from Fields Lane.
- 3.3 The site is bound by Tonbridge Road to the north and Fields Lane to the west. Residential development adjoins the site to the west. The eastern boundary is defined by hedgerows and a line of mature trees, beyond which there is further residential development which falls within the adjoining administrative area.
- 3.4 In policy terms the site falls within the Metropolitan Green Belt and sits immediately adjacent to the existing settlement of Watlingbury defined as 'other rural settlement' in the settlement hierarchy. The land is classified as Best and Most Versatile Agricultural Land (Grade 1/2), albeit it has been used for horse grazing for a number of years. The site falls entirely within Flood Zone 1 and small parts of the site are at low risk of surface water flooding. A stretch of Tonbridge Road to the west (by the junction with Bow Road) is located within an Air Quality Management Area.

4. Planning History (relevant):

- 4.1 There is no recent relevant history for the site, the only planning history concerns an historic application for residential development in 1974.

74/12761/OLD - Refuse - 15 May 1974
Residential development with access.

5. Statutory Consultees (in alphabetical order):

- 5.1 The statutory comments listed below have been summarised, this is only to ensure that the committee report is kept to a manageable level. All comments have been viewed in full by the Case Officer and a full version of the statutory comments can be viewed via the Council's website.

5.2 **Arboriculture:** No objection subject to conditions.

5.3 **Conservation Officer:** No objection.

5.4 **Developer Contributions (KCC):** No objection subject to contributions.

5.5 **Ecological Advice Service (KCC):** No Objection subject to conditions.

5.6 **Environment Agency:** No Objection

5.7 **Environmental Health Protection** – Observations in regard to Air Quality. No objection in regard to Noise and Contamination.

- 5.8 **Heritage Conservation** (KCC) No objection subject to pre commencement condition.
- 5.9 **Housing Services:** Initial concerns raised in relation to the tenure split. Following a revised Tenure split no objection is raised.
- 5.10 **Kent Fire** (CCT): No comments received
- 5.11 **Kent Highway Services:** No objection subject to Section 106 agreement in relation to a proportionate financial contribution upgrading Watlingbury Crossroads with the implementation of a Microprocessor Optimised Vehicle Actuation MOVA and conditions.
- 5.12 **Kent Police:** No Objection - Standard design advice give
- 5.13 **Leisure Services:** No objection subject to financial contributions being secured via Section 106 agreement.
- 5.14 **Local Lead Flood Authority** (KCC): Observations and conditions relating to offsite surface water sewer, Suds, and verification report
- 5.15 **Maidstone Borough Council:** No comments received.
- 5.16 **National Highways:** No Objection.
- 5.17 **Natural England:** No Objection.
- 5.18 **NHS West Kent CCG:** No objection subject to financial contributions secured via a section 106 agreement.
- 5.19 **South East Water:** No comments received.
- 5.20 **Southern Water Services:** No within Southern Waters statutory area.
- 5.21 **Teston Parish Council:** Objection.

The site is not in Grey Belt. The site contributes to Green Belt purposes the site. The site is beyond the established settlement boundary of Watlingbury and would allow Watlingbury to sprawl some 150 metres eastwards contrary to NPPF (Para 143 purpose a).

The site demonstrably assists avoidance of eastwards spread of Watlingbury towards Teston – conflicts with b para 143 NPPF

The setting, particularly long-view setting, of Watlingbury would be substantially degraded. Conflicts with d para 143 NPPF. In addition, the site would encroach considerably into the countryside, which would conflict with “c” above.

Local Landscape Value - in Maidstone's Local Plan, the stretch of Medway immediately to the south of the application site is part of one of Maidstone's Areas of Local Landscape Value. While Maidstone's Area of Local Landscape Value is not in Tonbridge & Malling Borough, consideration of this application should take account of its visual impact, irrespective of Local Authority boundaries.

Traffic - Teston endures rush-hour traffic disruption due to the traffic lights at Wateringbury. On several mornings, the queue stretches back over a half-mile eastwards from those lights.

The proposed development is for 66 homes, with a total of 168 bedrooms and 133 parking spaces (excluding 14 visitor spaces). The number of cars would almost certainly be in excess of 100, perhaps well in excess. To postulate that the peak hour movements would then be only 36.27 vehicles would appear somewhat improbable.

Air Quality at Wateringbury traffic lights would deteriorate further.

Pressure on Local DP Surgery and on the Primary School.

5.22 **Waste Services:** - No Objection - Standard information

5.23 **Wateringbury Parish Council:** Objection

The proposal fails to demonstrate compliance with NPPF (Dec 2024) paragraph 199 and TMBC MDE DPD Policy SQ4 (Air Quality) and therefore does not meet the development plan taken as a whole.

Air Quality

The submitted AQA is internally inconsistent and omits requested scope.

Mitigation is not secured, quantified or policy-compliant.

Decision-making cannot proceed lawfully on the basis of the AQA as it stands.

Traffic

The application fails to demonstrate compliance with NPPF (Dec 2024) paras 115–118 and TMBC MDE DPD Policy SQ8 (Road Safety, Transport & Parking) and would result in severe residual cumulative impacts at the Wateringbury Crossroads (A26/A228), a long-recognised congestion hotspot with limited scope for capacity increase.

- Highway and Transport appraisal submitted.
- Inadequate/insufficient transport evidence for a strategic bottleneck.
- Parking & layout non-compliance risk (overspill and obstruction).
- No secured package of sustainable transport measures.

5.24 **West Kent Public Rights of Way:** No objection subject to informatives.

5.25 Interested Parties:

5.26 In addition to the statutory responses, 160 representations have been received by Interested Parties including, neighbouring properties, CPRE, West Farleigh Parish Council, and Nettledon Parish Council.

5.27 Whilst comments have been summarised and categorised for the purpose of this report, all Interested Party comments have been reviewed in full. Moreover, comments may not be specifically referred to within the assessment, but all planning related/relevant comments have been taken into account prior to the preparation of the committee report.

Highways and Traffic

The village already experiences severe traffic congestion. This is exacerbated by up to 8 vehicle access points in a very short distance near the junction.

The parking in Fields Lane, The Brucks and Cobbs Close is horrendous. On many occasions there would be no way that an emergency vehicle could get through if needed without wasting valuable time moving vehicles out of the way. If the proposed build goes ahead this would put further pressure on these roads, as there will not be enough parking for friends, family, partners etc within the build and will possibly lead to parking on the A26 as well.

The proposal does not include any evidence that highway improvements will be secured as part of the application.

The layout is designed in a fashion which would result in conflicting vehicle and pedestrian movement at the risk of pedestrian safety.

We challenge the Transport Statement's forecasted travel movements. It claims only one additional vehicle movement every two minutes post-development, equating to 30 extra vehicles at Watlington Crossroads during peak hours—an impact deemed negligible. We disagree, as the junction is already congested during peak times, and the development will exacerbate this.

The proposal includes MOVA mitigation at the junction lights, adjusting signal timings based on traffic conditions. The Transport Statement suggests MOVA will offset the development's impact, citing average delay reductions of 24% (morning) and 21% (afternoon), and queue reductions of 17% and 19%, respectively. We contest these figures, as Department for Transport trials show only a 13% average delay reduction. We urge KCC Highways to scrutinise these findings due to the discrepancy.

There is no evidence that the MOVA system is financially secured by the applicant. Without this assurance, it's unclear whether mitigation will be implemented if planning permission is granted.

Air Quality

The sheer volume of traffic will rapidly increase the pollution in the air from an already known heavily polluted area.

The building of the housing will also add to an already highly polluted area causing further health risks to the residents of Wateringbury and neighbouring villages.

We have a right to breath fresh air. Adding 66 homes to the village is going to exacerbate already highly polluted area. So polluted that it is named as one of the most polluted cross roads in Kent.

We do not accept the reading done by the applicant on air quality as they were taken during the school holidays when there was less traffic. We would be far more interested in the readings achieved by the consultant funded by the Parish Council.

The applicant's air quality and noise modelling offers an incomplete and potentially misleading assessment, and the results certainly do not reflect the lived experience of myself as someone so close to the area. Moreover, the proposed mitigation measures appear to be highly insufficient to address the specific challenges of this location.

Infrastructure

Our local GP surgery is under stress having to wait weeks for an appointment or sent miles to an alternative surgery.

The site is nowhere near a main station, shops, supermarket. The only way these can be accessed is by car. I understand that housing should be near accessible amenities to avoid car usage.

Landscape

Area is renowned for its breathtaking view of the Medway Valley. This is exemplified by public seating located on the Tonbridge Road overlooking the views

It has also been nationally flagged up in several nature publications, guides, and conservation literature as a landscape of outstanding beauty and heritage.

This field is also part of the very important Medway Valley and this should be protected from development for future generations. Once this is concreted over, the damage is done and this part of the Medway Valley will be lost forever.

The proposal will affect the Wateringbury Landscape of Local Value, intruding on the skyline and going some way to obliterating the green division between the Teston and Wateringbury settlements.

The applicant acknowledges that the land is open to long views from the south and south-west, including across the Medway valley towards the Greensand Ridge, yet dismisses these effects as minor.

The site's contribution to the wider Medway Valley landscape and its role in defining the village's setting should not be downplayed.

The replacement of open paddocks with built form, lighting and estate roads would erode the visual containment of the village and introduce a suburban edge that would be readily visible from public viewpoints.

This land provides a break in the creeping development which threatens to turn East Malling Teston and Wateringbury into a conurbation destroying the village concept.

The proposal would be visually intrusive from local vantage points south of the Medway River.

Wateringbury is encircled by Green Belt land and designated Areas of Local Landscape Importance, making the preservation of its scenic views and open spaces vital to the local community.

Impact upon Landscape, in breach of Paragraphs 135-139 & 187 of the NPPF and Policy LPRSP14(a) and LPRQD4 of the Maidstone Local Plan Review (March 2024)

Green Belt/Grey Belt

This proposal is contrary to both National Planning Policy Framework (NPPF) and local authority plans, which place a strong emphasis on the protection of Green Belt land. The NPPF clearly states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances, which have not been demonstrated here.

The Government have stated that although the Green Belt can be renamed as grey belt this is not an automatic right. The field in question is not just a field, it is part of the Medway Valley, it is a part of our village, it stops Teston merging with Wateringbury.

The Green Belt review concludes the site makes only a "weak" or "no contribution" to purposes (a), (b) and (d), yet this overlooks its clear role in containing the eastern edge of Wateringbury and maintaining a visual and spatial break with the wider rural landscape. Even enclosed or edge-of-settlement land can make a strong contribution to Green Belt purposes where it prevents perceived sprawl or countryside encroachment.

Even if the site were to be regarded as Grey Belt, that does not remove the requirement for harm to the Green Belt to be clearly outweighed by other

considerations. The loss of openness, both visually and spatially, would remain significant.

Housing need, while acknowledged, cannot on its own amount to a very special circumstance.

The development will encourage neighbouring towns to merge into one another and does not assist in safeguarding the countryside from encroachment.

Agricultural Land

Loss of best and most versatile agricultural land

Development in this location would impact on food security.

The applicant's planning statement does not appear to detail any search for alternative sites. Where is the evidence that brownfield sites have been considered?

Ecology/Biodiversity

Key parts of the submitted Ecological Impact Assessment and Protected Species Survey have been redacted from the submission despite recommendations for protection measures to avoid harm to these protected species.

The proposal fails to demonstrate the presence of protected species on the site and that necessary mitigation measures are to be taken to safeguard protected species.

Design/Layout

No private amenity space is provided to the apartments/flats.

Affordable housing is grouped and not pepper potted through the proposal.

Pedestrian safety concerns due to extensive shared surfacing, especially on the western side where 22 homes lack dedicated footpaths. Wide corners and setback homes may encourage higher vehicle speeds, increasing conflict risks. The Kent Design Guide warns that such layouts promote faster driving. The southwest corner's road design appears particularly problematic, again conflicting with NPPF guidance.

Drainage/Flooding

No robust surface-water strategy to NPPF and LLFA tests NPPF 181–182 requires site-specific assessment, SuDS unless clearly inappropriate, and secured lifetime maintenance. The submission does not (a) prove the discharge hierarchy

with evidence (infiltration/watercourse/sewer), (b) size attenuation for the 1 in 100yr + climate change event, or (c) set out adoption and funded maintenance.

Greenfield runoff rates/volumes not demonstrated. For greenfield sites, peak and volume control must match greenfield conditions.

Known local surface-water issues ignored KCC's Tonbridge and Malling Surface Water Management Plan identifies local receptors and actions in the Rural Mid drainage area (includes Watringbury Road). A major new discharge here needs robust modelling and mitigation; the submission is silent.

The applicant has not provided a compliant, maintainable SuDS strategy showing greenfield-rate discharge, climate-change resilience, groundwater protection, exceedance management, or foul-network capacity.

Heritage

Watringbury Place is a Grade II* listed house with several associated Grade II structures (conservatory, outbuildings, gates and walls), all of which derive part of their significance from their landscaped and rural approach and wider setting around Tonbridge Road/Canon Lane.

TMBC's adopted MDE DPD identifies Watringbury Place and its parkland within the Borough's Historic Parks and Gardens inventory, noting the connection with the Conservation Area.

One of the notable landmarks is Watringbury Place, a beautiful Georgian house built around 1707 for Sir Thomas Style. The village was also known for its breweries, with Phoenix Brewery operating until 1982. Today Watringbury still retains its historical charm, with landmarks like the Watringbury railway station, a Grade II listed building continuing to tell the villages story through the ages.

General comments

The village green in Watringbury is the only green public space that is available to all. This is the heart of the village and is very precious to those that live here. The field that has been marked for development is used as part of village events as the carpark and prevent major parking issues in the village and on to the A26.

These houses are directly on footpath KM17.

Such a large number of houses will also increase light pollution in a greenfield and conservation area.

Watringbury is a village, we do it want to be joined to Teston, Kings Hill etc, we wish to retain our village status and beautiful surrounding countryside.

Wateringbury has benefitted from being a medium sized village, but would soon become a large one, but without amenities and facilities to cope with this change.

No Vehicle Tracking Plans have been submitted to confirm access for fire and refuse vehicles. This omission raises safety concerns regarding emergency and service access.

The plans show a Wild flower meadow which I understand would be owned by all the houses who would be responsible for its maintenance. I consider this would be unworkable. The maintenance of wild flower meadow to maintain their diversity need careful, and therefore quite costly, maintenance. The area should be gifted to the Parish Council.

The houses will be far too expensive for local farm workers and people who work in service industries will never afford your so called affordable housing is far from affordable.

6 Determining Issues:

Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 6.2 The Development Plan currently comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010.
- 6.3 The National Planning Policy Framework ("NPPF Dec 2024") and the associated National Planning Practice Guidance ("NPPG") are also important material considerations together with Kent Design Guide, Kent County Council's Parking Standards (January 2025), and Affordable Housing SPD.
- 6.4 Other material considerations include, Landscape Assessment of Kent (Oct 2004), Kent Downs AONB Landscape Character Assessment Update 2020 (Medway Valley Landscape Character Area 4B), Natural England National Character Area, Air Quality Strategy 2023 and Clean Air Strategy 2019.

Emerging Policy - TMBC Local Plan

- 6.5 On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council's cabinet that the next stage of the emerging draft Local Plan is moved forward, this paved the way for the formal public consultation

which commenced on 10 November 2025 to Midnight 2 January 2026. At the time of writing the Committee report, the representations received were being processed.

- 6.6 The emerging Local Plan sets out how the Council will meet the government's objectively assessed housing need requirement to deliver 19,746 new homes over the plan period, which equates to 1097 per year.
- 6.7 Whilst the emerging Local Plan is at Regulation 18 stage and therefore carries limited weight, the evidence base in preparation for the emerging Local Plan is a material consideration in the determination of the application.
- 6.8 The site has been assessed in regard to the call for site process and within the Green Belt Stage 1 and Stage 2 Assessment as part of the emerging Local Plan and this is discussed further within the committee report.
- 6.9 Both Wateringbury and the site has also been reviewed within the Landscape Character Assessment, and Landscape & Visual Appraisal evidence documents for the emerging Local Plan and these conclusions are also discussed further within the committee report.
- 6.10 Other documents within the Emerging Local Plan, include "A Green and Blue Infrastructure Strategy for Tonbridge and Malling March 2024".

Principle of development

- 6.11 The NPPF seeks to maximise opportunities for the supply of housing in appropriate locations which can contribute to the sustainability and vitality of existing communities, both urban and rural. Paragraph 78 of the NPPF states, *"Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old"*.
- 6.12 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need. The Council's latest published position indicates a 2.89 year supply of housing (December 2025). As a consequence, the policies most important for determining this application for housing are now out of date in the context of footnote 8 of the NPPF.
- 6.13 Applying the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2024) in the context of decision making means:
- 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

- 6.14 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
- 6.15 In relation to Paragraph 11d (i), the footnote to this paragraph (footnote 7) provides a list of those policies that relate to protected areas and assets of particular importance, this includes Green Belt. Therefore, it first needs to be established whether the policies in the Framework that protect areas or assets of particular importance provide a 'strong' reason for refusing the development.

Green Belt

- 6.16 The site lies within the Metropolitan Green Belt, wherein Policy CP3 of the Core Strategy states that the Council will apply National Green Belt Policy.
- 6.17 Paragraph 153 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds, when considering any planning application, Local Planning Authorities (LPA) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.18 Paragraph 154 (NPPF) states, LPA's should regard development in the Green Belt as inappropriate unless one of the listed exemptions apply (a to h). The proposal would not fall within any of the exception listed under paragraph 154 NPPF and therefore would be inappropriate development in the Green Belt.

Emerging Local Plan Evidence – Green Belt

- 6.19 The site (Site ID ref: 68460) was submitted under the 'call for sites' process, however, the site has been subsequently discounted, as it was deemed unsuitable for the following reason:

“The site is undeveloped agricultural fields. The site is located adjacent to the settlement boundary of Wateringbury. It is located within the Green Belt, and the Stage 2 Green Belt assessment considers that the site performs strongly against the NPPF purposes and makes an important contribution to the wider Green Belt. The site is also Grade 1 agricultural Land (Best and Most Versatile). The development of the site would result in an increase in traffic in the nearby AQMA. Due to the high sensitivity of the site to the purposes of the Green Belt and its designation as Grade 1 Agricultural land and also the likely worsening of air quality in the nearby AQMA it is considered that the site would be unsuitable for development”.

- 6.20 Within the Stage 2 Green Belt Assessment the site falls within site reference WA-03. This also includes a further parcel of land immediately adjacent to the southern boundary. The purpose of the Stage 2 Green Belt Assessment is to provide a robust local review of the Borough’s Green Belt to help inform the emerging Local Plan. This spatially focused and granular study has identified and assessed the performance of defined sub-areas against the National Planning Policy Framework (NPPF, 2024) Green Belt purposes (a) – (e):
- 6.21 The assessment also considers the role of the sub-areas within the wider Green Belt (Strategic Green Belt Assessment) and the strength of sub-area boundaries in relation to the NPPF Green Belt boundary definition. A final recommendation for each sub-area is presented within the assessment.
- 6.22 The table below sets out the conclusion for Site WA-03 on the five purposes of the Green Belt. (Scale range: 0 = weak to 5 = Strong)

Green Belt Purposes	WA-03
a) To check unrestricted sprawl of large built up area	0
b) To prevent neighbouring towns merging into one another	0
c) To assist in safeguarding the countryside from encroachment	5
d) To preserve the setting and special character of historic towns	0
e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	1
Overall NPPF	Strong
Sub-area categorisation	Strong & Important

- 6.23 This clearly demonstrates that the site performs ‘strongly’ in safeguarding the Countryside from encroachment and as such in purely Green Belt policy terms the policies in the Framework that protect areas or assets of particular importance provides a ‘strong’ reason for refusing the development.

- 6.24 However, the most up to date NPPF published in December 2024 introduces the concept of Grey Belt. Grey Belt is now a material consideration and an assessment to establish if the site constitutes Grey Belt must also now be undertaken.

Grey Belt

- 6.25 In regard to Grey Belt, paragraph 155 (NPPF) states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:
- a) The development would utilise 'grey belt' land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
 - b) There is a demonstrable unmet need for the type of development proposed;
 - c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
- 6.26 Turning first to criterion a) under paragraph 155 the NPPF at Annex 2 provides a definition for Grey Belt: this sets out that for the purposes of plan-making and decision-making, 'grey belt' is defined as:
- "Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development". (My emphasis added)*
- 6.27 Therefore, whilst under the Green Belt assessment set out above, it has been concluded that the site performs 'strongly' in safeguarding the Countryside from encroachment, the definition of Grey Belt is clear that it excludes Green Belt. As such, the site is not located in any of the other assets referred to in footnote 7. Therefore, the next test would be to establish if the parcel of land 'strongly' contributes to the Green Belt under purposes a), b), or d) as set out in Paragraph 143 (NPPF). These are:
- a) To check the unrestricted sprawl of large built-up areas.
 - b) To prevent neighbouring towns merging into one another
 - d) To preserve the setting and special character of historic towns

- 6.28 The Council's emerging Local Plan evidence confirms that under criterion a), b) and d) the site performs weakly scoring 0 for each.
- 6.29 Therefore, to conclude on Para 155 criteria a), it is considered that the site does not 'strongly' contribute to the three purposes of the Green Belt as set out above, as such the site would qualify as 'Grey Belt' land.
- 6.30 The PPG is clear and states "*After consideration of the above criteria, any assessment area that is not judged to strongly contribute to any one of purposes a, b, or d can be identified as grey belt land, subject to the exclusion of land where the application of the policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development*". [Paragraph: 007 Reference ID: 64-007-20250225].
- 6.31 Turning back to criterion b of paragraph 155) – the Council cannot demonstrate a five-year housing land supply as such there is a demonstrable unmet need for the type of development proposed.
- 6.32 In regard to c), this requires development to be in a sustainable location having specific regard to paragraphs 110 and 115 of the NPPF.
- 6.33 Paragraph 110 (NPPF) identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also, in paragraph 115, states that in specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
- 6.34 Whilst the site is outside of the settlement of Watringbury the site is not in an isolated location. The site sits adjacent to the Watringbury settlement separated by Fields Lane to the west of the site.
- 6.35 Tonbridge Road benefits from regular street lighting, and footpaths on both side of the road, together with a zebra crossing, approximately 75 metres to the west of the site (measured from the centre of the proposed access).
- 6.36 Whilst the range of services is limited, there is public house, petrol garage with convenience store. The nearest bus stops to the site are 'The Watringbury' stops located on the Tonbridge Road within a two minute walk from the site close to the zebra crossing referred to.
- 6.37 The nearest rail station to the site is Watringbury, which is located 800m south from the centre of the site and can be accessed via a 10-minute walk or a 3-minute cycle. Watringbury station offers services to a range of destinations within Kent with services operating on a half hour frequency to Strood (via Maidstone, Aylesford, Snodland and Halling) and Paddock Wood (via Yalding and Beltring). In addition, there are 2 direct trains per day to Tonbridge (via Paddock Wood). These

services provide connections to additional services that serve wider destinations including London.

- 6.38 Therefore, a residential scheme in this location is considered sustainably located and not 'heavily' reliant on the motor vehicle.
- 6.39 Lastly turning to criteria d), the application proposes 50% affordable provision and as such would comply with the Golden Rules.
- 6.40 To conclude on paragraph 155 (NPPF) the site would constitute Grey Belt land and would meet all 'relevant' criteria as set out in paragraph 155 (NPPF) and as such would be regarded as appropriate development.
- 6.41 Where a development is not inappropriate in the Green Belt, this does not itself remove the land from the Green Belt nor require development proposals to be approved. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, wider policies and considerations apply, including those in the area's adopted Plan, and in the NPPF read as a whole [Paragraph: 010 Reference ID: 64-010-20250225 PPG].

Conclusion on Paragraph 11 (d) (i)

- 6.42 After carrying out the 11(d)(i) exercise and subsequently concluding that the site would be considered Grey Belt and as such there are no "restrictive policies" in the NPPF which provide a 'strong' reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

Countryside

- 6.43 The site lies outside the defined settlement confines of Waterinbury within designated countryside. Core Strategy Policy CP14 relates to development within the countryside. It states in the countryside development will be restricted to, but not limited, to a) extensions to existing settlements in accordance with Policies CP11 or CP12, b) the one-for-one replacement, or appropriate extension, of an existing dwelling, or conversion of an existing building for residential use. The proposal does not fit within those categories listed in Core Strategy Policy CP14, however, this policy pre-dates the NPPF and is not considered to be consistent with the language of the NPPF and therefore diminished weight is afforded to the policy in this case.
- 6.44 The NPPF requires planning decisions to avoid the development of isolated homes in the countryside, except in specific circumstances. As noted earlier in the Green Belt assessment, any new dwellings on this site would not be considered isolated for the purposes of paragraph 89 of the NPPF.

Assessment on Access, Parking and Highway Matters

- 6.45 Paragraph 115 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 116 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.46 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.
- 6.47 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.48 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. Development proposals should comply with the adopted parking standards.
- 6.49 The application proposes a primary vehicular access onto Tonbridge Road (A26) approximately 60 metres west of the junction for The Orpines which is located on the northern side of Tonbridge Road almost opposite the site. The planning statement states that *“the site access has been designed in accordance with the Kent Design Guide, taking the form of a priority-controlled junction. It will provide a 5.5m wide carriageway with 10.0m radii to allow refuse vehicles to safely manoeuvre in and out of the site”*.
- 6.50 A separate emergency vehicle access is also proposed onto Tonbridge Road which will accommodate pedestrian and cycle movements. This access would be a 3.7m wide, complying with the requirements of the Building Regulations 2010 for fire access.
- 6.51 The submitted Transport Assessment has been assessed by KCC Highways where it was noted that *“stagger distance between the new access and The Orpines is approximately 60 metres which meets Kent Design Guide standards; therefore, the new layout is acceptable. Also, the applicant has provided a supporting road safety audit which does not raise any issues with the design, except for considering pedestrian travel. The junction design will include dropped kerbs and tactile paving”*.

- 6.52 However, there were a few of points raised by KCC Highways which required further clarification, first it was noted *“The applicant has suggested using a DfT manual count (6286) to analyse traffic trends. The DfT collected data in 2021 but subsequent years have been estimated without having the data collection to support the numbers. KCC would still suggest that the assumption made to say that levels are not increasing leaves some doubt and may not be correct, and the applicant should interrogate this data further. The 2017 and 2024 traffic count data should be shared with KCC Highways, although these two data sources only provide two dates within the period and not necessarily a trend/pattern”*.
- 6.53 It was also noted: the internal site layout should ensure that vehicles do not park within the swept path and turning facilities of refuse vehicles. It is unclear whether the site will be offered for adoption to KCC, the applicant should clarify this point and possibly install measures to stop residents parking in turning places which could affect refuse vehicles carrying out waste collections.
- 6.54 In regard to parking provision KCC Highways noted in relation to the four-bedroom dwellings, that each property showed two parking spaces and proposed to utilise the garage for the third parking space. However, Kent Parking Standards does not accept garages for parking and as such it was requested that the applicant clarifies/addresses this point.
- 6.55 An updated Technical Transport note was submitted in response, which specially addressed those points set out above together with an updated parking provision/strategy layout, and refuse layout plan. The level of car parking provision will be provided in accordance with KCC’s Parking Standards. KCC Highway subsequently confirmed that no objection is raised on behalf of the local highway authority subject to conditions.
- 6.56 Electric vehicle (EV) charging points will be provided in accordance with the Building Regulations 2010. Cycle parking will be provided in accordance with KCC’s Parking Standards, with one cycle parking space provided per bedroom.
- 6.57 It was also noted that the refuse strategy shown on drawing number P24-2641_DE_001_D_12 is acceptable to KCC Highways. The Councils internal Waste Service team has also reviewed the application and raises no objection.
- 6.58 In addition, KCC Highways also commented that the new access point appears to affect an existing street lighting and Vehicle Actuated Sign (VAS). The applicant will be required to relocate the street lighting column equipment as part of any approval. The applicant should contact KCC’s Street Lighting team to determine the best location for moving the column. The VAS will need to be removed and returned to KCC as the access junction could change the characteristics of traffic along A26 Tonbridge Road, this matter can be dealt with via a S278 agreement.
- 6.59 Concerns raised by interested parties in relation to highway matters have been noted. However, KCC Highways have reviewed the supporting information and

has confirmed that there would be no harm to the safe and efficient operation of the highway network subject to conditions.

- 6.60 It is also to be noted that National Highways has reviewed the application and raised no objection stating that *“We are content that given the scale, form and location of the development, it would not result in an SRN safety or capacity concern needing to be further assessed or mitigated”*.
- 6.61 Watlington Parish Council has submitted a ‘highway and transport appraisal’ undertaken on behalf of the Parish Council by Les Henry Associates Ltd (dated Oct 2025) the content of which has been reviewed by KCC Highways, who have confirmed that it does not change their position. KCC Highway did however confirm one substantive point raised within the report that *“whilst it is acknowledged that the outputs for the modelling have not been provided within the planning submission, I have seen them as part of the pre-application process with us. As a result, we are satisfied that the modelling work is suitably robust”*.
- 6.62 Therefore, in terms of the access, parking and highway safety, it is considered 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. The proposal would therefore not conflict with Policy SQ8 of the MDE DPD or paragraphs 114-116 of the NPPF.

Other Highway Matters

- 6.63 The application also offers a financial contribution towards the upgrading of Watlington Crossroads with the implementation of MOVA. (Microprocessor Optimised Vehicle Actuation). In response to KCC initial comments on the amount suggested, the applicant has revised the proposed a contribution and now offers £20k towards the introduction of MOVA technology at this junction. This would be secured via the S106 should permission be forthcoming.

Assessment on Landscape Character

- 6.64 Paragraph 187 (NPPF) states that planning policies and decisions should contribute and enhance the local environment by:
- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - (b) 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;

(c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

- 6.65 Paragraph 188 states *“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”*.
- 6.66 Policy SQ1 of the MDE DPD relates to Landscape and townscape protection and enhancement. The preamble to the policy states. *“In addition to the Areas of Outstanding Natural Beauty in the Borough, there are other broad areas of landscape which are of strategic importance either because they provide a setting to settlements and/or because they have landscape value in their own right as part of the wider historic landscape of the Borough. As well as these broad areas of landscape, there are many local areas in the Borough that play an important role in providing a setting to settlements and contribute to the character of the landscape and townscape. This may be by virtue of a particularly attractive landscape foreground to a settlement, or a particular architectural style or settlement pattern, or an open area which simply facilitates an attractive view of the settlement”*.
- 6.67 The diverse character of the towns, villages and countryside in Tonbridge and Malling should be protected and enhanced for its own sake as it is important for the social, economic and environmental wellbeing of the Borough. It is important that the unique characteristics of the area are identified and protected and where practicable enhanced in line with Core Policy CP24 having regard to the Character Area Appraisals SPD in order to strengthen this diversity rather than eroding its character and local distinctiveness.
- 6.68 Any new development should protect, conserve and, where possible, enhance:
- (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;
 - (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and
 - (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.
- 6.69 Interested parties have raised concerns in relation to the visual impact of the development within the wider context and specifically from the Medway Valley area immediately to the south/south east of the site.

- 6.70 The site itself is not located within any national or local landscape designations, albeit that the site is located within Natural England National Character Area (NCA) 120: - Wealden Greensand which comprises a long, curved belt of Wealden Greensand running across Kent, parallel to the North Downs, and through Surrey. It moves south, alongside the Hampshire Downs, before curving back eastwards to run parallel with the South Downs in West Sussex. Around a quarter of the NCA is made up of extensive belts of woodland – both ancient mixed woods and more recent conifer plantations. In contrast, the area also features more open areas of heath on acidic soils, river valleys and mixed farming, including areas of fruit growing (which is the area in which the site is located).
- 6.71 At a county level the site is identified within The Landscape Assessment of Kent (2004) as within the 'Greensand Fruit Belt – Watlingbury Character Area, and the wider area is within Medway Valley (Upper).
- 6.72 The surrounding area includes:
- Waregrave's Wood - approximately 490m Southeast of the site (Maidstone BC)
 - Teston Bridge Country park – approximately 820m east of the site. (Maidstone BC)
 - Watlingbury Place Non designated historic park and garden – approximately 900m north west of the site.
- 6.73 The Medway Valley Walk and Greensand Way are paths within the wider visual area to the south.
- 6.74 The application is accompanied by a Landscape and Visual Appraisal (incorporating Green Belt Review) this Appraisal identifies *"In evaluating the proposed residential development, the LVA assesses that, due to the sites location adjacent to the settlement edge of Watlingbury and the A26, (Tonbridge Road) the landscape effects are generally focused on the site itself and the local landscape associated with the Medway valley"*.
- 6.75 The LVA then contends that *"Views out from the site to the east and west are generally constrained by the vegetation and built form located at or close to the site boundaries. To the north, views are screened by rising landform and roadside vegetation along the A26. Open views are available to the south and south west across the River Medway towards the Greensand Fruit Belts and the distance wooded Greensand Ridge"*.
- 6.76 However, the LVA does acknowledge that there will be several receptors that will experience a substantial change in their view. These include residents overlooking the site at Fields lane, walker using the footpath MR509, users of the A26 (Tonbridge Road) and users of the track leading to the Watlingbury Playing Fields. The LVA confirms that these receptors will all experience major/moderate negative effects both in the short and long term

- 6.77 The LVA acknowledges that *“the paddocks within the site are highly susceptible to the proposed development because their key characteristics have no, or very limited, ability to accommodate it without transformation adverse effects”*. Concluding *“they have a medium sensitivity to the proposed change”*. The LVA then states *“Mature trees adjacent to the A26 (Tonbridge Road) and to the playing fields to the south west offer some sense of containment and filter/obstruct views into the site”*.
- 6.78 Whilst it is noted that views out from the site to the north and west are constrained by the existing built form. Views into the site from Tonbridge Road and Fields Lane are very clear due to the limited vegetation marking the boundaries (more so during the winter months). However, from the receptors identified above, the site would be viewed in the context of the surrounding area, which comprises residential development to the north, east and west.
- 6.79 The proposal also seeks to retain all of the boundary vegetation, with the exception of some vegetation along the A26 (Tonbridge Road). In addition, the Landscaping Masterplan (Drawing no. TR-05 Rev 4) proposes native parkland trees, fruit trees and native hedgerows etc. within the site and around the boundaries all of which will reinforce and enhance the existing landscape thus assisting in filtering views into the site. This additional planting will mitigate the major/moderate short and long term effects identified in the LVA, the application contends that the scheme has been designed to ensure that positive elements will be brought into the site and the public realm to ensure that the new settlement edge present as an attractive extension to the existing built up area.
- 6.80 Before a conclusion is drawn on Landscape Character, the evidence base in preparation for the emerging Local Plan in relation to landscape is also a material consideration and feeds into the assessment of Landscape Character so this is discussed first.

Emerging Local Plan – Landscape Evidence

- 6.81 As part of the emerging Local Plan process various documents have been commissioned with the aim of assisting the Council’s spatial strategy for the area. A Landscape Sensitivity Assessment (LSA), Landscape Character Assessment (LCA), and a Landscape and Visual Appraisal (LVA) have all been undertaken.
- 6.82 It is first important to note however, that for the purpose of all the Landscape documents, the sites development typology would fall within the category “small”, this being identified as *“Two and two and a half storey residential dwellings – either terraced, semi-detached or detached – with associated access roads, private gardens and garaging, and with an assumed density of approximately 30-40 dwellings per hectare”*. (as defined in Table 1 – Development typologies).

Settlement Tier	Sustainable Settlement Name
Small	Two/two and a half-storey residential dwellings – either terraced, semi-detached or detached – with associated access roads, private gardens and garaging, and with an assumed density of approximately 30-40 dwellings per hectare. (A small scale employment typology is not considered relevant for the purposes of development allocation as this is likely to be related to a single building or the reuse/extensions to an existing building.).
Medium	Two to three with some four-storey residential development – e.g. including blocks of flats, care homes or hotels with associated access roads, parking and communal open space and with an assumed density of approximately 40-50 dwellings per hectare; or Smaller scale commercial/industrial use – maximum two to three storeys with associated access roads, parking and open space – e.g. local business park units.
Large	Large scale residential development and high densities (+50 dwellings per hectare average), e.g. including multiple five storey plus blocks, Large commercial/industrial units or hotels – e.g. warehouses or office blocks, with large expanses of cladding or glass, access roads, large car parks and associated landscaping.

Table 1 Development Typologies

- 6.83 Within the LSA the site forms part of a wider site area KMW05. Within this assessment it is noted that the landscape value for the site is Medium Sensitivity and specifically considers that:

“This landscape is sensitive to large scale residential development, which could weaken traditional settlement boundaries and threaten the quiet, agricultural character. However, this is not a particularly valuable or distinctive area, and the existing well-established vegetation could provide screening of potential smaller housing developments close to the existing settlement of Wateringbury”.

- 6.84 Within the LCA (pages 143 to 147) the site is within - 5c Wateringbury Greensand Fruit Belt. The LCA also sets out the key characteristic and valued qualities of the area. It states, (amongst other suggestions) that:

- That new development should be sited in suitable locations with existing screening elements, making use of undulating landform and vegetation to contain development.
- New development, whether infill or on the periphery of existing settlements is mindful of the existing local vernacular, utilising appropriate materials including brick, ragstone, timber and weatherboarding to maintain historic character, looking to localised precedent.

- 6.85 Landscape and Visual Appraisal is a high level assessment of some 131 potential development sites promoted as part of the call for sites exercises. The purpose of the LVA is to provide a high-level appraisal for each site, which:

- Provides advice on the key landscape and visual sensitivities of each site.

- Identifies some of the key receptors to be considered within more detailed site assessment which should come forward in planning application documents provided by site promoters.
- Provides a high-level assessment of potential landscape and visual effects.
- Where relevant, includes an assessment of the potential effects of the development of each site on the special components of the National Landscapes and/or their settings.
- Proposes key strategic-scale mitigation measures that could avoid or mitigate adverse effects, along with opportunities to enhance the landscape.

6.86 The site within the LVA is referred to as site 59845 – Land North of Drayhorse Meadow. The assessment notes:

“Mid distance views are identified to the south and west. Views from the south along Medway Valley Walk, are filtered by trees along the River Medway which provide a degree of screening for potential development. Where the PRoW rises towards Tustham Hall, views become more elevated and less obscured, therefore potential development will be more visible from the higher ground and more prominent during winter than in the summertime.

Close range views from Tonbridge Road are partially screened along the road by shrubs and trees running along the northern boundary, and on the approach from the east the site is well screened, however views open up through gaps in the planting (VP247). Along Fields Lane the site has limited physical screening providing direct, unobstructed views along most of the extent of the western boundary (VP249).

Despite the site being so open and visible from the elevated grounds to the south, it being directly adjacent to the settlement, with residential properties to the east and the west, a small scale residential development typology could be accommodated with robust mitigation. Mitigation in the form of hedgerow and tree groupings, typical to the area, should be introduced along the more open edge on the west, together with strengthening the tree planting to the north, by planting up gaps. To further reduce potential visual impact of proposed development tree groups, or a more substantial tree block, should be introduced along the southern boundary, which is most open and allows for a range of views from the south. With sensitive consideration of development density, massing and layout, alongside a considered landscape strategy a small to scale residential development typology could be successfully integrated without undue visual harm”.

6.87 The combined summary concludes:

“The site lies within LSA KMW05, assessed as having Medium–Low sensitivity to small scale and medium sensitivity to medium scale residential development. This

reflects a moderate capacity for development without significantly affecting key landscape characteristics. Large scale development typology is deemed inappropriate in this location and has not been assessed.

The site is a series of paddocks and is open in character. This is the main perceptual landscape characteristic, alongside the sense of rurality and tranquillity, that would be altered and lost through the introduction of built form and associated hard surfacing. The loss of existing vegetation would be limited, as the main typology is open grassland. There would also be a partial urbanising effect of development on the countryside, however adjacent to existing settlement.

These changes would have a Moderate to Major-Moderate adverse impact in the case of small scale residential development typology and Major adverse for medium scale residential development typology.

The presence of adjacent residential dwellings to the eastern and the western boundaries would help integrate a smaller scale development into the local built context.

A small scale residential development typology could be accommodated on the site with a carefully considered design approach, incorporating a sympathetic layout and building character, alongside introduction of tree groupings and hedgerow planting reflective of the local landscape character, especially along the western and southern boundary, together with enhancement of the tree line running along the A26. While this type of development would result in some localised adverse landscape effects, particularly on perceptual qualities, these impacts would be limited in extent and could be effectively mitigated through sensitive design and strategic landscaping”.

- 6.88 Therefore, to conclude on Landscape Character, it is clear from the Landscape and Visual Appraisal undertaken for the emerging Local Plan that the site is capable of a small scale residential development typology and whilst this type of development would result in some localised adverse landscape effects, particularly on perceptual qualities, these impacts would be limited in extent and could be effectively mitigated through sensitive design and strategic landscaping”.
- 6.89 Notwithstanding the Landscape Master plan submitted with the application, a landscaping condition is suggested should permission be granted as this will allow the Local Authority to ensure that a robust landscaping scheme is achieved for the site.
- 6.90 It is also worth noting that Natural England has confirmed, based on the submitted plans, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and as such raises no objection.

Agricultural Land

- 6.91 Government Policy as set out in “*A Green Future: Our 25 Year Plan to Improve the Environment*” sets out the plan to improve the health of the environment and includes the aim of protecting the best agricultural land. Aligned with this aim, the NPPG Natural Environment states that planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land. Moreover, it highlights that soil is “*an essential natural capital asset that provides important ecosystem services, including as a growing medium for food, timber and other crops.*”
- 6.92 It is noted that the Agricultural Land Classification and Consideration supporting document which accompanies the application, identifies the site as Grade 2 and in places Grade 1 agricultural land. This is because, according to Natural England – ‘Provisional’ Agricultural Land Classification (ALC) (England) data the site comprises Grade 1 agricultural land.
- 6.93 Notwithstanding this, whilst Grade 1 land is classified as being of “excellent quality and Grade 2 is classified as ‘very good’ quality, both classifications form part of what is referred to as best and most versatile (BMV) agricultural land. So whether Grade 1 or Grade 2 the proposal would result in the loss of BMV land.
- 6.94 The Institute of Environmental Management and Assessment (IEMA) produced a Guide “A New Perspective on Land and Soil in Environment Impact Assessment” in February 2022. Whilst this refers to EIA development, it identifies in table 3 (page 49) the magnitude of the impacts on soil resources. Losses of under 5ha are defined as minor magnitude losses. Losses of between 5 – 20 ha is classified as moderate losses. Losses of over 20ha are considered to be major losses.
- 6.95 This proposal falls well below the ‘over 20ha’ threshold for consultation with Natural England in relation to the loss of BML It is therefore arguably not “significant” development of agricultural land in the context of the NPPF.
- 6.96 It is noted that the diminution of BMV land supply in this case would be under 5ha. Moreover, this land is not connected to any agricultural holding and has been used for horse grazing for a number of years, therefore not currently serving any agricultural purpose. However, it is still possible that it could be put to such use in future if undeveloped and therefore the loss of the BMV weighs against the proposal. The loss of the BMV land would need to be considered overall in the planning balance exercise.

Heritage

- 6.97 Paragraph 208 of the NPPF 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".

- 6.98 In determining applications, paragraph 210 states "*local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution the assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness*".
- 6.99 Paragraph 212 sets out that great weight should be given to the conservation of the asset (taking into account the importance of the asset) irrespective of the level of harm arising. If any harm to or loss of the significance of the designated heritage asset (from alteration or destruction or harm to its setting) should require clear and convincing justification.
- 6.100 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 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.
- 6.101 The application site is located outside of the Waterinbury Conservation Area approximately 160 metres from the eastern boundary of the Conservation Area. The nearest listed building are within the Wateringbury Conservation Area. (1,3 5 and 7 Bow Road and Pelican Farmhouse Red Hill).
- 6.102 The Councils Conservation Officer notes:

"The site is currently pastureland, and it was historically planted with hops and fruit trees. While the past uses of the site were closely linked to the agricultural settlement of Wateringbury, existing modern development to the east of the village has severed the traditional, functional relationship between and the historic settlement and the rural landscape.

Although further isolating the eastern spur of the conservation area from the open countryside to the east, the proposed domestically scaled development will have no direct relationship with the historic core, and it will not impinge on any characteristic views to or from the designated area.

Due to distance and intervening built form, the significance of the designated heritage assets to the west of the site will be little affected by the proposed development on the eastern periphery of their settings".

- 6.103 On this basis it is considered that the proposal 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 (2024).

Assessment on Character and Appearance

- 6.104 Paragraph 135 of the NPPF seeks to ensure that decisions result in developments which are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.105 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.
- 6.106 These aims are echoed in Policy CP24 of the TMBCS, which seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas.
- 6.107 The site layout plans indicates that the proposed development would be sited more towards the western side of the site allowing for a large open space provision on the eastern side. This provides a landscape buffer between the proposed development and the neighbouring authorities boundary.
- 6.108 The development has been designed to be outward facing with a main primary central access road leading to secondary shared access roads all providing direct access to dwellings. The main street enters from the northern access point to the southern boundary. It consists of 5.5m carriageway with 2m footways either side. Its curved route will naturally calm traffic speeds. Built form will front this route providing strong levels of natural surveillance.
- 6.109 Shared surfaces are used as a transition between the main street and private driveways. These streets are design for low vehicle speeds and priority is given to all users. These streets will typically be block paved however details such as this would be determined via condition should permission be granted.
- 6.110 Affordable dwellings are located in two clusters, one in the northern parcel and the other in the southern parcel. Their appearance and parking arrangements are designed to be tenure blind, which means they will be indistinguishable from Open Market dwellings

- 6.111 Building heights across the development consist of 2 storey dwellings. The building heights have been limited to 2 storeys to ensure that the development is sensitive to the key views in to and from the site, also reflecting the semi-rural location and this accords with the 'small' development typology in the landscaping evidence for the emerging Local Plan. Should planning permission be forthcoming a condition would be imposed to ensure that no alterations are made to the roofs to create further additional accommodation, this would ensure that the dwellings remain true two storey dwellings.
- 6.112 Dwellings will be arranged along a relatively inconsistent building line, creating an irregular street pattern to aid in the creation of a more informal, rural appearance and a loose urban grain. Building setbacks will allow for opportunities for soft landscaping at the front of dwellings, contributing to softening the transition from the built-up area into the open space and the rural context beyond.
- 6.113 Material plan has been submitted with the application, two facing bricks are proposed; a red multi brick and orange brick. In addition, tile hanging, and weatherboarding is proposed in prominent locations to accentuate their importance and aid legibility. No objection is raised in relation to materials, however as set out previously details such as this this would be determined via condition should permission be granted.
- 6.114 The layout demonstrates that there will be a variety of green infrastructure across the site. New planting and trees will create an attractive place and a green settlement edge, as well as providing biodiversity enhancements.
- 6.115 Informal nature inspired play features including a play area are proposed, however, as set out further in the committee report concerns in regard to the size and type equipment proposed has been raised. However, this can be dealt with via a condition should permission be forthcoming. The site also provide a pedestrian link to Watlington Play Fields to the south and this is welcomed.
- 6.116 On this basis, it is considered the proposed development, subject to conditions is in accordance with CP24 of the Core Strategy, SQ1 of the MDE DPD and the relevant paragraphs of the NPPF.

Housing Mix / Affordable Housing

- 6.117 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The adopted development plan does not contain specific housing mix policies, although Core Strategy Policy CP1 states that provision will be made for housing to meet the needs of existing and future residents of the borough.
- 6.118 The proposal would provide 66 dwellings comprising a mix of 6 x 1 bed, 24 x 2 bed, 24 x 3 bed, and 11 x 4 bedroom homes.

- 6.119 As noted above the Council does not have specific policy in relation to housing mix, the Councils most up to date Strategic Housing Market Assessment (December 2025) (SHMA) recommends the following:

Table 8.15 Recommended Market Housing Mix

1-bed	10%
2-bed	30%
3-bed	40%
4+ bed	20%

Source: Icení Analysis

- 6.120 The proposal would provide 10% 1 beds, 36.5% 2 & 3 beds, and 17% 4 beds. However, whilst the proposal does not match exactly with the suggested mix set out in the SHMA 2025, it should be noted that the need for different house types does vary notably depending on the site location and thus local demography, for example whether it is in an urban or rural area. In this case the proposal provides an acceptable range (close to the recommended mix), in a sustainable location which is considered to outweigh the slight conflict with the recommended housing mix and in this instance is, on balance, acceptable.
- 6.121 Paragraph 64 (NPPF) notes where a need for affordable housing is identified planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required) and moreover this should be provided on site unless off site provision or a financial contribution can be justified.
- 6.122 With regard to affordable housing provision, Policy CP17 of the Core Strategy requires sites within Urban Areas to provide 40% affordable housing on sites of 15 dwellings or more, or a site size 0.5ha or more. Supporting text confirms that this will be the starting point for negotiations on a site by site basis and is subject to viability considerations
- 6.123 However, in this case, due to compliance with Grey Belt and Paragraph 155 the scheme is required to provide 50% (33 dwellings) of the total number as affordable housing in line with the Golden Rules. Failure to provide 50% affordable provision would result in the site not meeting the Golden Rules and as such would become 'inappropriate' development by default.
- 6.124 In line with Policy CP17, the tenure split should be 70% rented and 30% intermediate/affordable home ownership (e.g. shared ownership). This equates to 23 rented homes and 10 affordable home ownership homes. In regard to the affordable mix the application has been amended following concerns raised by the Councils housing officer that the mix should be revised to include a greater

proportion of family-sized homes, particularly 3-bedroom and 4-bedroom properties for rent.

- 6.125 The application now proposes 23 Affordable – Rented (comprising a mix of 6 x 1 bed, 7 x 2 bed, 7 x 3 bed and 3 x 4 bed. And 10 Affordable – shared ownership (comprising a mix of 7 x 2 bed and 3 x 3 bed). It is also proposed that 10% of these would be accessible. (6% of the proposed dwellings will be M4(2) and 4% of the proposed dwellings will be M4(3) adaptable).
- 6.126 The Councils housing officer has confirmed that the altered mix for affordable is acceptable. The tenure split and mix would therefore accord with relevant policy requirements as detailed in the affordable housing protocol. The size and type of dwellings is considered suitable in the context of local housing need.
- 6.127 The provision of affordable housing and arrangements to provide for local lettings would be secured via a S106 legal agreement, in the event planning permission is granted.

Impact on residential amenity

- 6.128 Policy CP24 of the Tonbridge and Malling Borough Core Strategy requires that all development must be well designed and respect the site and its surroundings. It outlines that development by virtue of its design which would be detrimental to amenity will not be permitted.
- 6.129 Paragraph 135 (f) of the NPPF advises that:
- “Planning policies and decisions should ensure that developments 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”.*
- 6.130 The nearest properties to the application site are 13 & 15 & Tonbridge Road; 1 and 2 Fields Lane; 26 Cobbs Close; 28 to 36 The Brucks; and 67 to 69 Phoenix Drive. However, due to the distances involved and the layout of the dwellings, there would be no impact on neighbouring amenity in regard to, overlooking, overshadowing and loss of privacy.
- 6.131 Therefore, to conclude on neighbour amenity, the proposal would not harm neighbour amenity and as such accords with Policy CP24 of the Tonbridge and Malling Borough Core Strategy and the aims of the NPPF

Standard of Accommodation

- 6.132 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. All the proposed units would meet the national floorspace standards and provide sufficient and usable external amenity area.

- 6.133 It is important to note that the Council has not formally adopted these space standards but nonetheless, the measurements of the bedrooms and the development overall would comply with the Nationally Described Space Standards.

Noise Assessment

- 6.134 Paragraph 198 of the NPPF states that:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and the quality of life”.

- 6.135 Policy SQ6 MDE DPD requires proposals for noise sensitive development, including housing, to demonstrate that noise levels are appropriate for the proposed use.
- 6.136 A Planning Noise Assessment (SUONO) has been submitted in support of the application due to the proximity of the site to (A26) Tonbridge Road. The document has detailed noise measurements taken at three locations within the site. These have then been used to model noise across the site as a whole. The effect of the proposed buildings has then been incorporated to predict the final impact of noise upon the proposed dwellings
- 6.137 The Noise Assessment unsurprisingly identifies the most significant noise sources surrounding the site is from transportation noise (Tonbridge Road) to the north of the site.
- 6.138 A mitigation strategy has been developed such that the relevant noise criteria can be met across the site. It is recommended that standard thermal double glazing will be sufficient for all habitable rooms across the development. The provision of up to three trickle ventilators in living rooms and two within bedroom areas would be acceptable on all habitable rooms on the northernmost façades.
- 6.139 The assessment also found that it will be possible for all external amenity spaces to meet acceptable noise targets.
- 6.140 The Councils Environmental Health Protection Officer has reviewed the submitted details and whilst content with the assessment initially raised a few queries that needed addressing. An updated Planning Noise Assessment (January 2026) was subsequently submitted to address these concerns and

following a further consultation with the Council's Environmental Health Protection Officer no objection is raised in relation to Noise.

- 6.141 Overall, the Noise Assessment demonstrated that it will be entirely possible to ensure a suitable noise climate internally and externally for future residents of the proposed development and would be in accordance with Policy SQ6.

Air Quality

- 6.142 The National Planning Policy Framework (NPPF) (2024) sets out planning policy for England. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system has three overarching objectives, one of which (Paragraph 8c) is an environmental objective:

“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy”.

- 6.143 To prevent unacceptable risks from air pollution, Paragraph 187 of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”.

- 6.144 Policy SQ4 MDE DPD which relates to Air Quality states development will only be permitted where all of the following criteria are met:

- a) the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity;
- b) proposals will not result in the circumstances that would lead to the creation of a new Air Quality Management Area;
- c) proximity to existing potentially air polluting uses will not have a harmful effects on the proposed use; and
- d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate such impact.

- 6.145 An Air Quality Assessment ('AQA') was undertaken in support of this proposal. The assessment considered the impacts of the proposed development on local air quality in terms of dust and particulate matter (PM) emissions during construction and the emissions from road traffic generated by the completed and occupied development. In addition, the AQA identified the air quality conditions that future residents will experience.
- 6.146 The AQA concludes that air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives throughout the site. The overall operational air quality effects of the proposed development are thus judged to be 'not significant'.
- 6.147 The AQA notes that mitigation measures will need to be applied to minimise dust emissions. The AQA recommends appropriate measures and, with these measures in place, it is expected that any residual effects will be 'not significant'. These measures include
- setting back of the development buildings from roads by at least 20 m;
 - one active electric vehicle charging point per home;
 - preparation of a travel plan statement, including measures to promote sustainable travel;
 - provision of a Welcome Pack which is available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupier;
 - EV recharging infrastructure within the development (wall mounted or free standing in-garage or off-street points) at one active charger per dwelling to support the transition to cleaner fuels;
 - a permeable site with walking / cycling connectivity to existing active travel and public transport networks, allowing for local services and facilities to be accessed by sustainable modes;
 - provision of secure cycle storage with one space provided per bedroom. Additionally, 5% of all cycle spaces will be of a larger nature, to accommodate disabled / adaptive cycles to encourage users of all abilities to take up cycling; and
 - use of all electric energy strategy which includes heat pumps for heating to avoid the need for on-site combustion.
- 6.148 The Council's Environmental Health Protection Officer has reviewed the submitted information and raises no objection. However, it is suggested that electric charging points should be on all properties and this would be covered by building regulations.

- 6.149 Watlington Parish Council has submitted an Air Quality Assessment Appraisal undertaken on behalf of the Parish Council by Create Consulting Engineers (dated Oct 2025) the content of which has been reviewed by the Council's Environmental Health Protection Officer. The Environmental Health Protection Officer does not agree with the independent report and notes a couple of discrepancies, and confirms that the independent report does not change their position.
- 6.150 It was also suggested by Council' Environmental Health Protection Officer the that a financial contribution should be sought to fund an Air monitor to accurately assess the PM values from traffic in AQMA in Watlington. Any financial contribution must meet the three statutory tests under Regulation of the Community Infrastructure Levy Regulations 2010 (as amended) and the National Planning Policy Framework: they must be necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind.
- 6.151 In this regard, given that it has been demonstrated the development would have an insignificant effect on air quality, including on the Watlington Air Quality Management Area it is not consider that a financial contribution would be necessary and therefore would not meet the test as set out above.
- 6.152 It is therefore considered that, subject to a condition regarding the implementation of the mitigation measures set out above, that the proposal would have an insignificant effect on air quality, including on the Watlington Air Quality Management Area would be acceptable.
- 6.153 Moreover, it should be noted that in the recent appeal decision for Land north-east and south of 161 Watlington Road, East Malling. (Ref: TM/22/01570/OA / APP/H2265/W/25/3366031) the Inspector concluded "It has been satisfactorily demonstrated that the development would have an insignificant effect on air quality, including on the Watlington Air Quality Management Area through a technical report prepared by a professional in the field. Although I have noted the general concerns raised on this matter, I have no evidence on which to come to a different conclusion (para 122).

Ecology and Biodiversity.

- 6.154 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.
- 6.155 Policy NE3 of the MDE DPD also states 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 an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links.

The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

- 6.156 Paragraph 187 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 193 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.157 Interested parties have raised concerns in relation to ecology in general and consider that the proposal fails to demonstrate the presence of protected species on the site and that necessary mitigation measures are to be taken to safeguard protected species.
- 6.158 The site and the surrounding area are not subject to any specific ecological policy designations. There are also no nearby ecological statutory designated sites
- 6.159 The application is accompanied by an Ecological Impact Assessment and a Habitats Regulations Assessment (Screening) (CSA; August 2025). These documents have been reviewed by KCC Ecology who confirm that they are satisfied the survey information provides a good understanding of the ecological interest of the site.
- 6.160 It is noted the bat surveys are ongoing, however, in the specific case, due to the current condition of the site and the proposed habitat creation KCC Ecology is satisfied that the final bat survey results can be used to inform a detailed mitigation strategy.
- 6.162 The proposal will result in the creation of an area of open space (including an ecology area) and provided that it is established as intended and managed in the long term KCC Ecology are satisfied that it will benefit protected/notable species.
- 6.163 An overview of the mitigation has been provided and again KCC Ecology are satisfied that it is appropriate but do request should planning permission be granted a Construction Ecological Management Plan is secured as a condition of planning permission.
- 6.164 In addition, a further condition is suggested in relation to lighting given that bats have been recorded within the site and lighting can have a negative impact on bats (and other nocturnal species) therefore any lighting must be designed to minimise light spill.

- 6.165 Turning next to BNG, under the Environment Act 2021, it is now a national requirement that small scale developments must provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity metric confirming the existing condition of the land and what enhancements will be provided to ensure there is an overall improvement of at least 10% across the site.
- 6.166 A BNG metric, Habitats Regulations Assessment (Screening) (CSA; August 2025) and BNG Assessment have been provided in relation to BNG. KCC Ecology confirm they are satisfied with the baseline information and sufficient information has been provided to meet mandatory BNG.
- 6.167 The assessment demonstrates that there would be a 22% gain in area habitats and 803% Gain in linear habitats on the site as a result of the development. As such the submitted information has detailed that a BNG of over 10% can be achieve for habitats and linear features on site due to the creation of open space – including an ecology area.

Percentage Net Gain Required	Percentage Net Gain/Loss Reported for Area Habitats	Percentage Net Gain/Loss Reported for Linear Habitats	Net Gain Proposed: 1 – all on-site; 2 – no significant on-site and off-site; 3 - significant on-site and off-site	On-site 'significant' Net Gains Proposed (Yes/No)
10%	22% gain	803% Gain	All on site	Yes

- 6.168 Due to the proposed habitat creation and enhancement, the site meets the requirements for on-site 'significant'. Significant on-site gains are areas of habitat creation or enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development. Retention of existing habitat cannot count as an on-site significant gain.
- 6.169 Government guidance states: *"The maintenance of these significant enhancements must be secured with a legal agreement or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.1"*
- 6.170 Therefore, these significant on-site gains would be, should permission be granted, subject to a S106 agreement to secure a monitoring fee and ensure enforceability over a 30-year period.
- 6.171 Additionally, KCC Ecology recommend conditions for a Habitat Management and Monitoring Plan to secure the implementation of the management to achieve significant on-site gains.

- 6.172 Subject to the aforementioned conditions and the significant BNG being secured via a S106 agreement, I am satisfied that the development would have a net positive effect on habitats and biodiversity in accordance 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.

Trees/Landscaping

- 6.173 Policy NE4 of the MDE DPD states, amongst other things, 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 as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.
- 6.174 Paragraph 136 of the NPPF recognises the importance of trees and states:
- “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”*
- 6.175 The application is accompanied by an Arboricultural Impact Assessment (AIA) (Barton Hyett Associated Aug 2025) This confirms that there is a totally of 44 Arboricultural features on/off the site, (i.e. trees, groups of trees and hedgerows), all of which are located on the peripheries of the site. One of the 20 trees has been categorised as ‘A’ grade (High quality), this is located adjacent to the eastern boundary and would not be affected by the proposal (Ref: T11 – A2) . 8 trees were awarded a ‘B’ Category, these are trees of moderate quality. There are no Tree Preservation Orders, veteran trees, or ancient trees on the site.
- 6.176 The AIA considers the effects of any tree loss required to implement the proposed development as well as any reasonably foreseeable, potentially damaging activities proposed in the vicinity of retained trees. This is undertaken with reference to BS 5837:2012 and considering the nature of the proposed development. Actual and potential impacts can include tree removal to facilitate the development, soil compaction in close proximity to trees and direct impact damage to the canopy and roots of retained trees from construction activities.
- 6.177 One individual tree (T5) and one hedgerow (H2) are proposed to be removed in order to facilitate the access and required visibility splays.
- 6.178 The Council’s Tree and Landscaping officer has reviewed the submitted documents noting that the loss of trees along the frontage can be mitigated by

new landscape planting delivered as part of the proposed development. Retained trees can be adequately protected during construction activities to sustain their health and longevity as such it would not be justifiable to refuse this application on tree grounds subject to the conditions. These conditions relate to, land levels, hard and soft landscaping, tree protection and method statement.

- 6.179 Overall, I am satisfied the proposal complies with Policy NE4 MDE DPD and relevant paragraphs of chapter 15 NPPF.

Contamination

- 6.180 Paragraph 196 (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.

- 6.181 Paragraph 197 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.

- 6.182 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. No significant contamination requiring remedial action was identified or found.

- 6.183 The Council's Environmental Protection Officer has reviewed the submitted information and considers the report adequately reviews the history and environmental setting of the site. Significant contamination has not been identified and as such no further investigation or remedial work is required. However due to the presence of made ground on the site, which can vary greatly in composition, a watching brief condition is required.

Flooding/ Drainage

- 6.184 Paragraph 181 (NPPF) sets out "when determining any planning application, LPA should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site-specific flood risk assessment.

- 6.185 Paragraph 182 (NPPF) also states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposal for major development should:
- a) take account of advice from the Local Lead Flood Authority;
 - b) have appropriate proposed minimum operation standards; and
 - c) have maintenance arrangements in place to ensure an acceptable standard of operations of the lifetime of the development.
- 6.186 Policy CP10 (Flood Protection) TMBCS ultimately seeks to reduce flood risk and Policy CC3 (Adaptation – sustainable Drainage) MDE DPD comments that development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations.
- 6.187 Policy SQ5 (Water Supply and Quality) MDE DPD expects all development to ensure adequate water and sewerage infrastructure is present or can be provided to meet future needs without compromising the quality and supply of services for existing users. Planning permission will only be granted for development which increases the demand for off-site water and sewerage infrastructure where: a) sufficient capacity already exists; or b) extra capacity can be provided in time to serve the development.
- 6.188 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. The application forms indicate that surface water will be disposed of via a combination of SuDs, Main Sewer and the existing Water Course. (However, there is no existing water course within the immediate area so this is not an option). In regard to Foul Sewage the application forms indicate this will be via main sewer.
- 6.189 The application is accompanied by a Flood Risk Assessment and Drainage Strategy this confirms that the site is at very low surface water flood risk and the site is not within an area with inland indicators of groundwater flooding but is in an area with potential for groundwater flooding to occur at the surface and potential for groundwater flooding of property situated below ground level. Due to this and then being in areas of 'low', 'moderate and 'high' risk, it can be seen that the development site is at low to high groundwater flood risk.

- 6.190 The Assessment also notes that infiltration techniques are not viable on site and there is no network of ditches, ordinary watercourses or culverts in the vicinity of the site. Therefore, the drainage strategy for the development will look to discharge surface water at a controlled rate via a flow control to the public surface water sewer via 'System C' non-infiltration pervious pavements and SuDS basin.
- 6.191 KCC Local Lead Flood Authority (LLFA), the Environment Agency, Southern and South East Water all have been consulted on the application. Southern Water confirmed that the site is not located within Southern Waters' statutory area for water supply and suggested to contact South East water. No response was received from South East water. The Environment Agency raised no objection but suggested that the applicant may be required to apply for other (no planning related) consents directly from them, this will be dealt with via an informative should permission be granted.
- 6.192 KCC LLFA, has reviewed the Flood Risk Assessment and Drainage Strategy (dated 20/08/2025) and raises no objection subject to conditions. The condition relates to KCC LLFA observations regarding the requirement for a sewer requisition to be made with Southern Water under Section 98 of the Water Industry Act. While the LLFA acknowledges that this process is independent of the planning system, the LLFA consider it is essential that the proposed outfall is secured through the inclusion of a planning condition.
- 6.193 In addition, LLFA also note as of June 2025, the Department for Environment, Food and Rural Affairs (Defra) has published the National Standards for Sustainable Drainage Systems (SuDS). Although these standards are not mandatory, KCC LLFA is seeking to apply them, where possible, to all new developments across Kent. One of the key requirements within these standards is the provision of interception storage (the first 5mm of runoff). In this regard it is acknowledged that a large-scale attenuation basin is proposed, and the LLFA considers that leaving this feature unlined will allow for infiltration losses to occur prior to discharge into the surface water sewer.
- 6.194 Furthermore, the LLFA encourages the relocation of the basin inlet eastwards, away from the outfall, and the creation of a low-flow channel. This would allow low return period events (up to the 2-year event) to undergo increased filtration and treatment prior to entering the sewer network. Should planning permission be granted the LLFA request that a further condition is imposed in relation to the SuDs drainage scheme to deal with the aforementioned guidance.
- 6.195 The development subject to conditions would accord with the requirements of Policy CP10 TMBCS, SQ5 MDE DPD and the NPPF.

Public Right Of Way

- 6.196 Public Right of Way MR509, also known as Fields Lane, lies to the west of the proposed site. KCC Public Rights of Way and Access Service has confirmed that the public right of way will be unaffected by the application.

Open Space

- 6.197 Policy OS3 Managing Development and the Environment DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.198 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.
- 6.199 The proposal seeks to erect 66 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3. Open space provision should in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces. The open space requirement generated by the development would be 13,976 square metres.
- 6.200 In this case, the proposal incorporates areas of open space provision throughout the site. Public open space is proposed along the east of the site, with informal nature inspired play features along the centre. Natural and Semi-Natural Green Space will also be delivered across the scheme. In terms of contributions in this case the proposal provides on site provision with the exception of outdoor sports as such a contribution will be required for this element.
- 6.201 The Council's Leisure Services Officer has suggested that the site should provide a LAP and LEAP and a contribution towards a MUGA, noting that the proposed play provision is not currently adequate to fully meet its requirement.
- 6.202 It is also suggested the seats shown on the landscape plan could be improved by making these benches with backs and arms and for accessibility these should be provided on hard surface bases next to surfaced paths. The details can be finalised via the landscaping condition already suggested should permission be granted. Any financial contributions as set out above can be agreed in the event of a resolution to grant planning permission and secured by S.106 agreement.

Archaeology

- 6.203 The site lies within an area with potential for early prehistoric remains associated with movement of communities along the river valley. There is also potential for Roman archaeology, particularly associated with the Teston Roman villa estate.
- 6.204 The application is supported by a Heritage Desk-Based Assessment (DBA) and a Geophysical survey. KCC Heritage Conservation confirm that the Heritage DBA is acceptable and although the Geophysical Survey does not highlight much, it is accepted in that geophysical surveying does not respond to all types of archaeology and may not pick up presence of archaeology due to on site conditions.
- 6.205 In view of the archaeological potential, a pre commencement watching brief condition is required should planning permission be granted.

Public Sector Equality Duty – Equality Act 2010

- 6.206 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011.
- 6.207 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.
- 6.208 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.
- 6.209 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.210 The Local Planning Authority can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.

- 6.211 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

Developer Contributions

- 6.212 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
- 6.213 Paragraph 57 of the NPPF reflects this statutory requirement.
- 6.214 The scheme proposes to provide 50% of the total number of dwellings as affordable housing and therefore accords the Golder Rules. 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 50% affordable housing shall have a 70/30 split between affordable housing for rent and other affordable housing tenures.
- 6.215 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.
- 6.216 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. Since KCC responded the mix of the application has been amended in line with comments from the Councils Affordable Housing Officer. Therefore, the financial contributions required will need to be adjusted to reflect this. However, as the principle of the contributions is agreed with the applicant, the amended financial contributions could be agreed via delegated powers and secured via a section 106 Agreement.

- 6.217 In regard to the contributions sought it is considered that sufficient detail has been provided in all these respects to ensure the relevant statutory and policy tests have been met, and if permission is minded to be granted then contributions should be secured through the legal agreement.
- 6.218 NHS ICB have advised that due to the potential patient numbers a contribution of £92,538 (Index Linked) towards refurbishment, reconfiguration and/or extension of practices that cover the development (ie Wateringbury) and other healthcare facilities within a 5 mile radius of the development site or towards new healthcare facility to be provided in the community in line with the healthcare infrastructure strategy for the area. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.
- 6.219 TMBC apply open space contributions to developments of 5 dwellings and greater and therefore the proposal would be liable for a contribution subject to on-site open space provision covering Outdoor Sports Facilities. Again, this requirement is considered to meet the necessary tests and should be secured within the final legal agreement.

Planning Balance and conclusion

- 6.220 It has already been acknowledged that the Council cannot currently demonstrate a five-year housing land supply. In these circumstances the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2024) must be considered when assessing a development for house(s).
- 6.221 Consequently, permission should be granted unless as in this case the application of policies in the Framework that protect areas or assets of particular importance provides a 'strong' reason for refusing the development proposed
- 6.222 It has been established that there are no adverse impacts that provide a 'strong' reason for refusing the development. Accordingly, the 'tilted balance' of Paragraph 11d(i) would not be displaced on or Green Belt grounds as the site constitutes Grey Belt and is appropriate development within the Green Belt.
- 6.223 The scheme would involve the provision of 66 dwellings, and as such would support the overarching aims of national and local planning policy in relation to housing delivery, and this attracts substantial weight in favour of the proposal due to the lack of 5 year housing supply.
- 6.224 The proposed development would also provide 50% affordable housing on-site in line with the Golden Rules (Para. 155 NPPF) which would contribute to addressing a recognised need for affordable housing in the Borough and this attracts substantial weight in favour of the proposal.
- 6.225 The proposal would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create

investment in the locality and increase spending in local shops and services. The NPPF advises that significant weight should be placed on the need to support economic growth and productivity.

- 6.226 Weighing against the development is the loss of BMV land, however this loss needs to be weighed against the aforementioned benefits and specifically the substantial weight given to the provision of 66 dwellings and the substantial weight afforded to 50% of those dwellings being affordable in compliance with the Golden Rules (Para. 155 NPPF.)
- 6.227 In this case, the weight of other considerations in favour of the development are considered to clearly outweigh the harm identified by reason of the loss of the BMV land.
- 6.228 Having regard to the above, in applying paragraph 11(d)(ii) of the NPPF, it is considered that no unacceptable impact arising from the proposal has been identified that would significantly and demonstrably outweigh the potential benefits of the scheme. Therefore, the presumption in favour of development must apply in this case and consequently, the application is recommended for approval.

7 Recommendation: Approve subject to Section 106 agreement and conditions as set out below:

Heads and terms of S106 agreement

Open Space contributions
Developer Contributions
50% affordable provision
BNG Monitoring Fee
MOVA contribution

Conditions

Standard conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

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

- Site location plan – Drawing No. P24-2641_DE_001_D_5
- Site Layout Plan – Drawing No. P24-2641_DE_001_R_1

- Landscape Master Plan – Drawing No. TR-05 Rev 4
- Parking Strategy Plan – Drawing No. P24-2641_DE_001_C_11
- Materials Plan – Drawing No. P24-2641_DE_001_C_9
- Boundary Treatment Plan – Drawing No. P24-2641_DE_001_C_10
- Tenure Plan – Drawing No. P24-2641_DE_001_C_13
- Refuse Strategy Plan – Drawing No. P24-2641_DE_001_D_12
- Illustrative Landscape Typologies – Drawing No. TR-06 Rev 3
- House Type S2JAY Floor Plans & Elevations Plots - Drawing No. P24-2641_DE_004_B_01
- House Type A1SYCA Floor Plans & Elevations – Drawing No P24-2641_DE_004_B_10
- House Type A2HAZE Floor Plans & Elevations – Drawing No. P24-2641_DE_004_B_12
- House Type A3LAUR Floor Plans & Elevations – Drawing No. P24-2641_DE_004_B_14
- House Type S3KITE Floor Plans & Elevations - Drawing No. P24-2641_DE_004_B_02
- House Type S3ROBI Floor Plans & Elevations – Drawing No. 24-2641_DE_004_B_03
- House Type S30SPR Elevations – Drawing No. P24-2641_DE_004_B_04
- House Type P4ASTE Elevations – Drawing No. P24-2641_DE_004_B_05
- House Type P4ASTE Floor Plans Drawing No. P24-2641_DE_004_B_06
- House Type P4BIBL Elevations - Drawing No. P24-2641_DE_004_B_07
- House Type P4BIBL Floor Plans – Drawing No. P24-2641_DE_004_B_08
- House Type P4SORR Floor Plans & Elevations – Drawing No. P24-2641_DE_004_B_09
- A4WILL Floor Plans & Elevations – Drawing No. P24_2641_DE_004_B-20
- S3MAPL Floor Plans & Elevations – Drawing No. P24_2641_DE_004_B-21
- Single Carport – Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_15
- Double Carport – Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_16
- Single Garage – Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_17
- Double Garage Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_18
- Marketing Suite (Garage) Floor Plans & Elevations – Drawing No. P24-2641_DE_004_A_19
- Street Scenes – Drawing No. P24-2641_DE_005_B_01
- Proposed Level & Contours Sheet 1 – Drawing No. 5898-006
- Proposed Level & Contours Sheet 2 – Drawing No. 5898-006
- Planning Statement by Boyer Planning Dated Document Ref: IMS-F-18, Revision 3 Dated August 2025
- Planning Noise Assessment by SUONO – Document Ref: 29A5.RP.2.4 // 21 October 2025
- Agricultural Land Classification and Considerations by Kernon Countryside Consultants Ltd – dated August 2025.
- Air Quality Assessment Rev 2 by Logika Group dated 7 August 2025.

- Arboricultural Impact Assessment by Barton Hyett Associates Dated August 2025
- BNG Assessment Rev A: Design Stage by CSA Environmental Dated August 2025
- BNG Metric received 27 August 2025.
- Design & Access Statement by Pegasus Group Document Ref: P24-2641_G001B | August 2025
- Ecological Impact Assessment Rev A by CSA Environmental document Ref CSA/5702/05
- Energy and Sustainability Statement – by Energist dated 18 August 2025
- Flood Risk Assessment and Drainage Strategy by Motion dated August 2025
- Geophysical Survey Report by Magnitude Surveys Dated August 2025
- Habitats Regulations Assessment (Screening) by CSA Environmental Document ref: CSA/5702/06 dated August 2025
- Heritage Desk Based Assessment by Pegasus Group document Ref: P24-2641 Dated July 2025.
- Transport Assessment by i-Transport Document Ref: JCB/MK/ITL200606-002 R Dated 11 July 2025
- Technical Report by i-Transport Documents Ref: JCB/MK/ITL200606-005 TN dated 8 October 2025
- Landscape and Visual Appraisal and Green Belt Review by SLR Consulting Ltd. Documents Ref: 402.065542.00001 Rev 05 dated 22 August 2025
- Desk Study, Site Investigation & Risk Assessment Report by ST Consult Report Ref: J16014 Issue 2 dated 19 August 2025
- Preliminary Utilities Appraisal Report and Appendix Rev 4 dated 27 August 2025
- Statement of Community Involvement by Fairthorn Consultancy received 27 August 2025

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.

3. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, 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.

Reason: In the interests of visual amenity.

Highways / Parking

4. No development hereby permitted shall commence unless and until a Construction Management Plan has been submitted to and approved in

writing by the Local Planning Authority. The Construction Management 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, which may require supporting vehicle tracking/swept paths.
- (c) Timing of deliveries, avoiding network and school peaks where possible.
- (d) Provision of wheel washing facilities.
- (e) Measures to prevent the discharge of surface water onto the highway.
- (f) Temporary traffic management / signage.

The Construction Management Plan shall thereafter be implemented in accordance with the approved details throughout the course of construction.

Reason: To ensure the safe and free flow of traffic

- 5. Prior to the first occupation of the dwellings the access shall be implemented as shown on the approved plans. No obstructions over 1.05 metres above carriageway level within the splays, or 0.6 metres where a footway crosses the access. At least the first 5 metres of access from the edge of the highway shall also be constructed with the use of a bound surface. and thereafter retained and maintained.

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

- 6. The development hereby approved shall not be occupied until the parking spaces shown on Parking Strategy Plan Drawing No. P24-2641_DE_001_C_11 have been constructed for use of the proposed dwellings. Thereafter shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards

- 7. Prior to the occupation of the dwellings, details of secure cycle and refuse storage facilities shall be submitted to and approved in writing by the Local planning authority. The dwellings shall not be occupied until the secure cycle and refuse storage has been provided in accordance with the approved details and thereafter be retained in perpetuity.

Reason: To facilitate the collection of refuse and to ensure that cycle storage is provided and maintained in accordance with the Council's adopted standards

Landscaping/Trees

- 8 Prior to the occupation of the first dwelling hereby approved a scheme of hard and soft landscaping and boundary treatment 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 interest of visual amenity.

9. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread.
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level

Reason: In the interests of visual amenity.

Ecology

10. No development shall be undertaken (including any site and/or vegetation clearance) until a construction ecological management plan (CEMP) which contains full details of the mitigation measures has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:
- a) Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
 - b) Measures to avoid impacts to the retained habitats within the site including identification of a construction exclusion zone;
 - c) Specific measures (which may be presented as a series of method statements) to avoid impacts to protected/notable species.
 - d) The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
 - e) Copies of any protected species mitigation licences issued by Natural England as required.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

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

11. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:
- a) non-technical summary;
 - b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d) Plans showing the habitats and management areas.
 - e) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

- f) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

12. Prior to occupation, a lighting plan shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, as well as the expected light spill in lux levels, to demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter.

Reason: To limit the impact of light.

Drainage / Flooding

13. Development shall not commence until the necessary agreements for a connection into the offsite surface water sewer has been agreed. Evidence of the relevant agreement, either through a Section 98 of the Water Industry Act 1991 (sewer requisition) or third party access right will need to be submitted to and approved by the LPA.

Reason: To ensure that the necessary agreements are in place that secures the offsite connection in perpetuity of the development.

14. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy (Issue B) and show compliance with the required technical standards at the time of submission. The submission shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of 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.

15. 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. 3

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 182 of the National Planning Policy Framework.

16. No development other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul water resulting from this development proposal are to be managed in accordance with the

hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions

Contaminated Land

- 17 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.
- (c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Archaeology

18. 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.

Other

19. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of any of the dwellings.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the landscape quality of the area.

Informatives

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
- (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and
b) the planning authority has approved the plan.
 - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
 - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits

2. To avoid undue disturbance to neighbours, during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
3. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management

Legislation. The applicant is therefore advised to prohibit fires on site during the development stage of this project.

4. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
6. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email to addresses@tmbc.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 7 Your attention is drawn to the comments within the Environment Agency response date 29 August 2025.
- 8 Your attention is drawn to the comments within Kent Police response dated 29 August 2025.

Contact: Susan Field

Wateringbury

TM/25/01412/FL

East & West Peckham Mereworth &
Wateringbury

Location: Land North of Drayhorse Meadow, Fields Lane, Wateringbury

Proposal: Erection of 66 new homes (including affordable homes), together with associated open space, landscaping, access and parking.

Following the publication of the Committee report the Council has received further representations on the application.

These representations have been reviewed, but do not raise matters that have not already been addressed within the committee report, or raise matters that would change the Officer's recommendation.

In addition, email correspondence has also been received from the agent in regard to the suggested conditions should Members be minded to approve the application.

The Agent has raised two points, one in relation to Condition 4 and the other in relation to Condition 10.

Condition 4 is a highway related pre commencement condition requiring a Construction Management Plan to be submitted prior to any development taking place on the site. The agent suggests an amendment to the condition to "*No development above slab level shall commence until a Construction Management Plan.....*"

The purpose of the condition is to ensure the safe and free flow of traffic during the construction of the development. Whilst Officers do not agree with the suggested amendment, Officers are open to the condition being amended to "No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works shall take place until a Construction Management Plan....."

Condition 10 relates to Ecology and seeks that the Construction Ecological Management Plan to be submitted, is based on "up to date ecological surveys". The agent seeks clarification on what would be considered "up to date". However, as this would depend on when the original surveys were undertaken and if there are any change to site circumstances, there is not a set date when a survey will be considered out of date.

Pilgrims with Ightam

Location: Black Horse Inn, Tumblefield Road, Stansted TN15 7PR

Proposal: Proposed change of use of part of the public house to form 2 x 1-bed and 2 x 2 bed apartments with associated parking, amenity space and use of existing access.

Following the publication of the Committee report the Council has received a Heritage Impact Assessment (HIA) prepared by Russell Frew in response to the application detailed above.

The HIA has been reviewed by Officers, but it does not raise matters that have not already been addressed within the committee report, or raise matters that would change the Officer's recommendation.

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Planning Application TM/ 25/01412

Not to scale



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Date: 23/1/2026 10:57

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Agenda Item 13

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

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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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