

Aylesford
Aylesford South

15 February 2019

TM/19/00376/OAEA

Proposal: Outline Application: permission for a residential scheme of up to 106 units, associated access and infrastructure
Location: Land South West Of London Road And West Of Castor Park Allington Maidstone Kent
Go to: [Recommendation](#)

1. Description:

- 1.1 Outline planning permission is sought for the development of up to 106 dwellings within this site. All Matters are reserved for future consideration other than access. Initially the matters of scale and layout were also for consideration at this stage but the applicant amended the application earlier on in its life to reserve these Matters for future consideration.
- 1.2 Whilst matters of layout, scale and landscaping are reserved for future consideration the applicant has submitted indicative drawings of how a development of up to 106 dwellings could be laid out. 40% of the proposed dwellings would be affordable and the development would be accessed from the existing residential road of Castor Park, which joins Beaver Road which itself joins on to the London Road A20. The access road into the site would be a continuation of the main westerly arm of Castor Park which would sweep northwest wards into the body of the site. The submitted plans show footpaths on either side of the carriageway, all of which would be the same width as the existing road in Castor Park.
- 1.3 The indicative layout shows the principal road running north west wards through the site towards its northern end with roads coming off this to the east and west. There are two principal areas of open space, the larger roughly round area located towards the northern end of the site close to the eastern (London Road A20) boundary, most of which is currently occupied by a small, former quarry. The other main area of open space is located within the north western corner of the site, which currently contains a WWII pillbox which is planned to be retained as part of the development. These two main areas of open space are shown to be linked by a green corridor which would cross the main spine road within the site.
- 1.4 The layout plans also indicate that a mix of terraced, semi-detached and detached houses will be laid out mainly fronting onto the access roads in a typical suburban layout. However, there are two areas of open space located immediately between the southern boundary of the site and the front of the existing houses in Castor Park and Goodwin Road. The indicative layout shows that row of houses in the proposed development could front onto these areas of

open space opposite the existing dwellings. The dwellings are shown to be between 2 and 3 stories in height.

- 1.5 The site, whilst falling mainly within the TMBC area, also includes an element that lies within Maidstone Borough Council's (MBCs) area. This is part of the access road, rather than any of the site of the proposed houses. However, as this application lies in both boroughs, MBC is also required to determine its own version of the application as well. The development will not, therefore, be able to commence until both Councils have issued a planning permission concerning the development and all of the conditions have been adhered to.

2. Reason for reporting to Committee:

- 2.1 Given the balance to be struck between diverging and significant material planning considerations.

3. The Site:

- 3.1 The site lies outside the defined settlement confines of Aylesford, within what is currently countryside. It measures approx. 3.4ha in area and stands between the railway line to the north west, the London Road A20 to the north east and residential properties to the south east. Open fields adjoin the site to the south west. Immediately to the north west of the railway line lies the site (known as the Whitepost Field site) the subject of planning application TM/17/01595/OAEA. This application has now been granted planning permission for a development of up to 840 dwellings, land for a new primary school, a link road between the A20 and Hermitage Lane and associated open space. Improvements to the Poppyfield roundabout have also been secured as part of the permission, as have financial contributions to the enhancement of the Mills Road/Hall Road/ London Road junction.
- 3.2 Both the Whitepost Field site and the current application site form part of a wider allocation in the draft local plan (draft policy LP28) for a comprehensive residential led development of approximately 1000 dwellings but which also includes provision of a new primary school and associated improvements to local infrastructure. Together the proposed scheme and that already approved for the Whitepost Field site would provide 946 dwellings of the planned 1000 allocated in the draft policy. A small rectangular parcel of land forms the remainder of the draft local plan allocation, located south of the Whitepost Filed site, east of Hermitage land and immediately north of Barming Railway Station. No plans have come forward at this time (in terms of planning applications) to develop this final section of the draft allocation.

4. Planning History (relevant):

TM/18/02360/EASC EIA Required

Screening Opinion for TM/18/02130/OA: Outline Application for layout, access and scale for a residential scheme of 106 units comprising a mix of 1, 2, 3 and 4 bed dwellings (including bungalows, houses and apartments), associated access and infrastructure

TM/18/03044/EASP EIA opinion scoping application 11 January 2019

Request for scoping opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for a proposed residential development

5. Consultees:

5.1 PC: The Aylesford Parish Council objects to the above application on the following grounds:-

(A) The development is contrary to Policy CP5 of the Tonbridge and Malling Borough Council Core Strategy as this development is located in the Mid Kent Strategic Gap which maintains the separation and separate identities of the built up areas of Maidstone and the Medway Gap.

(B) Any development at this location is premature and unnecessary at this stage before there is an agreed Tonbridge and Malling Borough Council Local Plan which will set out clearly whether this site has been allocated for development and what are the agreed and necessary infrastructure improvements required from the South Aylesford site within the proposed Local Plan.

(C) The development will lead to additional traffic movements on an already over capacity A20 which is highlighted by the traffic congestion at the traffic lights at the Beaver Road junction with the A20 which at peak times tails back to the Coldharbour roundabout and beyond to the motorway and Aylesford and the A20/Mills Road /Hall Road junction.

(D) This development will cause additional air quality issues on the edges of the existing Aylesford and Maidstone A20 AQMA's.

5.2 Highways England: Reproduced in full at Annex 1.

5.3 KCC (H&T): Reproduced in full at Annex 2.

5.4 KCC (Economic Development): Reproduced in full at Annex 3.

5.5 KCC (Heritage): The site of the proposed development lies in an area of broad archaeological potential associated with prehistoric activity. There are indications of post medieval or later horticultural activity to the south and the site does contain a pillbox, a locally important military structure and related to a network of pillboxes.

I note the pillbox is to be retained and included within an open space area, which is very welcome. In view of the broad potential for prehistoric and later archaeology I recommend a condition [requiring further archaeological field work to be undertaken].

Although I note the pillbox is to be retained I would welcome long term conservation measures and protection for this structure during development. As such I would also like to recommend additional conditions [to safeguard the pill box as an historic feature].

- 5.6 KCC (SUDS): Within the drainage strategy, it is noted that a possible surface water flow path exists within the site. The Environment Agency's surface water flood mapping indicates a flow path following the low points within the site and flowing into the depression which was a former quarry. It has been proposed within design and access statement to infill this depression and to achieve similar to levels across the site. Whilst we have no objection in principle (due to the limited extent of the mapped flow path beyond the site boundaries) any mitigation measures should be detailed in the final drainage strategy.
- 5.6.1 In addition, the underlying strata is the Hythe Formation (Ragstone) in which there is a risk of encountering loosely infilled features known as 'gulls'. The installation of soakaways may lead to ground instability if these features are present and are inundated with water. Infiltration testing is referred to in the drainage strategy but no ground investigation details appear to be provided. The use of shallow soakaways in the Hythe Formation can present a risk of washout of the fine grained deposits. We will require that information is submitted in the detailed design to determine that the proposed infiltration depth is within clean, competent, natural ground.
- 5.6.2 While supporting drainage calculations have been provided for 1 in 100 year storm with 20% allowance for climate change, we require that an additional analysis is undertaken to understand the flooding implication for a greater climate change allowance of 40%.
- 5.6.3 Should your authority be minded to grant permission for the above development, we would recommend that conditions be attached requiring details of the full drainage strategy for the site and a verification report be submitted before the dwellings are occupied that demonstrates that the SUDS scheme works appropriately.
- 5.7 EA: No objection subject to the imposition of conditions to safeguard the ground and ground water from pollution.
- 5.8 Southern Water: Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

5.8.1 We request that should this application receive planning approval, the following informative is attached to the consent:

“A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>”

5.8.2 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

5.8.3 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

5.8.4 Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, 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.

5.8.5 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.

5.8.6 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.

5.8.7 We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

- 5.8.8 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 Sewers for Adoption standards 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.
- 5.8.9 Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- 5.8.10 The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk”.
- 5.9 Natural England: No comments to make.
- 5.9.1 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.
- 5.9.2 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.
- 5.9.3 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.
- 5.9.4 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available online at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

5.10 NHS (CCG): The CCG has assessed the implications of this proposal on delivery of general practice 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.

5.10.1 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:

Necessary
 Related to the development
 Reasonably related in scale and kind

5.10.2 We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

	Total chargeable units	Total	Project
General Practice	106	£92,196	Towards a new general practice premises for Aylesford Medical Centre or towards refurbishment, reconfiguration and/or extension at Bower Mount Medical Practice, Blackthorn Medical Centre and/or Vine Medical Centre.

5.10.3 The obligation should also include the provision for the re-imburement of any legal costs in incurred in completing the agreement.

5.11 Maidstone Borough Council: No comments.

5.12 Housing Services: 42 Affordable homes, with a tenure split of 70% rented and 30% intermediate is in line with policy.

5.12.1 As the development includes two bedroom bungalows and four bedroom homes, some of these homes need to be included in the AH provision.

5.12.2 The two bedroom houses are towards the small end of the scale. These units need to accommodate households of up to four people, and be at least 75m² (there are references to 74m² and 75.99 m² in the documents provided).

- 5.12.3 The type of rent for the rented affordable homes will need to be considered and agreed in consultation with the Council. If Affordable Rent is proposed it's likely levels will need to be set in the region of 60% of market rents in order to be affordable and sustainable for households. Also, rents will need to be capped at LHA, as well as 80% of market rents – whichever is lowest
- 5.12.4 More information about the breakdown of units by tenure is needed – which will be rented and intermediate?
- 5.12.5 It's important to consider accessibility in the development, with level access to all properties, and for some to be wheelchair accessible. It would be useful for flats to have lift access and for some to have a separate bath and shower, with a flush floor shower.
- 5.12.6 The majority of the AH provision is made to the north end of the site adjacent to the railway line, this could be split up more to integrate the units with the rest of the development.

5.13 Environmental protection:

Air Quality:

- 5.13.1 I agree with the air quality assessment and have no major issues but would like to draw attention to the mitigation measures in section 10.5.2, all gas-fired boilers meet a minimum standard of <40mgNO_x/kWh and 1 Electric Vehicle charging point per dwelling with dedicated parking or 1 charging point per 10 spaces, being the best available technology at the time of planning.

Contaminated Land:

- 5.13.2 Based on the review of: Geo-environmental Investigation (Ground & Environmental Services Limited, July 2018) The report presents the findings of a combined preliminary and intrusive site investigation. The only potential source of contamination identified on site is an old quarry. This was the location of the only soil sample to show any contamination. As this quarry is to be infilled as part of the site re-profiling, the contamination will not be accessible to future site users and so does not require any remediation. On the basis of available data and information, the site is not identified as a site of potential concern or any adjacent site.
- 5.13.3 To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development, I suggest the imposition of conditions

Noise:

- 5.13.4 The Applicant has submitted two reports associated with noise.

- 5.13.5 The first of these forms part of the Environmental Statement. Chapter 11 deals with Noise And Vibration, and was carried out by their consultant, SLR (their ref: 416.09117.00001-FINAL, dated February 2019). I do have some issues to raise with this report. At para 11.2.94 (pg18) it is noted that piling may be used on this proposal. Wherever possible, this should via the Continuous Flight Auger (CFA) method, as this will substantially reduce the likelihood of nuisance being caused to nearby receptors. If any other method is to be used, the Applicant should be advised to contact the Environmental Protection team at the Council at the earliest opportunity. At para 11.2.112, pg 21), the proposed hours of construction are cited as Mon-Fri 07:00-19:00 and Sat 07:00-13:00. The Council's Core Hours for such activities are Mon-Fri 07:30-18:30; Sat 08:00-13:00; with no such work on Sundays or Public Holidays. These times include deliveries/collection to/from the site. It will be expected that the Council's Core Hours will be adhered to. At para 11.4.32 and Table 11-16 (pg31), a 15dB attenuation for a partially open window has been assumed. This is very much at the top end of the scale (10-15dB) and for a more robust assessment I would recommend using a lower attenuation figure of 13dB. At para 11.4.34 (et seq) (pg 32), an external amenity area target of 55dB LAeq, T has been used. This should be viewed as an upper limit. The desirable limit cited in BS8233:2014 is 50dB LAeq, T and this is the target that should be aimed for. As a point of correction, the report has incorrectly referred to the development at the junction of Hermitage Land and London Road (A20) as being in Maidstone Borough Council's area. This is incorrect, it is within the Tonbridge & Malling Borough Council area.
- 5.13.6 The second is a Noise Assessment carried out by their Consultant, MLM Consulting (their ref 102405/001R/RT, undated but a last revision date of 13-Feb-19). The Noise Assessment seeks to assess the noise climate present at the site and determine whether this can be mitigated and/or attenuated to achieve satisfactory internal and external noise levels in accordance with BS8233:2014, WHO's Guidelines for Community Noise 1999 and ProPG on Planning and Noise 2017. Vibration has also been assessed with reference to BS6472:2008.

Internal noise.

- 5.13.7 The Noise Assessment has demonstrated that there is a technical solution to secure satisfactory internal noise levels and appropriate performance criteria are proposed for the construction materials; it is imperative that the Ctr adjustment is included, as the dominant noise source is road traffic. I believe that some of the properties may require acoustically screened mechanical ventilation, as they are not able to achieve satisfactory internal noise levels with windows at least partially open. Passive ventilation has been proposed as a possible solution for some properties, but I am not in favour of relying on passive ventilation as this is unsatisfactory for decent ventilation rates. I would therefore recommend either:

a) Some form of whole property mechanical ventilation system with heat exchange; or

b) Individual room ventilation units that will give controllable levels of mechanical ventilation at satisfactory rates whilst maintaining acoustic integrity.

5.13.8 It is therefore imperative that we have a Condition that requires further submission of specific details of windows and mechanical ventilation to be installed, together with acoustic data demonstrating that satisfactory internal noise levels will be achieved with windows at least partially open.

External Noise

5.13.9 It is not clear from the Noise Assessment whether levels of up to 50dB LAeq can be achieved in external amenity areas for the dwellings proposed. The Noise Assessment makes reference to a level of 55dB LAeq as not being guaranteed to be achievable. 55dB LAeq should be very much viewed as being an upper limit, with a desired target of 50dB LAeq. The Noise Assessment makes reference to the use of close boarded fencing (presumably acoustic fencing) of 2.5-3.0m tall, where levels are predicted to exceed 55dB LAeq. Such fencing should be installed to gardens that are predicted to exceed 50dB LAeq and the appropriate areas specifically identified. No information appears to have been provided as to whether any acoustic protection is to be provided to the Open Spaces, in particular that in the Northern corner of the site. This is particularly relevant if the area is to be proposed to be used in lieu of properties individual amenity spaces.

Vibration

5.13.10 The vibration monitoring carried out suggests that vibration will not be issue for the proposed development, and I would not wish to comment further on this particular aspect. I anticipate that the abovementioned issues will be addressed at the detailed design stage, once the layout has been finalised.

5.14 Private reps: 19 + site + press notice/OS/0X/9R. The nine responses raise the following objections to the proposed development.

- Already have congestion on the A20 London Road and the junction of Beaver Road
- The drainage/sewage system is not capable of dealing with the recently built houses let alone the proposed development
- The infrastructure can't cope (Doctors and schools are at capacity)
- Noise levels would be made worse

- Air quality would be made worse
- The access road isn't wide enough to support the traffic entering the site
- This is a greenfield site separating the villages of Aylesford and Allington
- The area is used by walkers and children to play on
- The additional traffic from the 106 homes in an area where there are no convenient public transport links is unsustainable
- Loss of wildlife habitat
- The site has significant archaeological interest
- Construction noise will be unbearable
- The site is in the Strategic gap and should not be built on
- Yet more building on the Green Belt when there is a lot of brownfield land available.

6. Determining Issues:

Principle of development:

6.1 As Members are aware, the Council cannot currently demonstrate an up to date five year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (February 2019) must be applied. For decision taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.

6.3 In terms of the principles of the development, policies CP6, CP11 and CP14 are the most important to the determination of this application, due to its specific locational characteristics outside, but close to, the Malling Gap urban area.

6.4 Concerning policy CP6, this 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.”

6.5 This policy does not seek to arbitrarily prevent development in out of settlement locations such as that the subject of this particular application. Rather it seeks to preserve the separate identity of different settlements and their particular character. This aim is entirely consistent with the advice contained within paragraph 127 of the NPPF (which is set out in full below), particularly point (c).

127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate

amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.6 Consequently, this policy is not considered to be out of date with the NPPF and should, therefore, be given substantial weight in the consideration of this application.

6.7 Policy CP 11 states:

“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 & Aylesford south of the River Medway, Aylesford Forstal and Snodland)

c) That part of the Medway towns urban area that lies within the Tonbridge & Malling Borough (Walderslade).

Development adjoining these urban areas will only be 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.”

6.8 As has been stated earlier in this report, the site does not lie within the Medway Gap urban area and this policy contains the presumption against allowing development outside it unless there is an identified need and no suitable sites within the relevant urban area. There is of course an identified need for housing within the Borough due to the lack of a current year housing land supply. The last published position (April 2019) demonstrated a 2.6 year supply. It is also unlikely that the housing need can be accommodated within the urban area. This, of course, accounts for the fact that the draft local plan seeks to allocate an area of land that the application site forms part of for 1000 homes (policy LP 28). However, given that the policy seeks to control the spatial location of development (including housing) within the Borough at a time when it cannot demonstrate a 5 year supply of housing land, by virtue of footnote 7 of the NPPF, the policy has to be considered to be out of date with the NPPF. Notwithstanding this, this does not mean that the policy carries no weight at all in considering this application. Previous decisions including those determined by appeal have shown that limited weight can be attributed to this policy.

6.9 Policy CP 14 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.

6.10 This policy seeks to limit development within the countryside including housing. It has been accepted that this policy is out of date with the NPPF and can, therefore, be attributed only limited weight.

6.11 Reference has been made in some of the representations that the development would be contrary to policy CP5 of TMBC which 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 out of date and cannot be given any weight in the consideration of this application.

6.12 With regard to the application of the presumption in favour of sustainable development, regard must first be had for whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 6) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in footnote 6 of the NPPF apply to the site the subject of this application. As such, pursuant to paragraph 11(d) (ii) of the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when the proposal is assessed against the policies in the Framework taken as a whole. It is on this basis that my assessment follows:

Locational characteristics and associated impacts:

- 6.13 Dealing firstly with policy CP 6, as was set out earlier in this report, the purpose of this policy is to ensure that settlements retain their separate or own identity. The site is such that it would adjoin a residential development that falls partly within TMBC area and partly in Maidstone (The Castor Park development). This development itself appears as part of the Maidstone urban area. The railway embankment spatially and visually cuts off the site from the existing developed confines of Aylesford. As such the proposed development would appear as an extension to the Castor Park development and would not erode the separate identities of Aylesford and Maidstone. Furthermore, whilst it is acknowledged that the Whitepost Field site would, when developed in time, infill the gap between Aylesford and the current application site, again due to the railway embankment that separates the two, both sites would be visually separated from one another. Consequently, the development would not be contrary to policy CP 6 of the TMBCS.
- 6.14 Paragraph 78 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 79 then follows stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”.
- 6.15 Given that the site lies within the countryside as designated – and notwithstanding my earlier comments concerning the application of policies CP 11 and CP14 of the TMBCS – an assessment of the development on this basis must take place.
- 6.16 The interpretation of isolated homes in the countryside has been clarified in the Court of Appeal judgment in Braintree DC v SSCLG [2018] EWCA Civ. 610. 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)
- 6.17 The site is immediately adjacent to the urban area of Maidstone. It also lies east of, but close to, the eastern boundary of the Medway gap area (within TMBC) and although Hermitage Lane intervenes I consider that the development would provide a spatial expansion of this urban area (particularly as it adjoins the site of a development for 840 dwellings that was granted planning permission in July

2020), which itself adjoins the Medway Gap urban area. Furthermore, the confines of Maidstone are located less than 200m away to the east of the site. Given the scale of the development and its location, it would certainly not result in isolated dwellings being introduced within a rural area but would instead be a sustainable location for new dwellings to be located as a meaningful expansion of the existing urban area. The development would not, therefore, conflict with paragraph 79 of the NPPF.

- 6.18 As such, in locational terms and having due regard to relevant case law and material planning considerations, I conclude that the development of this site for residential purposes in the manner proposed would not be harmful.

Character and pattern of development and impact upon visual amenities:

- 6.19 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments.

- 6.20 In particular, paragraph 127 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. Furthermore, paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 6.21 The Landscape and Visual (LV) section of the ES identifies two separate aspects to consider when assessing the landscape and visual affects of a development. These are:

- Assessment of landscape effects – assessing the effects on the landscape as a resource in its own right; and
- Assessment of visual effects: assessing the effects on specific views and on the general visual amenity experienced by people

- 6.22 With regard the former (Landscape effects) such matters as landscape designations, the landscape quality, scenic quality, rarity, recreational value and perceptual aspects and associations should be considered.
- 6.23 The site is not the subject of any specific landscape designation. It's quality is typical of other open land in the wider locality; open, gently undulating grass land and which is enclosed by urbanising elements to the east (London Road) and to the south east (edge of Maidstone urban area). The site is of limited scenic quality and its most notable features are the hedgerow and trees that stand along the London Road boundary of the site and the trees.
- 6.24 A former quarry is located within the north eastern part of the side, close to London Road. This is to be infilled to the same height as the prevailing ground level to the west of it. The land north and east of the former quarry is to be made up as well with a bund running parallel to the eastern boundary of the site, returning around the southern side of the former quarry. Part of the fill material would come from three specific areas of the site which are to be cut (regraded). One lies immediately to the south side of the quarry, one is at the south western corner of the site and the third in the central part of the site. The purpose is to provide a more uniform level for the development to take place on. Whilst the site undulates and contains a small former quarry that is to be infilled, the landscape of the site is not considered to be rare nor contain rare features or characteristics.
- 6.25 The site is not accessible to the public for any lawful recreational purpose and does not contain any public rights of way. The site contains a pill box located at the northern end of the site close to the railway line which is to be retained.
- 6.26 The other aspect of visual impact arises from how receptors will perceive the change in the landscape following the development. Those receptors which are most susceptible to a change in the local landscape include the residential properties that face onto the site and people engaged in outdoor recreation, whose attention is likely to be focused on the local landscape. People travelling along the local roads and rail routes are likely to be less susceptible to change as their focus is more likely to be on the journey, unless of course the journey involves a highly scenic landscape, which the application site does not form part of.
- 6.27 The site is visible to those residential properties that have a view across the site (e.g. those in Wyatt Road, Rufus Walk, Castor Park and Goodwin Road to the south/south east of the site). They will experience the greatest change in the landscape of the site as the development will be located up to the open space serving this neighbouring development that adjoins the site. However, this is a relatively new development with no hard boundary between it and the application site. Due to this and that the access to the application site will be

gained via Castor Park, to existing residents, it could appear as a natural continuation of the existing development.

- 6.28 Views into the site from the local highway network and footpaths around the site would be limited and filtered by the existing boundary treatments which are to be supplemented or replaced under the proposed development.
- 6.29 Views from PROWs, including the Medway Valley Walk along the River Medway and from further afield at the top of Blue Bell Hill (North Downs Way) would be at best very limited. Indeed, any views of the development would be seen from the elevated position of the North Downs Way in the context of the adjacent developed part of the Medway Gap urban area and the M20 motorway.
- 6.30 Although reserved for future consideration, the indicative plans provided show that the dwellings will be of a similar scale to those in the locality and the scheme has been designed to retain and manage the existing soft boundary treatments. An area of open space is shown to be located at the entrance to the development between the two existing areas of open space located in front of the dwellings within Castor Park, Rufus Walk and Wyatt Road. Whilst the access road would bisect this area, the effect would be an open green corridor between existing and proposed developments. Similarly, whilst indicative, two areas of green open space are shown to be located at the northern end of the site, one on the eastern side of the site adjacent to London Road and the other on the western side, which the WWII pill Box would be located within. These two areas are shown (indicatively) to be linked by a green corridor. Breaking up the expanse of the proposed built areas and additional landscaping is proposed to take place, including appropriate tree planting as the development plans take shape at the next (Reserved Matters) stage.
- 6.31 As has been highlighted above, the site lies close to existing residential properties and access to the site will have to come through the access road serving them. The development has the potential to harm the amenities of these neighbouring properties both during the construction phase and operation phase of the development. With regard to the construction phase the applicant is suggesting the use of a Construction Management Plan (CMP) to help reduce those impacts upon residents. This will cover such matters as how the site is to be accessed for the duration of the construction works, when and how deliveries will be made, how waste is taken away, working hours and how construction workers should access the site (including where they should park their vehicles). Whilst the impacts arising from a construction project (such as noise, disturbance, dust etc) can be significant for the local residents, they will be temporary and cease once the development is complete. However, the operation of an agreed construction management plan will help to minimise such harm to residents and clearly set out for everyone's benefit how the construction works are to be undertaken.

- 6.32 With regard to the operational phase, the siting and layout of the dwellings, which will not be more than 3 stories in height based on the submitted parameters plan, can be achieved without causing unacceptable impacts upon the existing houses to the south and south east of the site in terms of loss of light or privacy. The detailed layout of the site will be considered at the Reserved Matters stage where the impacts of that scheme will be considered afresh.
- 6.33 The development will also generate traffic that will have to travel via Castor Park to reach Beaver Road and the A20 beyond. Whilst this new through traffic will create noise from vehicles driving through Castor Park, the impacts would not cause such harm to residential amenity that would warrant a recommendation to refuse permission.
- 6.34 In all these respects, I consider that the development would come forward in an acceptable manner that would accord with the adopted development plan and the policies contained within the Framework.

Highway safety, capacity and parking provision:

- 6.35 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.
- 6.36 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.
- 6.37 Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
- 6.38 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.39 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.
- 6.40 Paragraph 109 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.

- 6.41 Paragraph 110 goes on to state that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.42 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.43 Members will see from section 5 of this report that both the Highways Agency and the local Highway Authority did previously raise objections to the proposed development on the basis that it had not been clearly demonstrated that the development would not cause unacceptable harm to the strategic road network (jct 5 of the M20). Concerns have also been raised regarding the junction of Beaver Road with the A20 London Road. These issues have now been resolved but revisions to the Beaver Road junction with London Road will need to be undertaken. A splitter island will be installed to provide a dedicated left turn lane from Beaver Road onto the west bound carriageway of the London Road, separating this from the other lane which will allow for forward and right turning traffic. This minor reconfiguration will reduce the queuing times for traffic leaving Beaver Road. This work will be under a s278 Agreement with the highway authority. A condition will be used to require the junction works to be undertaken prior to the occupation of the proposed dwellings.
- 6.44 The impacts of the development upon other local junctions has also been considered, taking into account the cumulative impact of the Whitepost Field development for 840 house which has now been granted planning permission and which lies immediately to the west/north west of the site across the railway

line. The other developments proposed in the local plan for the Aylesford area have also been taken into consideration, as has the recently permitted household waste recycling (HWRC) facility at Allington.

- 6.45 A significant amount of work has taken place since the application was submitted for the full impacts of the development to be assessed. The submission of the additional Transport Assessment addendums (four in total) now demonstrate that the development will have a negligible impact upon the Poppyfields and Coldharbour Roundabouts and only a minor impact upon the junction of Hermitage Lane and the London Road (a maximum of 8 additional movements during the peak hour). Of course, the Coldharbour roundabout is scheduled for improvements by KCC later this year and next year, alongside improvements to the junction of London Road/Mills Road/New Road. Due to the limited impacts that the proposed development would have, KCC is not seeking contributions to these junction improvement schemes.
- 6.46 The potential highway impacts of this development have been the subject of numerous conversations between Borough Council officers and colleagues at KCC (Highways). Owing to the nature, scale and likely impacts of the development, the only mitigation that is considered to be required to be undertaken by the applicant are the improvements at the Beaver Road/London Road junction.
- 6.47 The Transport Assessment which forms part of the ES also contains a Travel Plan document which sets out that a Travel Plan Co-ordinator (TPC) should be appointed to oversee a Travel Plan for the development. The aims of the Travel Plan will be to reduce single occupancy car journeys and promote the use of cycling, walking and public transport. The Travel Plan document points out that a final Travel Plan will need to be agreed between the developer, the highway and planning authorities and required by a condition attached to a permission. However, it is expected that the developer would fund (at least in part) the role of the TPC. As the Travel Plan requires a financial contribution to be made, it would need to be dealt with by way of a s106 Planning Obligation rather than a condition. However the principle of the use of a Travel Plan for the purposes set out in this application is acceptable, as it's very purpose is to seek to reduce the impact of the development upon the highway and encourage more sustainable transport choices.
- 6.48 A position has now been reached whereby both Highways England and KCC (H&T) have removed their objections to the proposed development. Highways England is now satisfied that the development would not cause unacceptable harm to the strategic highway network (Jct. 5 of the M20). With regard to the local road network, providing that the applicant contributes to the improvements to the Beaver Road junction with the London Road, the development is considered to be acceptable in terms of highway safety impacts. A s.106 obligation can be used to secure such a contribution.

- 6.49 In addition, a Travel Plan has been submitted for the development. This provides an action plan that includes the production of residential travel packs, promoting car sharing and use of public transport to future residents. Secure cycling provision will also be provided as part of the development. I consider this to be acceptable for the development given its location.
- 6.50 A condition can be imposed on any permission granted requiring layout plans to provide for car parking at a level that is in accordance with the adopted residential parking standards (Kent Design Guide Review: IGN3) and secure cycle storage as well, which will assist with the aims of the Travel Plan to promote sustainable transport choices for future occupiers of the development.
- 6.51 In light of the above and taking into account the infrastructure improvements to be undertaken by the local Highway Authority (with the necessary contributions from the developer) I am satisfied that the development would not now result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 109-111 of the NPPF.

Ecology and biodiversity:

- 6.52 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.
- 6.53 Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. It goes on to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.
- 6.54 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network.
- 6.55 These policies broadly accord with the policies of the NPPF. In particular, paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 6.56 An Ecological Appraisal report has been submitted in support of the application. The report advises that the site comprises a single, large, grassland field. Boundary vegetation is present along the perimeters of the field with a hedgerow to the west, scattered scrub to the north and mature tree belts and woodland to the south and east.
- 6.57 The site provides limited opportunities to foraging and commuting bats, with bat activity overall limited to low numbers of common species utilising mainly the boundary hedgerows and trees on the north eastern side of the site. It is proposed to replace the existing trees in this area with appropriate trees and shrubs to provide and improve foraging/commuting habitat for bats. It is also proposed to plant trees and shrubs along the north western boundary of the site (along the line of the railway embankment) to also provide additional opportunities in time for foraging and commuting bats. Due to the size of the site and the proposed development there will also be opportunities for enhanced tree and shrub planting within the open spaces that will be an integral part of this development. Whilst full details of landscaping will be dealt with at the Reserved Matters Stage, the development provides an opportunity to enhance the habitat on site to support local bat populations.
- 6.58 In respect of breeding birds, blackbird and wren were recorded during a survey of the site. These are commonly associated with the woodland and scattered scrub habitats present within the site. Additional tree and shrub planting is recommended within the site by the applicant's ecological adviser as well as replacement tree and hedgerow planting in the north eastern corner of the site. It is also planned to plant a wildflower meadow as well to improve the biodiversity of the site. The site is able to accommodate much additional tree and hedge planting due to its size and the number of dwellings proposed, which will provide enhanced habitats for breeding birds.
- 6.59 The site is considered to have a moderate habitat for reptiles and 10 surveys of the site have been undertaken on behalf of the applicant to assess the presence of them. A low population of slow worms (less than 5) was found together with a medium population of common lizard (between 5 and 20). The mitigation proposed by this development comprises the creation of enhanced habitats on site within the areas of open space as well as the translocation of reptiles on site to the land immediately to the south west of the site which is in the same land ownership. Given that the donor site lies immediately adjacent to the site and contains the same habitat, this is considered an appropriate donor site to translocate the reptiles to prior to the commencement of the development.
- 6.60 I am therefore satisfied that the development would have a net positive effect on habitats and biodiversity on the site which would be an overt benefit arising from the development. The proposal therefore accords with local and national policy focused on maintaining and enhancing biodiversity.

6.61 These matters can all be reasonably secured by a combination of planning condition and/or obligation.

Best and most versatile agricultural land:

6.62 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will be not be proposed in the LDF unless there is an overriding need, and

6.63 (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or

6.64 (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.

6.65 Paragraph 170 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. In particular section b) requires the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services to be recognised – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.66 Whilst I appreciate that policy CP9 relates to the allocation of sites rather than decision making, this policy when considered in conjunction with paragraph 170 (b) of the NPPF makes it clear that there is a need to balance the need for additional housing with the loss of agricultural land.

6.67 The site is classified as grade 2 which is typical of the surrounding area. Grades 1, 2 and 3a are referred to as 'best and most versatile' land. It is recognised that the site comprises the best and most versatile agricultural land, although it is a small area being less than 4ha in size and confined on three sides by a railway line, the London Road and existing development. Whilst it is recognised that best and most versatile agricultural land does have some economic benefits alongside its primary purpose of food production, it is considered that the loss of this small pocket of agricultural land would have little tangible impact on agricultural yield.

6.68 Of course, the cumulative impacts of the loss of such agricultural land need to be considered. The much larger adjacent Whitepost Field site (c.34ha) which is grade 2-3 has now been granted planning permission to be developed. As part of the assessment of that application it was considered that the loss of the agricultural land was not sufficient to outweigh the benefits deriving from that scheme which included a substantial housing (including 40% affordable) provision at a time when the Council cannot demonstrate a 5 year supply of housing land in the Borough.

In this case the loss of the proposal site of less than 4ha would result in only a minor additional loss of additional agricultural land, which itself is considered to be of little effect in terms of food production, and would be outweighed by the benefit of providing a significant amount of additional housing within the Borough including a policy compliant amount of affordable housing when there is a lack of a five year housing land supply.

Minerals:

- 6.69 The development would be undertaken on land that is safeguarded within the Kent Mineral and Waste Local Plan (Policy OL 7) for Kent Ragstone and Sandstone. Whilst the site's geology is consistent with the Hythe Formation (ragstone), it is considered too small to be commercially viable to extract. Furthermore, the last remaining company actively quarrying ragstone (Gallagher Group) operates two quarries locally with reserves until 2037 (Hermitage Quarry) and 2054 (Blaise Farm). As such the development of this site would not sterilise a commercially viable mineral deposit of which there is an adequate supply of in the local area. Accordingly, it is not considered that the development would fail to comply with policy OL7 of the KMWLP.

Potential land contamination:

- 6.70 Paragraph 178 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 Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 6.71 Paragraph 179 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.
- 6.72 In terms of land contamination, the submitted Geo-Environmental Report is considered to adequately review the history and environmental setting of the site. It notes that the site has not been previously developed and contains no signs of contamination that would pose a threat to human health, ground water or the plant life present on site. The Assessment considers that no further

investigation is required as to ground contamination. However it also recommends a precautionary approach in that should malodorous or stained material be encountered during the levelling/enabling works, then those works should cease until the material is investigated by a suitably qualified person and dealt with appropriately.

- 6.73 Both the EA and the Council's Contaminated Land Officer agree with the conclusions of the assessment and recommend that a condition be used to deal with unforeseen contaminated land should it arise. Given the potential for ground water contamination within the site, the EA has also recommended the use of a condition to prevent the discharge of surface water to ground unless details have first been approved by the LPA.

Flooding and surface water management:

- 6.74 KCC (Flood and Water Management) has advised that it has no objection in principle to the development. Due to the underlying conditions (the Hythe Formation), there is a risk of encountering loosely infilled features known as 'gulls' and the installation of large point infiltration areas or sources may lead to ground instability if these features are present and are inundated with water.
- 6.75 A detailed sustainable surface water drainage scheme has therefore been recommended that should also determine the potential instability risks associated with infiltration drainage into the mentioned deposits. Conditions have been advised which are entirely appropriate.
- 6.76 Southern Water has advised that it can accommodate the needs of the proposed development, without the development providing additional local infrastructure (in terms of foul waste). It advises that surface water should be dealt with by a SUDS scheme and not discharge to a public sewer.

Noise:

- 6.77 Paragraph 180 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.
- 6.78 A Noise Assessment has been submitted as part of the ES, in support of the application. The report details the measurement of the noise climate present at the site, compares this with appropriate standards and offers advice on the attenuation measures that could be implemented to secure an acceptable environment. The report concludes that the main sources of noise to future occupiers of the development are from traffic using the A20 London Road and from the railway. Achieving appropriate amenity levels for the proposed dwellings will be dependent upon such factors as the eventual layout of the

development, the positioning of the dwellings in relation to the sources of noise and orientation of the dwellings. Noise attenuation measures such as acoustic fencing or enhanced glazing may need to be considered at the detailed design stage. It is apparent, however, that a residential scheme of the size proposed can be accommodated on site and provide an adequate level of amenity for future residents. A condition can be added to ensure that the necessary noise mitigation/attenuation measures are incorporated into the development. The proposal therefore accords with paragraph 180 of the NPPF.

Air quality:

- 6.79 Paragraph 181 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.
- 6.80 An AQMA lies along the A20 corridor to the north of the north west of the application site (starting from between the Coldharbour roundabout and the junction of London Road and Hermitage Lane and extending westwards). The impact of the development has been assessed as being low to imperceptible due to a change of less than 1% upon existing receptors in the locality. The assessment does, however, recommend that electric vehicle charging points be installed for dwellings with their own parking spaces to facilitate their use by residents of the proposed development. The assessment also recommends the use of a Construction Management Plan for the duration of the construction works in order to minimise impacts upon air quality. The details of a CMP have been submitted as part of this application and a condition can be utilised to ensure the measures are adhered to. Not only would this be beneficial to air quality, it would also help to mitigate the impacts of the construction works upon local residents and highway safety. The Council's Air Quality officer considers the assessment to be acceptable and recommends that the proposed mitigation measures be secured by planning conditions.
- 6.81 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's own expert, I am satisfied that the air quality effects of the development would not be significant. The development therefore accords with paragraph 181 of the NPPF.

The Draft Local Plan:

- 6.82 The site is part of an area that is proposed to form part of a strategic allocation site (South Aylesford) for approx.1000 dwellings and key infrastructure including a 2 FE entry primary school, new link road between the A20 London Road and Hermitage Lane, and contributions towards the improvement of the A20/Hall Road/Mills Road junction as set out within policy LP 28of the draft local plan which was submitted to the Secretary of State for examination on 23 January 2019.
- 6.83 Under paragraph 48 of the NPPF, a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies, and (3) the degree of consistency of the relevant policies with the NPPF.
- 6.84 Paragraph 49 then advises:
- “in the context of the NPPF 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.”*
- 6.85 Of course, in this case, the proposed development would take place on a small parcel of the land which is the subject of the proposed local plan allocation and would include a quantum of residential dwellings commensurate with policy LP28. As Members may recall, much of the infrastructure improvements required under this draft policy have been secured by way of a s106 Planning Obligation concerning the now approved development of the adjacent Whitepost Field development (TM/17/01595/OAEA).
- 6.86 With the current application, whilst there is no requirement to contribute to the improvement of the Coldharbour roundabout or the junction of London Road/Mills Road/Hall Road, there is a need to improve the Beaver Road junction with London Road in order to mitigate the impacts of this development. The applicant is willing to make the necessary financial contributions to the highway authority to enable this work to be undertaken. The applicant is also willing to make the necessary contributions that relate to community infrastructure as set out in further detail below. Consequently, the proposed development complies with the requirements of policy LP28 in any event.

6.87 Whilst the development complies with this draft policy, the local plan examination process has been stopped by the Inspectors for the reasons set out in their letter dated December 2020. As such only limited weight can be applied to this policy at this time.

Planning Obligations:

6.88 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

6.89 Paragraph 56 of the NPPF reflects this statutory requirement.

6.90 The scheme proposes to provide 40% of the total number of dwellings (106) as affordable housing, which would be 42 residential units. The scheme therefore accords with Policy CP17 of the TMBCS. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need

6.91 Policy OS3 of the MDE DPD required all developments of 5 units or more (net) to provide an open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The indicative plans show that the development would incorporate children's play areas, amenity green space and areas of natural and semi-natural green space. After taking this on-site provision into account, a financial contribution of £110,980 is also being secured through a s.106 obligation for the enhancement of Leybourne Lakes Country Park.

6.92 The development generates a need for 30 additional primary school places that cannot be accommodated within existing local schools. A new 2FE primary school is to be provided as part of the development on the adjacent parcel of land (Whitepost Field) to the north west of the application site. That school will contain capacity larger than that required to accommodate the number of pupils generated by the Whitepost Field development. As such, there will be capacity to accommodate the primary aged children that will live within the proposed development. A contribution of £324,256 will be secured by a s106 planning obligation from the applicant towards the cost of building the new school on the adjacent site. It will also be necessary for the applicant of this residential development to make a financial contribution of £229,383.94 for primary land

provision as they will not need to find land within their site to accommodate a new primary school. This particular contribution will be returned to the developer/landowner of the Whitepost Field development to compensate them for providing all of the land necessary to accommodate a 2FE primary school.

- 6.93 KCC has also advised that to mitigate the additional impact that the development would have on delivery of its community services, the payment of an appropriate financial contribution is required. This consists of contributions for secondary education (£294,226 for enhancing Aylesford School teaching space), £8,411.47 for enhancements and addition book stock for Larkfield library, £5,925.40 for enhancing the Aylesford Priory Changing Place facility, and £1,427.84 for improvements to Aylesford Youth Club. As with all the other contributions, these are being secured by a s106 planning obligation.
- 6.94 NHS CCG has advised that the proposal will generate approximately 256 new patient registrations based on an average of 2.34 per dwelling and that this would have implications on the delivery of general practice services in the Aylesford area. Therefore, mitigation is required and this will be in the form of the payment of a financial contribution of £92,196 towards new GP premises for Aylesford Medical Centre or refurbishment of existing facilities in the local area. This is also being secured by the s106 planning obligation.
- 6.95 These obligations, along with that also required for highways improvements, would ensure that the effects of the development would be adequately mitigated, and that these would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Planning balance and overall conclusions:

- 6.96 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In terms of the benefits, the proposed development would provide 106 new dwellings which would assist in addressing the Borough's shortfall in housing supply. It would also provide 40% affordable housing with a mix of size and tenures which would contribute to addressing a recognised need for affordable housing in the Borough. In addition, the proposal would provide net benefits to biodiversity. Any adverse impacts on infrastructure, such as highways, schools and medical facilities, are considered to be adequately mitigated through planning obligations. The loss of 4ha of BMV land is considered to be a minor adverse impact in the overall balance. Matters such as noise and air quality can be adequately mitigated through conditions and the Travel Plan secured through planning obligation.
- 6.97 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the

development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole. It is therefore recommended that outline planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out throughout this report and various planning conditions to ensure that the development comes forward in an acceptable, high quality fashion.

7. Recommendation:

- 7.1 **Grant outline planning permission** as detailed in the following: Other junction mitigation tech note received 03.12.2020, Transport Assessment Third Addendum received 09.07.2020, Transport Assessment Fourth Addendum received 07.09.2020, Environmental Statement Volume 2 Appendix 11-1 to 11-9 received 15.02.2019, Environmental Statement Volume 2 Appendix 12-1 to 12-2 received 15.02.2019, Environmental Statement Volume 3 Non technical summary received 15.02.2019, Site Survey 14731-S1 received 15.02.2019, Site Survey 14731-S2 received 15.02.2019, Site Survey 14731-S3 received 15.02.2019, Site Layout PL01 REV 11 Proposed received 15.02.2019, Site Layout PL010 REV 1 Proposed received 15.02.2019, Site Layout PL011 REV 1 Open spaces strategy received 15.02.2019, Site Layout PL012 REV 1 Adoptable highways received 15.02.2019, Site Layout PL013 REV 1 Paramaters plan received 15.02.2019, Drawing PL014 Council boundary overlay received 15.02.2019, Proposed Elevations PL015 House types received 15.02.2019, Street Scenes PL016 Illustrative scale received 15.02.2019, Plan PL800 REV 01 Proposed earthworks received 15.02.2019, Location Plan EX01 Existing received 15.02.2019, Location Plan EX02 Site analysis plan received 15.02.2019, Location Plan LE03 received 15.02.2019, Location Plan LE04 received 15.02.2019, Statement 0805-02.RPT M17 Affordable housing received 15.02.2019, Planning Statement 0805-07.RPT M17 received 15.02.2019, Report Badger issue 1 received 15.02.2019, Bat Survey Activity Issue 1 received 15.02.2019, Bat Survey Emergence Issue 1 received 15.02.2019, Appraisal Ecological Issue 1 received 15.02.2019, Survey Reptile Issue 1 received 15.02.2019, Design and Access Statement Jan 2019 received 15.02.2019, Flood Risk Assessment received 15.02.2019, Sustainable drainage scheme Appendix 5 received 15.02.2019, Statement Open space received 15.02.2019, Waste Management Strategy Waste Audit received 15.02.2019, Environmental Investigation R 1 received 15.02.2019, Assessment Minerals resource R 1 received 15.02.2019, Report Historical mapping received 15.02.2019, Desk Study Assessment Archaeological received 15.02.2019, Statement Built heritage received 15.02.2019, Arboricultural Survey Issue 2 received 15.02.2019, Statement Community involvement received 15.02.2019, Environmental Statement Volume 1 Chapters 1-15 received 15.02.2019, Environmental Statement Volume 2 Appendix 1-1 to 1-2 received 15.02.2019, Environmental Statement Volume 2 Appendix 2-1 to 2-2 received 15.02.2019, Environmental Statement Volume 2

Appendix 2-1.1 to 2-1.5 received 15.02.2019, Environmental Statement
Volume 2 Appendix 5-1 to 5-6 received 15.02.2019, Environmental Statement
Volume 2 Appendix 8-1 received 15.02.2019, Environmental Statement
Volume 2 Appendix 9-2 to 9-3 received 15.02.2019, Environmental Statement
Volume 2 Appendix 9-4.1 to 9-4.3 received 15.02.2019, Environmental
Statement Volume 2 Appendix 9-5.1 to 9-5.2 received 15.02.2019,
Environmental Statement Volume 2 Appendix 9-6 received 15.02.2019,
Environmental Statement Volume 2 Appendix 10-1 received 15.02.2019
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 and enhancement and health provision; and
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards off-site highway junction improvements, secure a Travel Plan and make a financial contribution towards its implementation and make financial contributions to the provision of education facilities and community services

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 28 July 2021, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions

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 two 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 three years from the date of this permission, or before the expiration of two years 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 Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the layout of roads, footpaths, other means of access, car parking and the drainage of those areas 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: Reason: In the interests of highway safety and the amenity of the locality.

- 5 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

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

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

- 6 No development shall take place until fencing has been erected, in a manner to be agreed with the Local Planning Authority, about the pillbox; and no works shall take place within the area inside that fencing without the consent of the Local Planning Authority.

Reason: To ensure that important archaeological remains are not adversely affected by construction works.

- 7 Prior to occupation of any dwellings, the applicant, or their agents or successors in title, will secure the implementation and completion of a programme of heritage interpretation work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the archaeological resource on the site, especially the pill box, are properly assessed and disseminated in accordance with NPPF (paragraph 141)

- 8 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 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.
- that infiltration does not pose a resultant unacceptable risk of ground instability
- that 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.

- 9 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

- 10 The overall development hereby permitted shall not be commenced until such time as a scheme to connect all plots to mains foul drainage has been submitted

to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- 11 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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

- 12 (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.

- 13 No development on any new building shall commence until detailed topographical plans and cross-section drawings of the site showing the proposed changes to the ground levels within the site in relation to the existing levels of the site and adjoining land have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality

- 14 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date

for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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

- 15 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of hard landscaping including details of road and footpath finishes, external lighting, and surfacing of parking areas, driveways and garage courts. The scheme shall be implemented in accordance with the approved details prior to the occupation of the last dwelling within the development.

Reason: In order to protect and enhance the appearance and character of the site and locality.

- 15 Prior to the commencement of the development hereby approved, arrangements for the management of all construction works for that particular phase 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 measured 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 local residents 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 order that the development is managed in a way to minimise harm to the amenities of local residents.

- 17 No development shall commence until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and surrounding the site will be protected during the construction phase has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 18 The details submitted in pursuance of Condition 1 shall show land, reserved for parking. None of the buildings shall be occupied until this area 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.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 19 None of the dwellings shall be occupied until details of a scheme to install electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the NPPF.

- 20 No development above the ground shall take place until a plan showing the proposed finished floor level of the new dwellings in relation to the ground levels and finished ground levels of the site in relation to the existing levels of the site and adjoining land have been submitted for the written approval of the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 21 None of the dwellings within any phase of the development shall be occupied until any necessary noise mitigation measures have been incorporated into those dwellings, their curtilages or the wider site, the details of which have first been submitted to and approved by the Local planning Authority.

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

- 22 No development above ground on a particular building shall commence until details and samples of all materials to be used externally on that building 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.

- 23 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 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.

- 24 No dwellings shall be occupied until details of secure cycle storage provision for all of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to the occupation of the dwellings they would serve and retained at all times thereafter.

Reason: In order to facilitate sustainable transport choices for the residents of the development, in the interests of highway safety and in accordance with paragraph 110 of the National Planning Policy Framework 2019.

- 25 The development shall be carried out in accordance with the recommendations for the reptile mitigation specified within section 5 of the document "Reptile Survey and Mitigation Strategy" dated October 2018.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 26 The development shall be carried out in accordance with the recommendations for the Bat mitigation specified within section 5 of the document "Bat Emergence and Dawn Re-entry Surveys" dated October 2018

Reason: To safeguard protected species and protect the biodiversity of the local area.

- 27 No dwelling shall be occupied until the junction of Beaver Road and London Road has been improved as shown in Junction Mitigation technical Noted dated

November 2020.

Reason: In the interests of highway safety in accordance with paragraph 109 of the National Planning Policy Framework 2019.

Informatives

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

- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaway and the water table.
 - A series of shallow soakaways are preferable to deep bored systems, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- 4 The applicant is advised to follow the following guidance. The Environment Agency's approach to groundwater protection when designing drainage systems/strategies which are to discharge to ground. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. Included are a series of position statements that should be followed when designing any drainage system which is to discharge to ground. This guidance document can be found at:
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>
- 5 The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- 6 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Matthew Broome