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

TM/24/00372/OAEA

East Malling West Malling and Offham,
Aylesford South and Ditton

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

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

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

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

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

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

Constitutional changes

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

Additional Supporting Information

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

Water supply

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

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

Recent Counsel advice confirmed that:

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

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

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

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

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

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

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

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

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

Mineral extraction

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

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

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

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

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

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

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

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

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

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

Bus gate

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

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

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

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

Condition 7

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

Representation

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

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

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

Conditions

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

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

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

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

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

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

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

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

Recommendation

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

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