

Aylesford
Aylesford North And
Walderslade

9 September 2022

TM/22/01909/OA

Proposal: Outline Application: A later living community comprising up to 250 age-restricted dwellings (Class C3), up to 191 extra care houses and apartments (Class C2) with associated community facilities within a central hub building, an 80 bed care home (Class C2), a new facility for the local Scouts and parking, associated green infrastructure including landscaping, public open space, allotments, biodiversity enhancements and associated accesses to Rochester Road and Bull Lane.

Location: Development Site Southern Part Of Former Aylesford Quarry
Rochester Road Aylesford Kent

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1. Description:

- 1.1 Outline planning permission, with all matters reserved for future consideration except for access, is sought for the following development:
- 250 age restricted C3 dwellings
 - Up to 191 C2 extra care houses and apartments
 - An 80 bed care home
 - A central hub building providing community facilities for the development
 - A scout facility
- 1.2 The development also proposes the creation of a bus route through the site from Bull Lane to the principal site access onto Rochester Road. The development would also see the provision of the necessary infrastructure, landscaping and associated biodiversity enhancements associated with such a scheme.
- 1.3 The development would provide policy compliant affordable housing in a mix of on-site provision and off-site contributions with regard to the C3 dwellings. Given the nature of C2 extra care use and care home these properties do not attract a requirement for affordable housing provision.
- 1.4 The application seeks the development eastern part of Aylesford Quarry to create a retirement village. As the application is in outline form essentially this report is dealing with the principle of the development with all details, except for the general

quantum of development and the means of access reserved for future consideration.

- 1.5 Whilst the scale of the proposed development has been reserved for a subsequent reserved matters application, as shown in the Site Plan, it is anticipated that the development would provide a mix of 1.5 to 2 storey dwellings with the community hub building, apartments and the care home being up to 3 storeys.
- 1.6 The proposal would see the existing extant, although inactive, quarry fully restored as required under the minerals working permission granted by KCC that would create the landform that the development would be built from.

2. Reason for reporting to Committee:

- 2.1 Due to the strategic nature of the development

3. The Site:

- 3.1 The application area extends to approximately 32 hectares, including the existing lake which accounts for approximately 16 hectares. The site sits within a hollow created by the former quarrying activities. Sand extraction has now stopped at the site and the historic quarrying activities have influenced and created the setting and landscaping has regenerated around the boundaries.
- 3.2 The site is immediately to the north and west of Aylesford Village and abuts the Aylesford Conservation Area. The quarry itself has an extant permission for the working of sand, gravel and clay deposits although at present little or no working is undertaken at the site.
- 3.3 The site is approximately 2km south of the scarp slope of the North Downs which forms part of the AONB. The AONB is at a considerably higher level than the application site which, given the topography of the area in general, sits on land that falls away to the south. To the south and east of the site is a TPO covering the woodland that separates the quarry from Aylesford Village. The land to the west of the site is designated as a Regionally Important Geological Site (RIGS), with a smaller part of this land designated as a Site of Special Scientific Interest (SSSI).
- 3.4 The site is immediately to the north of the Aylesford Conservation Area. The site is approximately 9-10m lower than the Conservation Area and the bank between is wooded and covered by a TPO. Views over the site towards the North Downs are available from Mount Pleasant and Vicarage Close. The nearest listed buildings are located along the north side of Mount Pleasant (22-32), the Almshouses on the south side of Mount Pleasant (5-19) and St. Peters Church on Vicarage Close. The recently constructed quarry access runs to the north and west of the Grade II Listed Old Mill House 116 Rochester Road.

4. Planning History (relevant):

TM/17/02971/OA Appeal dismissed 08 April 2019
(against non
determination)

Outline application with all matters reserved except for access: Demolition of existing buildings, structures and hardstanding, land raising of development area, development of up to 146 dwellings as a mix of houses and apartments and provision of a local centre for Use Classes A2 (financial and professional services), A3 (cafe/restaurant), D1 (clinics/creche) and D2 (assembly and leisure) up to a total floorspace of 1,256 sq m (13,519 sq ft), and provision of new access road and pedestrian/cycle access, and provision of open space

TM/21/03208/EAS screening opinion EIA 23 December 2021
not required

Request for Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Construction of a later-living community providing care and age restricted housing for older people

5. Consultees:

5.1 Consultation responses are summarised below. The full text is available on the Councils website.

5.2 Aylesford PC: No objections

5.3 Burham PC: Do not consider that any more houses should be built on the east bank of the Medway until Junction 3 of the M2 motorway at Bluebell Hill and the Junction 6 of the M20 at the Running Horse Maidstone are substantially improved to deal with the current volume of traffic.

- This area is adjacent to the AONB and is in the Strategic Gap. There is little or no transport facilities and no further major planning permission should be granted until public transport has been sorted. Burham has little or no facilities including no public transport links to speak of and poor link roads
- We are heading towards the creation of a New Town.
- Burham has little or no facilities including no public transport links to speak of and poor link roads
- Archaeological investigations must be carried out prior to any agreement, as currently studies have been skin deep
- And further investigations need to be explored by water board as the omitted smells are above a reasonable level at present and are unknown if harmful

- Due to instability of pit a written structural management and lifetime maintenance plan must be in place to ensure safety of structures , movement and as safety of residents
- Local infrastructure will need addressing as currently excessive lorries may cause further issues to roads etc. This leads on to accessibility to site itself and safety of road users
- Lack of provision for doctors surgery must be high on priority list and the complex itself must have an on site facility to avoid adding pressure on the surrounding areas doctors surgery
- Local bus service wholly inadequate for a retirement complex with shopping facilities locally
- Sympathetic consideration must be given to surrounding areas buildings and ensure area is secure the remoteness of location could be prone to unwanted and unnecessary visitors -as agreed in police report
- The destruction of current wildlife which have been left undisturbed and adapted to noise from lorries must be a consideration
- New surveys suggest wilful destruction is currently wiping out wildlife at an excess rate the destruction of their homes also has an impact on our air quality and this must be a consideration on any huge development and does the necessity out way the need.

5.4 National Highways: No objection

5.5 KCC Highways: No objection subject to contribution towards bus provision in the area and conditions for construction management plan and travel plan.

5.6 KCC PROW: No objection subject to contributions towards upgrading footpath links in the area.

5.7 Natural England: No comments to make on the specific details of the application

5.8 NHS PCT: No objections subject to applicant agreeing to developer contributions towards refurbishment, reconfiguration and/or extension of Aylesford Medical Centre and Watringbury Surgery and/or towards a new premises development in the area.

5.9 Environment Agency: No objections subject to conditions

5.10 Southern Water: object due to close proximity to wastewater treatment works and potential for odour across the proposed site.

- 5.11 KCC Economic Development: No objection subject to developer contributions towards community, library and adult social care facilities.
- 5.12 KCC Minerals and Waste: The County Council as MWPA has no objection to the proposed development on mineral safeguarding grounds. The MWPA would expect the planning permission to be subject to a suitable legal agreement to ensure that no further mineral working takes place in the East Lake area of Aylesford Quarry (including the land within AHL's ownership / control to the north of the East Lake) and that none of the proposed development is occupied until the mineral restoration of the East Lake area has been completed. This would serve to ensure that future occupants of the proposed development are not adversely impacted by any such operations and provide certainty to the local community and others more generally.
- 5.13 KCC Heritage: No objections subject to conditions.
- 5.14 KCC Ecology: consider that additional breeding bird surveys, to update data to be in line with the latest guidelines, should be undertaken prior to determination. This data should then be used to ensure that all proposed mitigation, compensation and enhancement measures are sufficient.
- 5.15 Environmental Health – contaminated land: No objections subject to conditions
- 5.16 Environmental Health – noise: No objection
- 5.17 Environmental Health – drainage: No objection
- 5.18 Environmental Health – air quality: No objection
- 5.19 Environmental Health – odour: the submitted odour assessment concludes that the potential for odour effects will typically be negligible to slight adverse. I believe that the ' Agent of Change' principal would apply to this matter and that any necessary remedial/attenuation measures would need to be implemented by the developer.
- 5.20 Private Reps: 15 + site + press notice/3X/26R/8S. Objections are summarised as follows:-
- Adverse impact of traffic on Aylesford Village
 - Lack of public transport
 - Lack of doctors facilities
 - Quarry should remain an untouched green space
 - Loss of wildlife and trees

- Lack of infrastructure in Aylesford
- Cannot see demand for such a development due to age restriction
- Development too large compare to Aylesford Village
- Access was only supposed to serve the quarry
- Buildings would be too tall for the area
- Will result in light pollution
- Lack of footpath links
- No provision for horse riders
- Permission has already been refused for development in the quarry and no other development should be proposed.
- Impact of construction traffic on the small village roads

Comments in support are summarised as follows:-

- Plan would enable senior residents to live with kindred spirits
- Not have the usual problems of a regular housing development
- Development utilises previously developed land
- Bring economic benefits to the village
- Potential to link with RBL Village
- Potential to open site up for public access
- Would enable the site to be used by the local scout group
- Would open the lake up for open water swimming
- Will provide much needed provision for elderly residents
- Free up family housing
- Opportunity to reinstate bus services in the area

6. Determining Issues:

Introduction

- 6.1 As Members are aware, the Council cannot currently demonstrate an up to date five year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2021) must be applied. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.2 In undertaking this exercise, 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 Policies CP6, CP13 and CP14 are the most important to the determination of this application as they address matters of principle for development of this nature. However, it has been established through various recent appeal decisions that in the absence of a 5 year housing land supply they are out of date and the weight to be afforded to them is substantially diminished.
- 6.4 With regard to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, none of the policies referred to in Footnote 7 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:

Nature of development

- 6.5 The application seeks to create a later living community around the southern portion of the east lake. The later living community would offer a variety of accommodation for older people, ranging from a dedicated care home (including dementia care) to age restricted housing. The care home would provide 24 hr care services with the remainder of the C2 accommodation providing care packages based on the residents needs. This accommodation would be limited to those aged 65 and over.
- 6.6 The remainder of the accommodation on site would be age-restricted C3 retirement accommodation that would give older people the opportunity to move into buildings specifically designed for them with the comfort of an emergency call system. Residency is to be restricted in these units to where at least one person living in the scheme is over 55 years of age.
- 6.7 The development is indicated as having community facilities on site, such as café, restaurant, gym, pool, spa that are proposed to be open to non-residents; and resident specific facilities such as a reception and on-site medical room.
- 6.8 The application is supported by a planning needs assessment which sets out that there is a growing need for accommodation of this type nationally and locally as a result of a gradually aging population. The needs assessment also sets out that one of the most significant benefits of later living communities is that older people moving to dedicated communities tend to vacate larger homes, which are under-occupied. The return of these larger family sized homes allows for greater movement of younger generations into the existing housing stock, reducing the demand for new family sized homes which would otherwise be built nearby, often on greenfield sites.
- 6.9 On the basis of the above it is considered that the development of a later living community would positively contribute to the overall housing requirement for the borough through both providing new C3 dwellings but also enable existing housing stock to be freed up. The development would also contribute a policy compliant affordable housing provision. Due to the level of service charges and estate charges a development of this type would attract it is agreed that 70% of this Affordable Housing will be of intermediate tenure and provided on site within sub phases and 30% of this Affordable Housing will be of Affordable Rent tenure to be provided off-site by the Council in return for a commuted sum. This type of provision is considered to be acceptable and the details would be sought through a legal agreement.
- 6.10 A wider benefit of the proposal is that it will enable the re-use of despoiled, previously worked quarry land, enabling it to be opened up for public use creating a sustainable and appropriate development opportunity. This will also enable a new facility for the local scouts to be provided on the site which would have the benefit of the lake for activities.

Locational characteristics and associated impacts

- 6.11 Paragraph 79 of the NPPF states that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Whilst the site is located within the designated countryside, it is located immediately adjacent to defined settlement of Aylesford Village and cannot be reasonably said to be isolated in any way. The development would therefore meet the requirements of paragraph 79 of the NPPF.
- 6.12 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that the planning system has three overarching objectives to achieving sustainable development, these being an economic objective, such as ensuring adequate land is available to support growth and enable the provision of infrastructure; a social objective, such as ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations as well as accessible services and open spaces; and an environmental objective, ensuring that effective use is made of land, helping to improve biodiversity and protecting and enhancing the natural, built and historic environment.
- 6.13 It is considered that the location of the site and the type of development proposed would be considered sustainable development under paragraph 8 of the NPPF and this is set out in greater detail throughout this report as necessary.

Character and pattern of development and impact upon visual amenities:

- 6.14 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.
- 6.15 In particular, paragraph 130 seeks to ensure that development:-
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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

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

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

6.16 Furthermore, paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

6.17 Given the sites position in relation to the Kent Downs AONB it is also necessary to consider the relevant policy.

6.18 TMBCS Policy CP7 requires that:

“Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:

a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; and

(b) any other development that is essential to meet local social or economic needs.

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

6.19 The application is supported by a detailed Landscape and Visual Impact Assessment (LVIA) that has studied the two separate aspects which are required

to be considered when assessing the landscape and visual effects 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.

- 6.20 With regard to Landscape effects such matters as landscape designations, the landscape quality, scenic quality, rarity, recreational value and perceptual aspects and associations should be considered.
- 6.21 The site is a quarry, consisting of extensive engineered landform, varying amounts of vegetation cover, a lake, single storey demountable office buildings and vehicle storage. The remainder of the site consists of a spur to the north containing the access road. Vegetation across the southern edge of the site is covered by Tree Preservation Order. Substantial vegetation extends around the southern perimeter of the site, between the quarry and Aylesford, including the Conservation Area, and adjacent to Bull Lane, which borders the western edge of the site.
- 6.22 The site is not covered by any statutory landscape designations. The site is visible from elevated land to the north of the site, including within the Kent Downs AONB. Within this view, the site forms a small part of the overall panorama and is seen as part of the wooded lower lying land and in the context of properties in Aylesford and large-scale industrial units adjacent to the River Medway.
- 6.23 The site is also visible at close range, including PRow adjacent to the site and Bull Lane. From locations to the east, south and west of the site, the visibility of the site is limited due to the extent of vegetation bordering the site.
- 6.24 The indicative development proposed indicates buildings of predominantly 2-3 storeys in height around the southern portion of the site. These buildings would be of a similar height to the new houses nearing completion outside the eastern boundary of the site on Rochester Road. The indicative height of the buildings when considered against the depth of the quarry itself would mean that the development itself would not be clearly visible in views from the Conservation Area to the south, in the distant views from the AONB to the north and from Rochester Road in the east. This position is further enhanced by the inclusion of an indicative landscape strategy which includes a comprehensive structural landscape strategy, including retention, management and enhancement of existing mature landscape, coupled with significant new landscaping opportunities.
- 6.25 Overall, it is considered that the proposed parameters for the application site accord with landscape related planning policy. The proposals are capable of

being accommodated within the landscape without undue levels of harm to landscape character or visual amenity. In conclusion, by the proposed development being located within a quarry, it would not be detrimental to the countryside, as there would be no loss of arable land or change in physical landscape features to the countryside. Any perception of the proposed development would be in the context of Aylesford and the proposed development would not result in significant effects to the character and appearance of the area, nor its visual amenity.

- 6.26 On this basis it is considered that the proposed development is in accordance with CP7 and CP24 of the Core Strategy, SQ1 of the MDE DPD and the NPPF.

Access and Highways

- 6.27 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.
- 6.28 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.
- 6.29 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.
- 6.30 Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
- 6.31 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.
- 6.32 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 goes on to state that, within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment

area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.33 Paragraph 113 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.34 The application proposes to have its principle vehicular access from the recently constructed access road from Rochester Road. This junction is considered to be appropriate to serve the resultant development. An emergency access is proposed from Bull Lane, to be controlled by de-mountable bollards. Primary pedestrian and cycle access to the site will be achieved from Mount Pleasant, which will provide good links to amenities in Aylesford centre. The site also allows for a bus link through the site from Bull Lane to Rochester Road

6.35 The access on Rochester Road forms part of the extant minerals permission. This use forms the baseline for assessing traffic impact from the site. Taking this into consideration the development would result in an additional 67 movements in the AM peak hour and 79 movements in the PM peak hour. This increase in traffic indicates through the submitted modelling the potential for additional congestion at the Hall Road/Station Road junction. Whilst KCC Highways would normally seek contributions towards junction improvements to mitigate this impact in this instance it is considered that, in order to offer a sustainable choice instead of car travel their focus should be on seeking the resurrection of a wider bus service for Aylesford to enable connection to surrounding amenities. To this end the developer has agreed to pay £920,000 to fund the bus service.

6.36 KCC Highways have also requested that in accordance with paragraph 113 of the NPPF that any recommendation for approval include a condition requiring the developer to produce a travel plan, the purpose of which would be to reduce the reliance on the private car. As such a document would be linked to the number of parking spaces on the site this would only be known at the reserved matters

stage and as such it is appropriate to add a condition requiring the submission of such a plan rather than requiring its submission at this stage.

- 6.37 In light of the above, the lack of objections from both KCC Highways and National Highways, and taking into account the wider community benefit of reinstating the bus link with the necessary contributions from the developer I am satisfied that the development would not result in an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would therefore not conflict in any way with Policy SQ8 of the MDE DPD or paragraphs 111-113 of the NPPF.

Impact on heritage assets and archaeological matters

- 6.38 There is a statutory duty on decision-makers to have special regard to the desirability of preserving listed buildings and their settings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.39 Paragraph 197 of the NPPF also states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.40 Paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.41 Paragraph 200 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.42 Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

6.43 Paragraph 202 requires that when a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.44 Annexe 2 of the NPPF defines the setting of a heritage asset as being:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

6.45 The principal heritage assets around the site are the Grade II listed Old Mill House, Rochester Road and 22-32 Mount Pleasant; the Grade II* listed Trinity Court, Rochester Road and the Aylesford Conservation Area. Of these it is considered that due to their location in relation to the site 22-32 Mount Pleasant, Trinity Court Rochester Road and the Aylesford Conservation Area itself have no direct impacts as a result of the development proposed. The Old Mill House has the access road wrapping around its north and west boundaries but due to the design of this road following the topography of the site and the landscaping provision it is not considered that the development would result in substantial harm to its historical significance or setting.

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

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

- 6.47 On this basis it is considered that the works would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF (2021).

Flood risk and drainage

- 6.48 Policy CP10 states that:

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

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

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

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

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

- 6.49 Paragraph 166 of the NPPF states that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

b) the development is appropriately flood resistant and resilient;

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

d) any residual risk can be safely managed; and

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

6.50 The site is within flood zone 1 and consequently has a low risk of surface water flooding. The submitted flood risk assessment indicates that it is proposed to manage surface water on site through swales with an uncontrolled discharge to Aylesford Lake. This method of discharge is considered acceptable subject to monitoring of lake levels being carried out prior to detailed design, such details can be sought by condition. With regard to foul water drainage this can be achieved with links to the public sewer system available to the east, south and west of the site. The details can be sought by condition.

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

Contamination

6.52 Paragraph 183 of the NPPF states that planning policies and decisions should ensure that:

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

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

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

6.53 Paragraph 184 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.54 In terms of land contamination, the submitted Phase 1 Desk Study and Preliminary Risk Assessment is considered to adequately review the history and environmental setting of the site. It adequately reviews the history and environmental setting of the site. Potential sources of contamination have been identified in relation to the site's previous use as an active quarry, and as such an intrusive investigation is recommended. These are considered satisfactory and conditions are proposed requiring appropriate site investigation and (where necessary) appropriate remediation measures to take place. These conclusions have been agreed by the Council's Environmental Protection officer and

accordingly a number of conditions have therefore been recommended to be imposed on any permission granted.

Odour issues

- 6.55 The site is located to the east of the existing Southern Water wastewater treatment works. Concerns have been raised by Southern Water that the residential development of the site is likely to be adversely impacted by odour from the treatment works and that under the 'Agent of Change' principal it would be necessary for the developer to implement any attenuation measures that are required to overcome the issue.
- 6.56 The applicant has carried out odour monitoring at the site and generally the findings are that the odour effects from the works are normally negligible except for some limited operational activities such as cake removal from the treatment beds. Whilst this has been noted as causing a slight adverse impact it is considered that this is a limited transient issue that would not be so great as to restrict planning permission on the site nor be so material as to require the 'Agent of Change' principal to apply to this matter requiring the developer to implement any necessary remedial/attenuation measures to overcome the issue.

Minerals Position

- 6.57 The quarrying operation on the site, although currently inactive, has planning permission for quarrying until 2042 and the site is subject to an approved restoration scheme. The development proposed has to therefore be assessed against the potential impact of the extant quarrying use and also the compatibility of the approved restoration scheme with the proposed development.
- 6.58 KCC are the Minerals and Waste Planning Authority for the existing quarry operations. The County Council as MWPA have no objection to the proposed development on mineral safeguarding grounds but consider it necessary to ensure that the development would lead to the effective restoration of Aylesford Quarry and for quarry working and/or restoration works to not have the potential to adversely affect the proposed development and any future occupiers.
- 6.59 To this end the development platform proposed on the submitted drawings reflect the landform provided for in the East Lake area of Aylesford Quarry by the mineral planning permissions for restoration. It would therefore appear that the proposed development is broadly capable of relying on the permitted mineral restoration scheme for the East Lake area to provide its development platform without the need for further permissions or approvals from the County Council as MWPA or the need to import significant quantities of other materials.
- 6.60 To ensure that the extant minerals extraction permission does not adversely impact the residents of the proposed development the County Council as MWPA considers it appropriate that if planning permission was to be granted that the

permission would be subject to conditions/legal agreement to ensure that no further mineral working takes place in the East Lake area of Aylesford Quarry (including the area to the north of the East Lake) and that none of the proposed development is occupied until the mineral restoration of the East Lake area has been completed. This would serve to ensure that future occupants of the proposed development are not adversely impacted by any such operations and provide certainty to the local community and others more generally.

Ecology and Biodiversity

- 6.61 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.
- 6.62 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.
- 6.63 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.
- 6.64 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.
- 6.65 The site and the surrounding area are subject to a number of ecological designations. The Site is subject to non-statutory designation for its geological interest, forming part of Wagon's Pit, Aylesford RIGS. Aylesford Pit SSSI, also designated for its geological interest is located immediately to the north of the Site. The nearest ecological statutory designation is Holborough to Burham Marshes SSSI, 1.15km to the north-west, whilst the nearest ecological non-statutory designation is Aylesford Old Pit LWS, 100m to the east.
- 6.66 An Ecological Appraisal report has been submitted in support of the application. This shows that within the lake is considered to be of importance at the local level with the areas of bare and sparsely vegetated ground predominantly in the south-west and east of the site, together with scattered scrub and tall ruderal habitats

form the priority habitat type 'Open Mosaic Habitats on Previously Developed Land' (OMH) and are of importance at the local to district level. The Site is bordered to the west and south by woodland of importance at the local level. Surveys of faunal species have found that the Site supports some minor bat roosting potential, moderate numbers of foraging and commuting bats, Badger, Great Crested Newt, a very small Slow-worm population, a good diversity of breeding and wintering birds, an important terrestrial invertebrate assemblage and likely presence of European Eel.

- 6.67 A range of potential effects have been identified on ecological designations, habitats and fauna within and surrounding the Site, with potentially significant effects identified in relation to Aylesford Pit SSSI, Wagon's Pit, Aylesford RIGS, the lake, OMH and associated notable flora and invertebrates, and European Eel, whilst other habitats of ecological importance could be subject to significant effects as a result of construction activities. Mitigation measures are therefore proposed, including construction safeguards and development of method statements for works affecting sensitive features, detailed design of housing layout, implementation of a drainage strategy, and sensitive lighting design, whilst compensation is proposed in the form of creation and enhancement of OMH. Such measures are considered to avoid, minimise or offset significant adverse effects resulting from the proposed development.
- 6.68 A range of additional enhancement measures are also identified to provide gains in biodiversity across the site, including habitat creation and enhancement and provision of new nesting and shelter opportunities for faunal species. These include works to the lake margins on the east, south and western sides to provide shallower margins, allowing for establishment of emergent and marginal vegetation including reedbeds, together with floating aquatic vegetation in the deeper areas; islands and raised bars to provide sheltered nesting and roosting locations for birds; woodland planting and management; and the creation of bat roosting habitats and provision of nesting boxes. The specific details of this provision would be linked to the wider landscaping details required under the reserved matters and as such can be sought by planning condition.
- 6.69 The proposed development and mitigation scheme have been designed to achieve compliance with relevant legislation and planning policy. Measures are proposed to avoid killing or injury of protected species such as bats, Badger, birds, Great Crested Newt and reptiles (protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 and the Protection of Badgers Act 1992) and opportunities for enhancements to biodiversity are also proposed, in accordance with NPPF.
- 6.70 It should also be noted that the baseline for any assessment would be the land following the implementation of the approved restoration scheme. This requires a number of ecological measures to be implemented prior to the commencement of any development approved under this application.

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

Developer contributions

6.72 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

6.73 Paragraph 57 of the NPPF reflects this statutory requirement.

6.74 In addition to the matters set out above within the report concerning specific obligations that would be expected to come forward as part of this scheme, I address the following.

6.75 The scheme proposes to provide 40% of the total number of dwellings as affordable housing and therefore accords with Policy CP17 of the TMBCS. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need. The detailed drafting of the provisions to be contained within the legal agreement in this respect are currently being worked up in liaison with the Council's Housing Services team to ensure the provision acceptably meets identified need within this part of the Borough.

6.76 Policy CP25 of the TMBCS states that:

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

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

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

- £55.45 per dwelling enhancements and additional library book stock for Larkfield Library;
- £16.42 per dwelling towards additional equipment and resources for the new learners at Adult Education Centres in Tonbridge and Malling Borough;
- £146.88 per household towards borough wide Social Care provision.

6.78 KCC PRoW seek a total of £125,000 for off-site works to MR456 to create a link to Rochester Road and also to MR473 for enhancements to the Medway Valley Walk.

6.79 KCC Highways seek a total of £920,000 towards new bus service, bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel in the area. 25% of this contribution sum should be paid upon first occupation, with three further yearly payments based on the anniversary of first occupation.

6.80 A contribution towards the monitoring of the submitted travel plan is also sought, the details of this are to be agreed with KCC Highways.

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

6.82 KCC have also sought contributions towards school provision and youth facilities but given the nature of the development it is considered that these would not accord with the tests in the CIL regulations.

6.83 NHS CCG have advised that this proposal will generate approximately 1058 new patient registrations based on the dwelling mix provided. The proposed development falls within the current practice boundary (catchment) of Aylesford Medical Centre and Watlington Surgery. Therefore, mitigation is required through the payment of a £380,880 financial contribution towards refurbishment, reconfiguration and/or extension at these surgeries. Again, this requirement is

considered to meet the necessary tests and should be secured within the final legal agreement.

Planning balance and conclusions

- 6.84 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.85 The proposed development would provide an integrated community for those aged 55 and over in a planned environment that would link to and complement Aylesford village. The development has the potential to free up under-occupied family homes by providing alternative accommodation that would assist in addressing the Borough's shortfall in housing supply. It would also provide 40% affordable housing in a mix of on-site provision and off-site financial contributions would contribute to addressing a recognised need for affordable housing in the Borough.
- 6.86 Overall, and for the reasons set out throughout this report, I consider that there would be no adverse impacts of granting planning permission for the development that would significantly and demonstrably outweigh the benefits that the development would bring, when assessed against the policies in the Framework taken as a whole.
- 6.87 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 in accordance with the following submitted details: Location Plan 0100 Land ownership dated 30.08.2022, Site Plan 0101 dated 30.08.2022, Topographical Survey 0104 dated 30.08.2022, Environmental Statement Non technical summary dated 30.08.2022, Environmental Statement Main Report dated 30.08.2022, Air Quality Assessment dated 30.08.2022, Design and Access Statement dated 30.08.2022, Transport Assessment DHA dated 30.08.2022, Statement Economics benefits dated 30.08.2022, Energy Statement dated 30.08.2022, Assessment Health impact dated 30.08.2022, Noise Assessment and vibration dated 30.08.2022, Assessment Odour dated 30.08.2022, Assessment Planning needs dated 30.08.2022, Planning Statement dated 30.08.2022, Statement Of community involvement dated 30.08.2022, Sustainability Report dated 30.08.2022, Travel Plan dated 30.08.2022, Tree Report dated 30.08.2022, Arboricultural Assessment dated 30.08.2022, Flood Risk

Assessment dated 30.08.2022, Plan Illustrative landscape dated 30.08.2022, Other Additional Highways Information dated 31.01.2023, Landscaping ACL-EDL-ZZ-XX-DR-L-0110_R3 Illustrative Landscape Masterplan dated 30.03.2023, Location Plan 100-P2 dated 05.12.2022, Topographical Survey 104-P3 dated 05.12.2022, Drawing 102-P6 Land Use dated 05.12.2022, Drawing 103-P6 Access and Movement dated 05.12.2022, Drawing ALC-EDL-ZZ-ZZ-DR-L-0100-R6 Green Infrastructure dated 02.03.2023

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and contributions towards off-site provision, and contributions towards healthcare provision; and
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards public transport provision, adult education facilities, monitoring of the travel plan, libraries and community services

The section 106 agreement is at an advanced stage of preparation and should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 20 October 2023, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions
 - 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for any phase or sub-phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub-phase takes place. The works shall be carried out in strict accordance with the approved details.
Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.
 - 2 Application for approval of the reserved matters in the first phase or first sub-phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.
 - 3 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved for the first phase or first sub-phase of the development, whichever is the later.

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

- 4 Prior to the commencement of development, a phasing plan that indicates the number of phases or sub-phases within the development and the type and quantum of development in each phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority.

Reason: No such details have been submitted and these are necessary to ensure the interpretation of the conditions of this permission and obligations in the associated Section 106 agreement.

- 5 The ground re-modelling and soil movement operations required as part of the separate East Lake quarry restoration scheme under Kent County Council planning permissions TM/18/2549 and TM/18/2555 shall be completed prior to the first occupation of any dwelling hereby permitted. For the avoidance of doubt, first occupation of any housing hereby permitted shall be allowed prior to the completion of landscape and aftercare operations set out in the revised restoration scheme for the East Lake quarry site under Kent County Council planning permissions TM/18/2549 and TM/18/2555.

Reason: in the interest of safeguarding the amenities of future occupants of the housing development hereby permitted.

- 6 Only the following preparatory works and surveys shall be undertaken prior to approval of matters set out in conditions 1) and 4) above and conditions 8), 9), 11), 12), 13), 21), 22), 26) and 27) below:

- demolition works or dismantling of portable buildings and structures
- removal of foundations of former quarry plant and machinery and hard surfaced areas
- ground investigations and site surveys
- site decontamination or remediation works
- creation of site compounds
- diversion / installation of utilities and services
- erection of hoardings, fences or other means of enclosure required in connection with construction activities
- works required to reduce impacts of construction activities on nearby residential properties
- tree protection measures
- ecological mitigation works or works for the protection of wildlife and wildlife habitats
- development allowed by the quarry planning permissions references TM/93/612, TM/97/751/MR, TM/18/2549 and TM/18/2555, or works required by conditions of these quarry planning permissions
- exploratory boreholes and trial pits
- diversion or decommissioning of services for the supply or carriage of water, sewerage, gas, electricity, telecommunications or other media or utilities

Reason: to provide for the correct interpretation of individual conditions of this permission.

Access

- 7 Prior to the first occupation of any building a scheme shall be submitted to and approved in writing by the Local Planning Authority for the alteration of the existing quarry accesses to Rochester Road and Bull Lane, Aylesford to provide for emergency vehicle access and/or bus only, and a pedestrian and cycle link to the village. Upon approval, this scheme shall be implemented prior to first occupation of any housing hereby permitted.

Reason: In the interests of safety and to provide for pedestrian and cyclist permeability between Aylesford village and the development.

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

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

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

Parking, loading, off-loading and turning space

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

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

Travel Plan

- 10 No phase or sub-phase of the development which includes erection of buildings shall be occupied until a Travel Plan in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and in general accordance with the Framework Travel Plan prepared by DHA transport (PL/HA/XXXXXXXXX) has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to occupation and for each and every subsequent occupation of the development by a new occupier.

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

Construction platform and levels

- 11 No development which includes erection of buildings shall take place until a plan showing the proposed levels of the development platform and a scheme identifying the sources of materials for constructing the development platform, which shall be derived from within Aylesford Quarry, has been submitted to and approved in writing by the Local Planning Authority. These platform levels shall be not more than +/- 0.5 of a metre of the levels shown on CEP Drawing 110 Rev B (or submitted CEP drawing tbc) forming part of Kent County Council planning permission for site restoration TM/18/2555 (KCC/TM/0492/2018). The development platform as a whole, or for any phase or sub-phase of the development, shall then be constructed in strict accordance with the approved details.

Reason: to ensure that surface water from the development can be drained to the adjoining East Lake and that the development is not a risk of flooding from the East Lake.

- 12 No development within any phase or sub-phase of development which includes erection of buildings shall take place until a plan showing the proposed finished floor levels of the new buildings shall 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.

Landscaping, biodiversity enhancement and creation of a lake edge public realm

- 13 No development above existing ground level in any phase or sub-phase of development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping

and boundary treatment for that phase or sub-phase. The submitted scheme of landscaping shall be in conformity to the Landscape and Visual Appraisal prepared by EDLA and shall include biodiversity enhancement measures and, where applicable to any phase or sub-phase of development, the creation of a public realm along the shoreline of the East Lake within the site. The landscaping details shall include an implementation programme for all planting, seeding and turfing. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The approved hard landscaping The hard and soft landscaping works shall be carried out in strict accordance with the approved details including that approved implementation programme.

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

- 14 The landscaping details submitted pursuant to condition 13 above shall include the recommendations of the Tree Report prepared by Tree Ventures (BS 5837 17 October 2017 - as amended tbc) with respect to the ongoing management of the woodland within the Tree Preservation Order (TPO) area, where adjoining any phase or sub-phase of development.

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

- 15 No part of the development adjoining the Tree Preservation Order area shall occur until the recommendations of the Tree Report prepared by Tree Ventures (BS 5837 17 October 2017 - as amended tbc) with respect to the protected trees have been implemented.

Reason: to protect the trees within the TPO area from damage.

Materials

- 16 No development within any phase or sub-phase above ground level shall commence until details and samples of all materials to be used externally within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

Boundary treatment

- 17 No phase or sub-phase of the development hereby permitted shall be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details.

Reason: To protect the character and appearance of the area, to safeguard residential amenity and to control access.

Construction Management Plan

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

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

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

Construction

- 19 Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

Reason: To ensure adequate wastewater drainage.

Foul Drainage

- 20 Foul water shall be disposed of directly to the mains sewer.

Reason: To prevent pollution of groundwater.

Sustainable Drainage

- 21 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (Civil Engineering Partnership, August 2022) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and

disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

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

- 23 Where infiltration is to be used to manage the surface water from any phase or sub-phase of the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development of that phase or sub-phase shall only then be carried out in strict accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

Lighting

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

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

Refuse/Waste

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

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

Submission of Remediation Scheme & Implementation

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

- a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.
- b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks' written notification of the commencement of the remediation scheme works.

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

Verification

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

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

- 28 Details of piling or any other foundation designs using penetrative methods shall only be used in the construction of the development in accordance with details previously submitted to and approved in writing by the Local Planning Authority and such details shall demonstrate there is no unacceptable risk to groundwater

Reason: to protect controlled waters including groundwater.

Security

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

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

Archaeology

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

i) geoarchaeological fieldworks in accordance with "Aylesford Lakes, Aylesford, Kent Pleistocene and Palaeolithic Geoarchaeological Mitigation Strategy QUEST 8/12/2022) and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) programme of post excavation assessment and publication.

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

31 Prior to commencement of development the applicant, or their agents or successors in title, will secure the implementation of:

i) industrial archaeological survey which has been submitted to and approved by the Local Planning Authority; and

ii) following on from the industrial archaeological survey, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

iii) programme of post excavation assessment and publication

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

32 Prior to occupation, the applicant, or their agents or successors in title, will secure the implementation and completion of a programme of archaeological 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 results of archaeological investigation are properly accessible on site and integrated into the development environment.

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