

**East Malling &  
Larkfield**  
East Malling

**1 August 2019**

**TM/19/01814/OA**

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

Location: Development Site Land West Of Winterfield Lane East Malling West Malling Kent

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## **1. Description:**

1.1 Determination of this application was deferred on 09 July 2020 to allow for legal services to provide the committee with a report setting out the risks involved should the recommendation of officers to grant planning permission subject to a legal agreement and conditions not be accepted, and planning permission refused.

1.2 This is in line with the Council's Constitution which sets out as follows:

*"Where a Committee rejects a recommendation to approved, or is minded to refuse, an application which is recommended for approval by the Director of Planning, Housing and Environmental Health on grounds which the Director does not consider can be substantiated at appeal, the matter shall be deferred to the next meeting of the Committee to enable the Director of Central Services and Monitoring Officer to submit an independent report to the Committee on the possibility of costs being awarded against the Council. If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a significant risk of costs being awarded against the Borough Council and the Committee resolves to refuse the application that decision will be a recommendation only and the matter shall be submitted to Council for resolution."*

1.3 The July committee report and associated supplementary report can be found at Annexe 1. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read as a whole with both of those documents.

1.4 Members should be aware that since determination of the application was deferred, the applicant lodged an appeal to the Secretary of State via his Planning Inspectorate against non-determination of the application within the requisite time frame. This is due to be an Inquiry which would likely last for 5 days.

1.5 Accordingly, this report seeks a resolution from Members to establish what the Council's decision would have been had they remained in a position to determine

the application. Members should be aware that in the event that the recommendation by Officers to grant planning permission is not supported, full detailed reasons for this must be provided by APC3.

**2. Consultees (received since deferral on 09 July 2020):**

- 2.1 One additional representation received raising issues regarding matters of prematurity.

**3. Determining Issues:**

- 3.1 As set out above, the assessment that follows should be read in conjunction with the papers provided at Annexe 1 and the Part 2 report. This is intended to supplement the assessment and advice provided within those Annexes and does not replace or supersede it in any way. The specific matters drawn on below are intended to provide further advice on matters that formed the basis of the debate on 09 July and the grounds of refusal put forward that resulted in the deferral.

Outline planning permissions, reserved matters and details:

- 3.2 Members should be mindful of the fact that at this stage, outline planning permission is being sought. As such, it is necessary for the decision at this time to be establishing whether the nature and scale of the development is acceptable in light of the relevant policies contained within the adopted development plan and all relevant material planning considerations. It is appreciated that the Committee will wish any development to come forward in a high quality manner but this must be ensured through the formal assessment of reserved matters and details rather than through seeking to resist matters of principle at this stage.

Five year housing land supply position:

- 3.3 As Members are aware, the Council cannot currently demonstrate a five year housing land supply; at present only 2.6 years can be demonstrated which is a significant shortfall. The Inspector determining the Kings Hill appeals when considering a potential range at that time of 2.3 – 2.5 years gave the shortfall significant weight. Indeed, inspectors at the four most recent public inquiries in the Borough have drawn this conclusion. In my judgement there is little doubt that Members should attribute that level of weight to their decision making exercise in this instance
- 3.4 I appreciate that Members acknowledge our more recent record surrounding delivery and this is positive but would suggest that this a direct consequence of our continued efforts to correctly and properly apply the presumption in favour of sustainable development, as we are required to do in all cases, including this. It cannot follow that our recent record allows any flexibility in when we can apply the presumption required by the NPPF in this regard even where localised

circumstances or high levels of local opposition would suggest a preference for us to deviate from that position.

- 3.5 The provision of an additional 250 homes through the grant of this planning permission would change our housing land supply position from 2.6 to 2.9 years. According to our published position, the shortfall of housing supply as measured against the standard method requirement + a 5% buffer, is 2,145 homes.
- 3.6 The shortfall is very significant at this time and through our decision making – and the correct and proper application of the presumption in favour of sustainable development – we must continue to make decisions that seek to boost housing land supply. The contribution to our supply that the grant would make should be given significant weight.

*Adopted countryside policies and coalescence of settlements:*

- 3.7 Policy CP11 of the TMBCS states that development will be concentrated within the confines of the urban areas of:
- (a) Tonbridge (including Hilden Park);
  - (b) The Medway Gap (i.e. the major developed parts of Kings Hill, Leybourne, East Malling, Larkfield, Lunsford Park, Ditton and Aylesford south of the River Medway, Aylesford Forstal, and Snodland);
  - (c) The part of the Medway Towns urban area that lies within Tonbridge and Malling Borough (Walderslade).
- 3.8 It goes on to state that development adjoining these urban areas will only be proposed in the LDF, or otherwise permitted, where there is an identified need and there are no suitable sites within the urban areas. Priority will be afforded to the use of previously developed land. In the case of Tonbridge, priority will be afforded to the use of the safeguarded land identified under Policy CP4. The site in question does immediately adjoin the identified urban area and there is an identified need for housing.
- 3.9 Policy CP14 relates to development within the countryside and restricts development to certain specified types, none of which apply to the development under consideration.
- 3.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. On the face of a plain reading of these policies it would appear that there is a direct conflict with policies CP11 and CP14 stemming from the site location in the countryside by designation. However, Paragraph 11, footnote 7 of the Framework is clear where a Council cannot demonstrate a five year supply of deliverable housing sites such

relevant policies must be considered out-of-date. That position is qualified in that they are not to be ignored. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

- 3.11 Policy CP6 states that development will not be proposed in the LDF or otherwise 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. It also sets out that 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.
- 3.12 It has been suggested that the proposal would result in a perceived coalescence between settlements. West Malling is a town of a reasonable size and distinct in character, set apart in location from other settlements. East Malling, Leybourne and Larkfield lie to the east and north of West Malling and are separated by distance, intervening countryside and the significantly engineered A228. There is a distinct sense of leaving one built up area and travelling through green and leafy countryside, including characterising tree tunnelled country roads, towards West Malling. Whilst those travelling between the settlements would be aware of the new development, in respect of the perceived separation between the two settlements, the extent of the green predominantly undeveloped nature of the expansive countryside is sufficient to maintain the distinction between town and village. Therefore, I consider the break between settlements would be maintained both in actual and perceived terms.

*Character and appearance:*

- 3.13 It is noted that the application site is directly referred to in the Medway Gap CAA. For the avoidance of any doubt, the CAA is a material planning consideration which is intended to supplement adopted policies for assessing development proposals within the area. It does not contain any policies itself to be applied but rather seeks to identify locally distinctive features that define the character areas of the built up area of the Medway Gap.
- 3.14 The site is referred to in the description of Character Area A1.1 (London Road: Leybourne). The CAA sets out that this character area comprises a row of 1930s detached and semi-detached properties, a derelict former garage site and a wooded area along the northern side of the road. It goes on to note that to the south there is open farm land (the application site). What follows in the CAA is simply a description of the housing typologies and their appearance and how they have been modified over the years. The only further acknowledgement is that there are long panoramic views to the south over the surrounding open farm land and woodland, creating a spacious character.
- 3.15 Turning to the relevance this has to the assessment of the current planning application, policy SQ1 directly refers to the CAA, stating:

*Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.*

*All 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.*

- 3.16 This does not mean because the site is acknowledged as making some contribution to views from area A1.1 that no development can ever take place on the site. Moreover, it would be necessary for the detailed layout, scale and landscaping of the development to come forward in such a way that allowed for a sense of spaciousness to be retained where possible. Given the size of the site, the quantum of development proposed and the parameter plans provided at this stage, I consider that this would be achievable. I would also reiterate that private rights to a view are not a material planning consideration.
- 3.17 Furthermore, as set out in detail in the July report, the site does not benefit from any specific protection afforded by landscape designations. I appreciate that local people value the land for their own purposes but that in and of itself is not a material planning consideration. I am also mindful in this respect that at the previous meeting much discussion took place around the use of the land for recreational purposes and the enjoyment local people took from it. I would remind the committee that the site lies within private ownership and the rights of public access are limited to the routes of public footpaths.

*Setting of listed buildings, Conservation Area and historic park and garden:*

- 3.18 Clare House is a Grade I listed building located to the south-east of the application site. It is separated by significant distance and, importantly, intervening built development comprising Winterfield Lane itself, Winterfield Farm/Cottage and most notably Clarewood Drive which was constructed within the grounds of Clare House itself. As set out at paragraph 6.20 of the main report the site adjoins the Clare Park and Blacklands CA to the south-east but is separated by Winterfield Lane. This separation and also the form of the existing landscape, which consists of mature tree belts along Winterfield Lane and also the topography of the area means that the proposed development would not have an adverse impact on the character and setting of the CA. Similarly there are no other designated or non-designated heritage assets in the vicinity that would have their setting adversely

affected by the proposal, either by virtue of distance or the nature of the existing topography and the presence of such features as the railway line and the A228.

Loss of agricultural land:

- 3.19 It is accepted that the size of this site is considerably larger than the land at Lavenders Lane referred to in the July report. The discussion in that respect was not intended to make any direct comparisons between the two but rather to set out to Members important context as to how that matter was approach in a recent appeal decision.
- 3.20 The site is used as active arable farmland producing a variety of crops over the years. As an overall percentage the borough, according to the Kent Habitat Survey 2012, is made up of approximately 9.3% built and urban land with agriculture and horticulture together with improved grassland making up approximately 61.7%. As a proportion of this total the 18.5Ha site area would represent a loss of only 0.12% of the total available agricultural, horticultural and improved grassland. Whilst this still does represent a loss of land in production its relative proportion to the overall land available is very small and so could only be given very limited weight when assessed against the benefits of the development and the significant weight to be afforded to the provision of new housing in light of our current shortfall.

Draft local Plan:

- 3.21 In respect of the weight to be afforded to the draft local plan, in particular the proposal to incorporate this site into the extended Green Belt are addressed in full within Annexe 1 of this report and Part 2 report.
- 3.22 However, the matter as to whether the development of this site would be prejudicial to the draft policy as a whole (paragraph 49 (a)) is a matter of planning balance. Paragraph 49 sets out as follows:

*However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

3.23 Draft policy LP11 sets out designated areas across the Borough, including the Green Belt, stating that national planning policy will apply to such areas. This is not limited to just the Green Belt but also applies to Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSIs), Historic Parks & Gardens, Scheduled Ancient Monuments, Conservation Areas and areas at risk of flooding.

3.24 Members need to have in mind that the site in question in reality forms only a very small proportion of the overall Green Belt extension as proposed. This is demonstrated at Annex 2 to this report. On this basis, it remains my firm view that the development of this site for this scheme would not meet the circumstances set out in paragraph 49 (a) of the NPPF.

Conclusions:

3.25 My conclusions therefore remain as those set out in my previous report; that outline planning permission should be granted for this development. As set out at Section 1, the Council as Local Planning Authority is now no longer in a position to determine the application as an appeal has been lodged against non-determination. In such circumstances that APC3 agrees the recommendation that follows, the Planning Inspectorate will be notified of the resolution and officers will seek to negotiate withdrawal of the appeal with the developer. In all likelihood that will also involve the submission of an identical planning application to us for determination and paragraph 4.2 of the recommendation that follows seeks to appropriately deal with that eventuality.

**4. Recommendation:**

4.1 The Secretary of State (through his Inspector) and the applicant be advised that, had the Local Planning Authority been in a position to determine the application at this time, it would have **Granted Outline Planning Permission** on the basis of, and having regard to, the following:

- The following submitted details: Site Layout 6273-01G dated 10.12.2019, Master Plan LE-20 A dated 10.12.2019, Transport Statement Addendum dated 20.09.2019, Other technical note dated 10.10.2019, Proposed Plans ITL11317-GA-001 dated 01.08.2019, Location Plan 6273-03 dated 01.08.2019, Letter dated 01.08.2019, Statement BUILT HERITAGE dated 01.08.2019, Design and Access Statement dated 01.08.2019, Travel Plan dated 01.08.2019, Planning Statement dated 01.08.2019, Air Quality Assessment dated 01.08.2019, Archaeological Assessment dated 01.08.2019, Drainage Statement dated 01.08.2019, Ecological Assessment dated 01.08.2019, Flood Risk Assessment dated 01.08.2019, Visual Impact Assessment dated 01.08.2019, Noise Assessment dated 01.08.2019, Report Risk Assessment dated 01.08.2019, Statement community involvement dated 01.08.2019, Transport Statement dated 01.08.2019, Appraisal utilities dated 01.08.2019, Drawing ITL11317-GA-017 REV A dated 10.12.2019, Drawing ITL11317-GA-018 dated 10.12.2019, Drawing

ITL11317-GA-014 dated 10.12.2019, Transport Statement ITL11317-021B dated 10.12.2019, and subject to:-

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision (parks and gardens and outdoor sports facilities) and enhancement and health care provision;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards off-site highway junction improvements, public transport, the provision of education facilities, and community services

The section 106 agreement is now at an advanced stage of preparation and should be agreed in principle within 1 month and the legalities completed within 3 months of the committee resolution unless there are good reasons for the delay.

- The following conditions:

1. Approval of details of the layout and appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of eighteen months from the date of this permission.

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

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

4. Applications for the approval of the reserved matters shall be in conformity with the indicative layout referenced 6273-01 Rev G and indicative landscape layout referenced LE-20 received 10 December 2019.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

5. Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the phasing of the construction of the development including the means



of access, layout of buildings, car parking and servicing arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

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

6. The details submitted in pursuance to Condition 1 shall be accompanied by a contoured site plan and full details of the slab levels and ridge levels at which the dwellings are to be constructed and development shall be carried out in accordance with the approved details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

7. The details submitted in pursuance of Condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. The scheme shall be in conformity to the indicative layout referenced LE-20 received 10 December 2019 and follow the recommendations set out in the Arboricultural Implications Report received 01 August 2019. The scheme shall be approved in writing by the Local Planning Authority and shall be implemented by the approved date. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

8. The details submitted in pursuance of Condition 1 shall show land, reserved for the parking and turning of vehicles. None of the dwellings hereby approved shall be occupied until these areas have 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 (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking areas.

Reason: To ensure that adequate parking is provided, maintained and retained.

9. The details submitted pursuant to condition 1 shall show details of vehicle charging points. The charging points shall be approved by the Local Planning Authority and be installed prior to the first occupation of any dwelling, and thereafter maintained and retained in accordance with the approved details.

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

10. The details submitted in pursuance of Condition 1 shall show the proposed enhancements to the Public Rights of Way MR119 and MR120 through the site and their linkages to the surrounding highway network in conformity with the indicative layout referenced 6273-01 Rev G received 10 December 2019. None of the dwellings hereby approved shall be occupied until these routes have been provided, surfaced and drained in accordance with the approved details and shall be retained and maintained at all times thereafter.

Reason: To promote healthy lifestyles and social connectivity and to protect the visual amenity and character of the area.

11. None of the dwellings hereby approved shall be occupied until the access from A20 London Road as shown in principle on drawing number ITL11317-GA-014-Rev H received 27 February 2020 has been substantially completed.

Reason: The undertaking of the works without the proposed highways improvements is likely to result in unacceptable traffic conditions in the surrounding area.

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

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

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

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

13. The use shall not be commenced, nor any premises occupied until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

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

14. The details submitted in pursuance of Condition 1 shall show the proposed areas of amenity, natural and formal open space, Neighbourhood Equipped Area of Play, a centrally located Local Equipped Area of Play and Local Areas of Play, along with a timetable for their implementation. The details shall be approved by the Local Planning Authority and be installed in accordance with the approved and maintained and retained at all times thereafter.

Reason: To ensure suitable levels of open space in the interests of health and wellbeing and to ensure compliance with Policy OS3 of the MDE DPD 2010.

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

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

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

16. The details submitted in pursuance to Condition 1 shall provide details and samples of all materials to be used externally. These details shall be 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 of the countryside.

17. The details submitted in pursuance of Condition 1 shall incorporate the mitigation and enhancement measures detailed in the Ecological Assessment received 1 August 2019. The measures shall be submitted to and approved by the Local Planning Authority, and implemented in accordance with an agreed timetable and retained thereafter.

Reason: In the interests of nature conservation and biodiversity.

18. The details submitted in pursuance of Condition 1 shall incorporate the mitigation measures detailed in the Air Quality Assessment received 1 August 2019. The measures shall be submitted to and approved by the Local Planning Authority, and implemented in accordance with an agreed timetable and retained thereafter.

Reason: To ensure suitable levels of air quality

19. No above ground works, other than ground investigations work or site survey works, shall commence until a scheme to connect all plots to mains foul drainage has been submitted to, and approved in writing by the local planning authority. The occupation of the development hereby permitted is to be phased and implemented to align with the delivery by Southern Water of any required sewerage network reinforcement.

Reason: To ensure that adequate waste water network capacity is available to adequately drain the development.

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

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

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

- (b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning

Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with Paragraph 170 of the NPPF 2019.

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

Reason: In the interests of amenity, public safety and human health and in accordance with paragraph 170 of the NPPF 2019.

22. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the DRAINAGE ASSESSMENT, ref C85673-R400A and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

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

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

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

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

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

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

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

### **Informatives**

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmhc.gov.uk](mailto: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.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

3. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public or Bank Holidays.
4. The CL:AIRE 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 re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.
5. 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.
6. The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice and the Environmental regulations page on GOV.UK.
7. No bonfires should be had at the site to avoid justified complaints from neighbours.
8. The network provided by Southern Water may require reinforcement. Accordingly Southern Water and the Developer will need to work together in order to ensure the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.
9. It is recommended that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)
10. The applicant is strongly encouraged to consider opportunities for incorporating

renewable energy technologies and measures to support biodiversity into the approved development.

- 4.2 Furthermore, in the event that an identical planning application is submitted to the Local Planning Authority, determination of that application will be delegated to the Director of Planning, Housing and Environmental Health until 31 October 2020.

Contact: Robin Gilbert