



**EXECUTIVE SERVICES**

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**Chief Executive**

Damian Roberts

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
committee.services@tmbc.gov.uk

21 January 2026

To: **MEMBERS OF THE AREA 3 PLANNING COMMITTEE**  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 29th January, 2026 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

DAMIAN ROBERTS

Chief Executive

**A G E N D A**

1. Guidance for the Conduct of Meetings

5 - 8

## **PART 1 - PUBLIC**

2. Apologies for Absence
3. Declarations of Interest

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://Code of conduct for members – Tonbridge and Malling Borough Council (tmbc.gov.uk)).

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

4. Minutes	9 - 12
To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 11 December 2025.	
5. Glossary and Supplementary Matters	13 - 20
Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)	
Any supplementary matters will be circulated via report in advance of the meeting and published to the website.	

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

6. TM/22/00409/OAEA - Land at Bunyards, Beaver Road, 21 - 108 Allington, Aylesford

Outline planning application for the development of up to 435 dwellings, including 40% affordable homes, with associated landscaping, parking, open space, play areas, etc. Realignment of Beaver Road and the construction of a new vehicular access off of Beaver Road and construction of a new vehicular access onto Godwin Road, and all other associated development works (Access only detailed matter with all other matters reserved).

7. 25/00855/PA - 49 Hallsfield Road, Chatham 109 - 134

Ground floor rear extension and change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals.

### **Matters for Information**

8. Planning Appeals, Public Inquiries and Hearings 135 - 136

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

9. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

### **Matters for consideration in Private**

10. Exclusion of Press and Public 137 - 138

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

### **PART 2 - PRIVATE**

#### **Matters for Information**

11. 25/00855/PA - 49 Hallsfield Road, Chatham 139 - 162

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

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

12. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr D Thornewell (Chair)  
Cllr R W Dalton (Vice-Chair)

Cllr Mrs S Bell  
Cllr A G Bennison  
Cllr T Bishop  
Cllr R I B Cannon  
Cllr L Chapman  
Cllr D A S Davis

Cllr S M Hammond  
Cllr P M Hickmott  
Cllr D Keers  
Cllr A McDermott  
Cllr Mrs A S Oakley  
Cllr C J Williams

## GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

(1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzjAPfw/featured>

(2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.

(3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there are any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 3 PLANNING COMMITTEE

#### MINUTES

Thursday, 11th December, 2025

**Present:** Cllr D Thornewell (Chair), Cllr R W Dalton (Vice-Chair), Cllr A G Bennison, Cllr T Bishop, Cllr R I B Cannon, Cllr D A S Davis, Cllr P M Hickmott, Cllr D Keers and Cllr Mrs A S Oakley

Councillor R V Roud participated via MS Teams pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, L Chapman, S M Hammond, A McDermott and C J Williams.

#### PART 1 - PUBLIC

#### **AP3 25/25 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **AP3 25/26 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 25 September 2025 be approved as a correct record and signed by the Chairman.

#### **AP3 25/27 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the prerequisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**MATTERS FOR DECISION UNDER DELEGATED POWERS**  
**(IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION)**

**AP3 25/28 25/00855/PA - 49 HALLSFIELD ROAD, CHATHAM**

Ground floor rear extension and change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals.

Due regard was given to the determining issues, conditions, reasons and informatics as detailed in the report of the Director of Planning, Housing and Environmental Health. Concerns were expressed regarding the potential impact of the proposed development on neighbouring amenities, specifically with regard to possible increases in noise and disturbance, inadequate parking provision, and highway safety considerations.

It was proposed by Councillor D Keers and seconded by Councillor R Dalton that the application be refused, contrary to Officer's recommendation, for the following reasons:

- (1) as a result of the increased comings and goings, additional parking of vehicles, staff movements, disruption and activity would result in an unacceptable intensification of the site, out of keeping with the character of this quiet residential area and harmful to neighbourhood, neighbouring amenities, in conflict with policy CP24 of the Tonbridge and Malling Core Strategy and policy SQ1 of the Managing Development and the Environment Development Plan Document; and
- (2) as a result of insufficient off-street parking, the proposal would not function well over the lifetime of the development and the parking plan would not be enforceable or provide sufficient mitigation for the failure to provide the necessary off-street parking spaces. This would amount to poor design and would be detrimental to the functioning of the development, in conflicts with paragraph 135 of the National Planning Policy Framework, policy CP 24 of the Tonbridge and Malling Core Strategy, policy SQ 8 of the Managing Development and the Environment Development Plan Document and the Kent Parking Standards SPD.

Following a formal vote, the proposal was supported by majority of the Committee and on the grounds that the above refusal reasons were not considered could be substantiated at an appeal, the vote taken was a recommendation only in accordance with Council and Committee Procedure Rule 15.24, Part 4 Rules of the Constitution.

**RESOLVED:** That consideration of the planning application be DEFERRED for a report from the Director of Central Services and Monitoring Officer on the risks arising from a decision contrary to the

recommendation of the Director of Planning, Housing and Environmental Health (as set out in Council and Committee Procedure Rule 15.24, Part 4 (Rules) of the Constitution).

[Speakers: Mr D Hoare, Mrs S Hoare, Mrs L Collard, Mr C Collard and Mr S Stevens (members of the public) and Ms V Costinar (Applicant) addressed the Committee in person.]

#### **AP3 25/29 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

It was noted that there had been no planning appeals, public inquiries or hearings since the last meeting of the Planning Committee.

#### **AP3 25/30 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.10 pm

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# Agenda Item 5

## **GLOSSARY of Abbreviations used in reports to Area Planning Committees**

### **A**

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
AT	Advertisement consent (application suffix)

### **B**

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

### **C**

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)

**D**

DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services

**E**

EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
EP	Environmental Protection

## F

FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment

## G

GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)

## H

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

## I

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

## K

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document

KFRS	Kent Fire and Rescue Service
KGT	Kent Garden Trust
KWT	Kent Wildlife Trust

## L

LB	Listed Building Consent (application suffix)
LBX	Listed Building Consent: Extension of Time
LDF	Local Development Framework
LDLBP	Lawful Development Proposed Listed Building (application suffix)
LEMP	Landscape and Ecology Management Plan
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
LDE	Lawful Development Certificate: Existing Use or Development (application suffix)
LDP	Lawful Development Certificate: Proposed Use or Development (application suffix)
LP	Local Plan
LRD	Listed Building Consent Reserved Details (application suffix)

## M

MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDE DPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MHCL	Ministry of Housing, Communities and Local Government
MIN	Mineral Planning Application (application suffix, KCC determined)
MSI	Member Site Inspection

**MWLP** Minerals & Waste Local Plan

**N**

**NE** Natural England

**NMA** Non Material Amendment (application suffix)

**NPPF** National Planning Policy Framework

**O**

**OA** Outline Application (application suffix)

**OAEA** Outline Application with Environment Impact Assessment (application suffix)

**OAX** Outline Application: Extension of Time

**OB1O6D** Details pursuant to S106 obligation (application suffix)

**OB106M** Modify S106 obligation by agreement (application suffix)

**OB106V** Vary S106 obligation (application suffix)

**OB106X** Discharge S106 obligation (application suffix)

**P**

**PC** Parish Council

**PD** Permitted Development

**PD4D** Permitted development - change of use flexible 2 year

**PDL** Previously Developed Land

**PDRA** Permitted development – change of use agricultural building to flexible use (application suffix)

**PDV14J** Permitted development - solar equipment on non-domestic premises (application suffix)

**PDV18** Permitted development - miscellaneous development (application suffix)

**PDVAF** Permitted development – agricultural building to flexible use (application suffix)

**PDVAR** Permitted development - agricultural building to residential (application suffix)

PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
POS	Public Open Space
PPG	Planning Practice Guidance
PWC	Prior Written Consent
PROW	Public Right Of Way

## R

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

## S

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water

## T

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan

TCS	Tonbridge Civic Society
TEPN56/TEN	Prior Notification: Telecoms (application suffix)
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy 2007
TMBLP	Tonbridge & Malling Borough Local Plan 1998
TNCA	Notification: Trees in Conservation Areas (application suffix)
TPOC	Trees subject to TPO (application suffix)
TRD	Tree Consent Reserved Details (application suffix)
TRICS	Trip Rate Information Computer System
TWBC	Tunbridge Wells Borough Council

## **U**

UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board

## **W**

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

(Version 2/2021)

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**Aylesford**  
Aylesford South

**29 January 2026**

**TM/22/00409/OAEA**

Proposal: Outline planning application for the development of up to 435 dwellings, including 40% affordable homes, with associated landscaping, parking, open space, play areas, etc. Realignment of Beaver Road and the construction of a new vehicular access off of Beaver Road and construction of a new vehicular access onto Godwin Road, and all other associated development works (Access only detailed matter with all other matters reserved).

Location: Land at Bunyards Beaver Road Allington Aylesford Kent

Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 This is a major planning application, made in outline form, for the erection of up to 435 dwellings including 40% affordable homes, with associated landscaping, parking, open space and play areas, on the 15.32 hectares of land at Bunyards, Beaver Road. All other matters are reserved for future consideration except for the access, for which full details are provided with the submitted application. Additionally, indicative plans and documents have been provided to illustrate how a development of this amount could be realised on site.
- 1.2 The primary access route is to be taken to the south-east of the site from Beaver Road, with a secondary access off Castor Park. Pedestrian links are indicated at various locations across the site allowing connectivity to the surrounding area.
- 1.3 The indicative plans show residential parcels interspersed with roads surrounding central areas of open space. Total open space amounts to 5.46 hectares of land equalling 36% of the site. Focal buildings are indicated on the masterplan, adding interest around the main access routes with various play areas also present. Landscaping would be provided along the railway line to soften the development, provide separation from the adjacent development to the north, as well as large areas of landscaping along the south-eastern and western borders.
- 1.4 The approximate density of the development would be 28dph (dwellings per hectare) with the denser area of the site located to the centre and east near to the existing dwellings. This is not excessive given the character of adjacent developments and would be within expected tolerances for a typical suburban area. Buildings are proposed to range in height from 2, 2.5 or 3 storeys with a range of dwelling sizes from 1-bedroom apartments to 5-bedroom homes.

- 1.5 As part of the submission, a provision of 40% affordable homes is proposed. The tenure split would be 70/30 (70% social rented and 30% intermediate housing), in line with current policy.
- 1.6 The site forms the draft housing allocation MG3 contained within the Regulation 18 Consultation Draft Tonbridge and Malling Local Plan 2024-2042.
- 1.7 The site was subject to a public inquiry which sought to have the area designated as a village green under Section 15(2) of the Commons Act 2006. This designation was however dismissed and village green status was not granted so there is no bar from this on the potential development.
- 1.8 As noted, this is an outline planning application, with the finer detail of the proposal including layout, appearance and landscaping reserved for future consideration under subsequent applications.

**2. Reason for reporting to Committee:**

- 2.1 At the request of Councillor Matt Boughton on behalf of Councillor Andrew Kennedy, due to the scale of application and location outside of existing settlement boundaries, significant and diverging policy considerations.

**3. The Site:**

- 3.1 The site is a large tract of currently open land, located on the western side of Beaver Road in the eastern part of the Borough. The land straddles the boundary with the adjoining authority of Maidstone, and a very small part of the access is in fact located within their administrative boundary when the site would be entered from Beaver Road. A separate planning application has been made to MBC concerning this element of the proposal.
- 3.2 The land is beyond the Green Belt and lies within designated countryside under Core Strategy Policy CP14. This was also referred to as the strategic gap within policy CP7. It is not subject to any other constraints or designations.
- 3.3 To the north of the site is the railway line, with Barming Station a short distance to the south-west. It is important to note that residential development has been approved on all adjoining land, including that to the south under reference 20/02749/OAEA for up to 330 dwellings (allowed on appeal), 17/01595/OAEA for up to 840 dwellings on land on the other side of the railway line, and land to the north of the site under reference 19/00376/OAEA for 106 dwellings. To the east of the site are existing residential dwellings within MBC. As such, whilst the land would once have had a rural fringe character, as these consented schemes progress, the area will evolve significantly to a much more developed and suburban character.
- 3.4 The nearest bus stop is located on London Road and is a 5-minute walk from the site's main entrance. Barming Train Station is located to the northwest of the site.

and could be accessed through the site via a footpath though the adjacent development site to the west giving convenient pedestrian access. Vehicular access would be further at approximately a 1.6-mile drive from the main site entrance.

**4. Planning History (relevant):**

TM/58/10419/OLD	Refuse	8 October 1958
Outline application for residential development		
TM/72/11209/OLD	Refuse	15 December 1972
The erection of dwellings		
TM/79/11102/FUL	grant with conditions	19 March 1979
Increase in retail display area at Kent Garden Centre		
TM/80/10011/OUT	Refuse	29 September 1980
Outline application for residential development of 74 acres of land		
TM/82/10087/FUL	grant with conditions	13 October 1982
Erection of storage building, creation of 35 car parking spaces and use of land for the storage of materials and display of fencing together with area for landscaping		
TM/84/11300/OUT	Refuse	13 July 1984
Outline application for superstore with associated car park and access		
TM/94/00861/FL	grant with conditions	28 October 1994
9 hole par three golf course, practice range, administration building and car parking		
TM/99/01373/FL	Grant With Conditions	22 October 1999
renewal of planning permission TM/94/0715: 9 hole par three golf course, practice range, administration building and car parking		
TM/99/01540/FLE ASC	screening opinion EIA not required	2 August 1999

Construction of 9 hole golf course, driving range and associated earth mounding

TM/04/02846/FL      Section 73 Approved      29 December 2004

Variation of condition 1 of Planning Permission TM/99/01373/FL: renewal of Planning Permission TM/94/0715: 9 hole par three golf course, practice range, administration building and car parking

TM/06/03939/A10      Approved      28 February 2007

Article 10 Consultation by Maidstone Borough Council: Outline application for the creation of 18 no. apartments, access parking and associated open space with layout, scale, appearance and access to be considered at this stage and landscaping reserved for future consideration

TM/09/02801/RD      Approved      22 December 2009

Details pursuant to planning consent TM04/02846/FL in respect of conditions 2 (materials for administration building), 3 (car park re-surfacing), 4 (landscaping), 5 (avoidance of tree damage), 6 (protection of planted trees), 7 (fencing) and 8 (fencing on railway boundary)

TM/09/03113/FLX      Approved      25 February 2010

Renewal of planning permission TM/04/02846/FL for 9 hole par three golf course, practice range, administration building and car parking

TM/11/00617/OA      Approved      10 July 2012

Outline Application: 43 residential units and open space

TM/12/02544/CNA      Approved      15 November 2012

Consultation by Maidstone Borough Council: New vehicular access

TM/13/00516/FL      Approved      30 July 2013

Change of use of land to golf course

## 5. Consultees:

5.1 **Aylesford Parish Council** - The Aylesford Parish Council has considered this application, and the various documents supporting it, and wishes to lodge a **STRONG OBJECTION** on the following grounds:

1. Policy – whilst the status of the Adopted Core Strategy and inability to demonstrate a deliverable five-year housing land supply is fully understood, the site is not designated for development and, although considered as available and suitable for sustainable development in the 2018 report on the Council's Strategic Land Availability Assessment (SLAA), was not taken forward in the draft Local Plan as other development sites were identified as providing a better fit with the wider spatial strategy. Furthermore, whilst certain benefits would undoubtedly be realised if the development were to be permitted, it is believed that the adverse and cumulative impacts of granting permission would significantly and demonstrably outweigh those benefits, contrary to para. 11 of the NPPF (2021);
2. Prematurity – Elected Members of Tonbridge and Malling Borough Council resolved to refuse application ref. no. TM/20/02749/OAEA, and that proposal is now subject of an appeal to the Secretary of State. It is the view of the Parish Council that the scheme currently under consideration would be equally as damaging to the locality and that the outcome of that appeal should be awaited and reviewed before the current scheme is fully considered;
3. Highways and transportation issues – access is not a reserved matter and, as such, stands to be determined as part of the application. Highways England and KCC Highways and Transportation consultation responses raise a number of fundamental issues that need to be addressed and the outcome of the aforementioned appeal will have a direct bearing on the applicant's ability to deliver on some of the proposed walking / cycling links, e.g., to Barming Station, failure to do so resulting in further increases in traffic as people seek to access that or other stations by car;
4. Loss of Grade 2 agricultural land which, together with Grades 1 and 3a, is the best and most versatile of agricultural land and, if developed, would be lost to that use forever. Whilst a relatively small parcel of land, its loss would represent an incremental erosion of such resources and should be retained for agriculture, together with the land to the south-west. Although the NPPF makes it clear there is a need to balance the need of agriculture with those for housing, whilst in isolation a case may be made for a relatively small loss, when combined with other development proposals in the immediate vicinity, it becomes much more significant issue at a time when the country needs to increase self-sufficiency. As can be seen from the applicant's own submissions, the loss of productive agricultural land between the urban fringes of Maidstone and Aylesford has accelerated in more recent years. This would be contrary to the requirements of para. 174(b) of the NPPF (2021);
5. Loss of Strategic Gap – whilst Policy CP5 of the Adopted Core Strategy may no longer hold any weight in policy terms, loss of this open land, particularly when combined with other neighbouring development sites, if the adjacent appeal proves successful, would totally erode the separate identities of Maidstone and Aylesford contrary to policy CP6 of the Core Strategy; and

6. Adverse impact upon the landscape – as for the adjacent land, built development on this currently undeveloped, former agricultural land would cause significant local harm. As a result, development at this quantum and in this location would be contrary to policy SQ1 of the Managing Development and the Environment DPD (2010) and para. 130 of the NPPF (2021). Furthermore, such development would adversely impact upon views towards it from the North Downs AONB to the north-east.

5.2 Taken together, the harm caused would be significant and would demonstrably outweigh the benefits the proposed development would provide in respect of housing and other identified benefits, which could be realised on other sites elsewhere in the borough.

5.3 This response from the Parish Council is made upon the basis of information currently available on the TMBC website and thus it reserves the right to respond further once the Borough Council officers believe they have sufficient additional information available to report the matter to their Planning Committee. The Parish Council would appreciate being advised when that point is reached, failing which it would expect further representations submitted in response to the officer's report to be presented to the Committee, as is the case elsewhere within the County.

5.4 In the event that the Borough Council is minded to move this proposal forwards with a view to granting planning permission, the Parish Council would request that its representatives are involved in discussions regarding community contributions and planning conditions for this scheme predominantly within its boundaries.

5.5 **Maidstone Borough Council** – Objection raised for the following reasons:

(1) The site within Tonbridge and Malling Borough Council (TMBC) together with the undeveloped fields to the southwest provide an important open space and landscaped setting between the built-up area of northwest Maidstone, and the approved 'Whitepost Field' development to the northwest (TMBC Ref. 17/01595/OAEA) and Aylesford beyond. The prominent development within TMBC would harmfully erode this openness and would not be sympathetic to the local character and the landscape setting of northwest Maidstone contrary to paragraph 130(c) of the NPPF. This would be compounded by the proposed number of dwellings necessitating an urban level of density that does not respect the character of development in the local area.

Informative(s):

1. Should TMBC be minded to approve the application, improvements and/or financial contributions should be secured for the following: Public Open Space within Maidstone. Kent County Council services. Healthcare services (NHS).
2. Should TMBC be minded to approve the application, MBC would expect to see strict parameters guiding any reserved matters relating to the following: o Strategic

landscaping around the edges and through the development to lessen any impact and provide a high-quality environment. o Green ecological corridors through the development and around the site boundaries. o Ecological enhancements including wildlife niches on buildings and to achieve biodiversity net gain. o Native landscaping and street trees outside gardens. o At least 10% biodiversity net gain. o Distinctive character areas with high quality building designs and materials including the use of ragstone, and sensitive boundary treatments. o Quality streets with active building frontages, landscaping, and a clear hierarchy. o Renewable energy measures. o Dedicated pedestrian and cycle routes which are direct, easy to navigate, overlooked and safe, and allow for potential future connections across the Borough boundaries.

Please note Maidstone Borough Council's comments relate only to the development falling within Tonbridge and Malling Borough Council and not any development or its impacts falling within MBC, which will be assessed under application 22/500760/EIOUT.

- 5.6 **Kent Fire** – It appears that no plans have currently been submitted detailing the emergency access requirements for the Fire and Rescue Service under Section 53 of the County of Kent Act 1981. The submission of a detailed site block plan and or a swept path analysis plan for a fire appliance demonstrating access to and around the proposed development would be required. (*Officer note – this would be sought at the detailed design stage*)
- 5.7 Applicants should also be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access as required under the Building Regulations 2010, to be established.
- 5.8 Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.
- 5.9 **Natural England** – Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites of landscapes.
- 5.10 **TMBC Housing Strategy and Enabling Manager** - I note the application states 40% of dwellings will be provided as affordable housing with a tenure split of 70/30 (70% social rented and 30% intermediate housing) alongside provision of 25% First Homes, in line with current policy. (*Officer note First Homes are no longer a mandated requirement and are no longer being sought*)
- 5.11 An outline of housing mix is given but doesn't include information of the affordable housing provision. More information about the proposed affordable housing provision needs to be provided. Please provide an affordable housing statement,

including details of tenure mix, unit types and size across all tenures, location of affordable housing (as outlined in the Affordable Housing Protocol).

- 5.12 10% of the rented homes need to be wheelchair accessible, through discussion and agreement with the Housing Department.
- 5.13 A Local Lettings Plan (in addition to a relevant nominations agreement), giving priority to households with a local connection to the area the development is in and with an aim for 50% of lets to economically active households will need to be included in the S106.

**5.14 KCC Highways:**

Site Access

- 5.15 Main site access will be from Beaver Road, with realignment to Beaver Road, to prioritise the development over existing residential units located further within the estate. This change to the road network is supported by KCC Highways and will lessen interaction for this larger site.
- 5.16 Second Access point will utilise the existing turning head arrangement at Godwin Road. Godwin Road is currently not adopted, KCC Highways would like to understand how this access will be tied into any possible highway adoption, if at all?
- 5.17 The proposed re-alignment of Beaver Road requires changes to the driveways for Nos. 3, 5, 7 and 9 Beaver Road. As shown on Drawings 20-019-001G and 20-019-003A, the driveway for No. 3 will be slightly extended, whereas it is proposed that the driveways for Nos. 5, 7 and 9 be connected to a new shared 'service' driveway to allow suitable turning and joint access onto the re-aligned section of Beaver Road. Have the homeowners involved, been consulted on the proposed changes and from a highways' perspective what land will be offered up for adoption, as we do not want these residents disadvantaged in anyway.
- 5.18 Swept path analysis has been undertaken on the revised junctions, the site access road, Beaver Road, Godwin Road and the proposed changes to residential driveway. Drawing number 20-019/002 rev B shows that a refuse vehicle and car can pass. Separately, the corner radii can accommodate refuse vehicles without significant overrun when turning left into a minor approach arm.
- 5.19 Drawings 20-019-001G and 20-019-003A show the required junction and forward visibilities of 2.4m x 43m and 43m respectively.
- 5.20 The two proposed access arrangements to the development meet Kent Design Guide – Designing for Movement. Footway widths are 3 metres on the western side of the access road and 2 metres on the eastern side, and link into existing

provisions. The 3-metre footway will provide a continuation of the segregated cycle/footway which starts in the cul-de-sac of Corben Close.

#### Trip Generation

- 5.21 The applicant has previously undertaken pre-application advice with KCC Highways, where trips rates were discussed and agreed, and for robustness, only private dwellings were included, without the provision of 40% affordable housing, which can provide lower trip generation during the peak traffic hour.
- 5.22 It is predicted that this development will produce 48 arrivals and 165 departures (total 213 trips) during the AM Peak Hour and 153 arrivals and 86 departures (total 238 trips) during the PM Peak Hour.

#### Traffic Distribution and Assignment

- 5.23 Development traffic has been distributed onto Beaver Road and A20, as per the consented Castor Park development (19/500769/EIAOUT).
- 5.24 In the AM Peak Hour, it is predicted that 57% of site development traffic will turn left at Beaver Road / A20 junction, with 43% turning right. During the PM Peak Hour, this changes to 64% turning left and 36% turning right.
- 5.25 Arrivals to the development are expected to be 82% from the north and 18% from the south during AM Peak. This demand differs in the PM peak to 51% from the north and 49% from the south.
- 5.26 All traffic distribution is based upon the link road between A20 and Hermitage Lane (Whitepost Fields development) being in place.
- 5.27 Coldharbour Lane, Poppyfields and Beaver Road scheme improvements are expected to be in place prior to occupation and the schemes have been modelled as such.

#### Junction Modelling

- 5.28 The following junctions should be modelled to understand the impact of the development on the wider highway
  - M20 Junction 5;
  - Hall Road / A20 London Road / Mills Road / A20 London Road signalised junction;
  - A20 London Road / Hermitage Lane signalised junction;
  - Proposed Hermitage Lane / Whitepost Field link road roundabout;

- A20 Coldharbour Roundabout;
- Poppyfields Roundabout;
- Bunyard Way / A20 London Road / Beaver Road / A20 London Road signalised junction; and
- Castle Road / A20 London Road / Conway Road / A20 London Road signalised junction

#### M20 J5

5.29 The forecast modelling results for 2031 are not predicting severe capacity issues, with RFC on M20 East in the AM Peak being 0.72, with 3 vehicle queues. This approach is showing the worst results for the whole junction.

#### Hall Road / A20 London Road / Mills Road / A20 London Road

5.30 Modelling results are based on a roundabout improvement scheme, with A20 West approach to have an RFC of 0.92 in PM peak, the worst performing arm, which indicates there is some additional spare capacity within the junction based on scenario reflecting 2031 flows + committed development and this application.

#### A20 London Road / Hermitage Lane signalised junction

5.31 With the future implementation of Whitepost Field Link Road, the link road scheme will alleviate the current pressures on A20 London Road / Hermitage Lane junction.

5.32 The highest Practical Reserve Capacity within the worst-case scenario is predicted to be 85% on A20 Eastbound turning right, in AM Peak.

#### Hermitage Lane / Whitepost Field Link Road Roundabout

5.33 This junction is predicted to be operating with plenty of spare capacity - 0.53 for Hermitage Lane South within the 2031 Base, with committed development and this application scenario, during AM Peak.

#### Coldharbour Roundabout

5.34 An improvement scheme is anticipated to start Autumn 2022, and modelling for this development has included the mitigation scheme, as we are looking at the forecast year of 2031. London Road East predicts the highest RFC of 0.84, in AM peak.

### Poppyfields Roundabout

5.35 Whitepost Fields development are due to upgrade Poppyfields roundabout, as part of the link road works and mitigation of development. This application bases the assessment with this infrastructure in place.

5.36 A20 London Road South is predicted to have the highest RFC of 0.70 in AM Peak, with other approach arms lower.

Bunyard Way / A20 London Road / Beaver Road / A20 London Road signalised junction

As part of the Castor Park development, the Bunyard Way / Beaver Road / A20 London Road will be improved to mitigate development traffic.

5.37 It is predicted that London Road Ahead and Left during the PM peak hour will have an PRC of 85.5%, the highest on any approach, in both peak hours.

### Castle Road / A20 / Conway Road

5.38 London Road North is anticipated to have PRC in the PM peak of 85.9%, again, worst performing approach arm.

### Sustainable Travel

5.39 The Transport Assessment refers to Maidstone P&R, but this service is no longer in operation. There are however bus services that currently run from approximately 600-700 metres walk from the site on A20 London Road.

### Active Travel

5.40 As part of the Reserved Matters for this application, should approval be granted, KCC Highways seeks a segregated cycleway / pedestrian footway which should link to adjacent developments (20/02749/OA and 19/500769/EIAOUT), to enable sustainable travel to Barming Station and an Active Travel link between A20 and Hermitage Lane.

5.41 As part of the Maidstone Walking & Cycling Strategy 2011-2031 - [https://maidstone.gov.uk/\\_\\_data/assets/pdf\\_file/0008/131849/Walking-and-Cycling-Strategy-2011-2031-September-2016.pdf](https://maidstone.gov.uk/__data/assets/pdf_file/0008/131849/Walking-and-Cycling-Strategy-2011-2031-September-2016.pdf) Appendix A mentions Action NWM1 which is footway widening on north side of A20 London Road between Castle Road and Grace Avenue to create a two-way cycle path. KCC Highways would seek a 278 Agreement from this development to progress designs and scheme implementation towards this mitigation, especially as the Transport Assessment mentions London Road Park and Ride, which is no longer in operation and can no longer offer a modal shift option.

### Summary

5.42 Clarification is sought to understand potential adoption on Beaver Road, particularly for the four properties affected by the realignment and changes to their individual access arrangement. Also, if there will be any adoption for the second access from Godwin Road. This clarification would not be enough to sustain an objection on behalf of KCC Highways, but we would seek the following conditions and contributions to highway schemes to mitigate this development:

1. No development shall commence until the planned improvements, being delivered by KCC Highways, are substantially completed to the junctions of A20/Coldharbour roundabout and A20/Mills Road/ Hall Road.
2. No occupation of development until the improvement to the junction of A20/ St Laurence Avenue/access link Road (Poppyfields Roundabout) are completed.
3. No occupation of development until the Link Road improvement has been completed.
4. No occupation of development until Beaver Road / Bunyard Way / A20 London Junction improvement has been completed.
5. A financial contribution of £406,725 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
6. A financial contribution of £1.2m is required towards improvement to key junction in Maidstone - A26/Fountain Lane/Tonbridge Road.
7. A Section 278 agreement between applicant and KCC Highways is required towards design and implementation of the two-way cycleway to the north side of A20 London Road between Castle Road and Grace Avenue. Which will aid active travel towards, and from, Maidstone Town Centre.
8. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage

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

5.43 The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

5.44 Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

5.45 Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

5.46 Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

5.47 Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

5.48 Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

5.49 Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

5.50 Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:  
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

5.51 **KCC Highways 3 June 2024:** The latest revision to this planning application makes changes to the access strategy, with the removal of Godwin Road. Instead, the second access point will be via Castor Park. This revision does not change the transport modelling previously provided, as London Road/Beaver Road was the nearest junction to the site modelled in order to assess the wider highways impact.

5.52 Therefore, KCC Highways' position remains the same and confirms that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. No occupation of development until the improvement to the junction of A20 / Coldharbour roundabout has been completed.
2. No occupation of development until the Link Road improvement, between Hermitage Lane and A20 London Road has been completed.
3. No occupation of development until Beaver Road / Bunyard Way / A20 London Junction improvement has been completed.
4. A financial contribution of £406,725 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
5. A Section 278 agreement between applicant and KCC Highways is required towards design and implementation of the two-way cycleway to the north side of A20 London Road between Castle Road and Grace Avenue, which will aid active travel towards, and from, Maidstone Town Centre.
6. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage

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

7. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Travel Plan monitoring fee for KCC Highways is £1,422 for this size of development.

8. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to, as part of a reserved matters application, and approved by the Local Planning Authority.

5.53 Please note, the following condition, previously identified, is to be removed as a condition or planning obligation, as works have now been completed:-

- No occupation of development until the improvement to the junction of A20/ St Laurence Avenue/access link Road (Poppyfields Roundabout) are completed.

5.54 **KCC Highways 3 July 2024:** This response should be read in conjunction with all previous responses provided by KCC Highways, to date.

5.55 The latest revision to this planning application makes changes to the access strategy, with the removal of Godwin Road. Instead, the second access point will be via Castor Park. This revision does not change the transport modelling previously provided, as London Road/Beaver Road was the nearest junction to the site modelled in order to assess the wider highways impact.

5.56 Therefore, KCC Highways' position remains the same and confirms that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. No occupation of development until the improvement to the junction of A20 / Coldharbour roundabout has been completed. (*Officer note – this is now complete*)
2. No occupation of development until the Link Road improvement, between Hermitage Lane and A20 London Road has been completed.
3. No occupation of development until Beaver Road / Bunyard Way / A20 London Junction improvement has been completed.

4. A financial contribution of £406,725 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
5. A financial contribution of £71,589.00 is required towards improvement to key junction in Maidstone - A26/Fountain Lane/Tonbridge Road.
6. A Section 278 agreement between applicant and KCC Highways is required towards design and implementation of the two-way cycleway to the north side of A20 London Road between Castle Road and Grace Avenue, which will aid active travel towards, and from, Maidstone Town Centre.
7. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage
  - (f) Provision of measures to prevent the discharge of surface water onto the highway.
8. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Travel Plan monitoring fee for KCC Highways is £1,422 for this size of development.
9. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to, as part of a reserved matters application, and approved by the Local Planning Authority.

5.57 Please note, the following condition, previously identified, is to be removed as a condition or planning obligation, as works have now been completed:-

- No occupation of development until the improvement to the junction of A20/ St Laurence Avenue/access link Road (Poppyfields Roundabout) are completed.

5.58 **National Highways** – National Highway's assessment of the proposed development:

5.59 National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

5.60 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 at Junction 5.

5.61 It will be noted that this site straddles the Tonbridge & Malling (TMBC) and Maidstone (MBC) Council boundaries. The respective application references are TM22/00409/OAEA and M-22/500760/EIOUT.

5.62 We previously assessed and responded to a Transport Assessment (TA) dated February 2022 that has previously been prepared by Odyssey on behalf of Barratt David Wilson Homes in support of the application on 22 March 2022. It comprised a holding recommendation (issued to both planning authorities). As no further information or consultation requests were received in the three-month period of the original NHPR form, this was renewed on 22 June 2022.

5.63 We were consulted by TMBC on 4 August 2022, providing a link to updated submission documents via their planning portal. The additional documents which are relevant to National Highways' concerns are as follows:

- Highways Response Technical Note – National Highways
- Draft Construction Traffic Management Plan
- Draft Travel Plan

5.64 In preparing this response, we have examined the planning portal sites for the corresponding applications for both TMBC and MBC; the submitted additional information does not presently appear on the MBC portal.

5.65 The comments from the previous NHPR form are reproduced below (in italics) for ease of reference, followed by a summary of the additional information provided by the applicant and our assessment of this information.

Highways Response Technical Note

5.66 ACTION: The previously requested model input and output files for M20 Junction 5 and the Coldharbour roundabout must be provided to National Highways for review.

5.67 The requested model files have been received and reviewed against the model output files which were assessed at the time of the original submission. We are content that the model construction is satisfactory.

5.68 Consequently, we are content that the model accurately represents the current and future capacity of M20 Junction 5. In this context we are therefore content that the model demonstrates that as a result the proposals, M20 Junction 5 will remain within capacity and hence they should not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT C2/13 and MHCLG NPPF2021) at this junction.

5.69 However, a couple of clarifications were required to confirm this i) ACTION: Clarification is to be provided with regards the timing of any KCC or third-party works being relied upon. Depending on the National Highways Planning Response (NHPR 21-09) September 2021 information provided, a sensitivity test assessing junction safety and capacity with/without the respective schemes may be required.

5.70 We note from the KCC website that the works A20 improvement will commence in November 2022. Given the modelling represents a future year of 2031, and no other works are relied upon for the modelling in question, it is considered that this action has been satisfactorily addressed.

5.71 ii) ACTION: Full details of the previously requested sensitivity tests of junction performance in the absence of the Whitepost Field Link Road should be provided (including details of the changes to trip distribution which would be expected to occur in this situation).

5.72 It is stated at page 2.1.3 that the applicant (Barratt David Wilson Homes Kent) has submitted an application to deliver the link road and that KCC have proposed a condition be applied to this development (if consented) which would prevent any occupation of the development until the link road is constructed and open to traffic, which the applicant has accepted. This is considered to be an acceptable approach and that therefore the previously requested sensitivity tests are no longer required.

5.73 This is one of several local highway network improvements that KCC believe to be required in order to ensure the safety, reliability and operational efficiency of their network. Given the interplay between the SRN and LRN, our recommendation of No Objection subject to Conditions, is also conditional on KCC Highways also being satisfied that the LRN is being appropriately mitigated. This is to ensure that traffic, in the absence of LRN improvements, does not result in unacceptable impacts on the SRN.

### Travel Plan

5.74 It was noted within the TA report that a Travel Plan would be prepared for the proposed development, but a draft of the Travel Plan document was not provided with the initial application documents. A draft TP has now been prepared and submitted, and the previously proposed condition relating to implementation and monitoring of the Travel Plan is accepted by the applicant.

5.75 We reviewed the submitted draft TP. We note that the final version of the TP (including its implementation and monitoring programmes) is to be prepared and submitted prior to first occupation of the site and that this will be secured via planning condition. We are content that the draft travel plan accords with current good practice and that the measures proposed would assist with the process of transferring some trips which would otherwise be made by car using the SRN to alternative sustainable modes. The proposed monitoring process and timetable for monitoring surveys and activities is also acceptable.

5.76 We consider that a condition requiring formal approval and implementation of the Travel Plan should be attached to the consent (see below):

### Construction Transport Management Plan

5.77 We note that a framework draft Construction Transport Management Plan (CTMP) has been provided by the applicant. We also note that the final CTMP will be completed by the principal contractor for the development and submitted for approval to KCC and the local planning authorities.

5.78 We have reviewed the draft CTMP, and it is confirmed that the document addresses the requested information from the previously supplied draft condition wording, including details of the site's expected hours of operation, number, frequency and routing of expected vehicular traffic to and from the site, guided access and egress arrangements for vehicular traffic and visitors, and wheel-washing and related measures to prevent the introduction of dirt or detritus to the highway. It is expected that a full review of these details will be conducted once the document is finalised and submitted in line with the relevant condition.

5.79 We consider that a condition requiring formal approval and implementation of the CTMP should be attached to the consent (see below):

### Conclusion

5.80 We are of the view that, from the SRN viewpoint and subject to KCC Highways also being satisfied from the LRN viewpoint, the outstanding issues identified within the previous technical package have now been addressed.

5.81 Accordingly, having assessed application M22/00409/OAEA we are content that the proposals, if permitted, would not have an unacceptable impact on the safety,

reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (M20 Junction 5), provided that the following conditions are imposed.

#### LRN Mitigations

5.82 In order to safeguard the SRN, National Highways would wish to support KCC Highways in terms of any recommended conditions required to be attached to these proposals in connection with LRN improvements.

5.83 Condition: Construction Management Plan No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

5.84 Reason: To ensure that the M20 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

5.85 National Highways Planning Response (NHPR 21-09) September 2021  
Informative: The CMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

5.86 Condition: Travel Plan: No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with National Highways) and implemented. The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement.

5.87 Reason: To minimize traffic generated by the development and to ensure that the M20 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

5.88 Informative: The Travel Plan may either be a single entity covering the whole site or made up of bespoke Plans for each phase. Where multiple Plans are used, provision must be made for the Plans to be fully coordinated.

5.89 **Environment Agency** – Thank you for consulting us on the above planning application. We have assessed this application as having a low environmental risk. We therefore have no comments to make.

5.90 **NHS** – (September 2023) NHS Kent and Medway Group (ICB) has delegated co-commissioning responsibility for general practice services in West Kent and is the body that reviews planning applications to assess the direct impact on general practice.

5.91 I refer to the above full planning application which concerns the proposed residential development comprising up to 435 dwellings.

5.92 The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

5.93 In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

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

	Total Chargeable units	Total (See Appendix 1)	Project
General Practice	435	£410,616	Towards refurbishment, reconfiguration and/or extension of Aylesford Medical Centre, Bower Mount Medical Practice, The Vine Medical Centre, Blackthorn, The College Practice and The Medical Centre Group and/or towards new general practice premises development in the area

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

Justification for infrastructure development contributions request

5.96 This proposal will generate approximately 1141 new patient registrations based on the dwelling mix provided in Appendix 1. The proposed development falls within the current practice boundaries of Aylesford Medical Centre, Bower Mount Medical Practice, The Vine Medical Centre, Blackthorn, The College Practice and The Medical Centre Group.

5.97 There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

5.98 In addition to the above we request that any S106 agreement regarding a financial contribution recognises the following:

- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.
- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practices detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

5.99 General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate primary medical care service capacity is available as part of our commissioning responsibilities. Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future.

5.100 The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

5.101 Please note that for any s106 contributions secured by the CCG, the legal agreement should detail NHS England and Improvement (NHSE/I) as the recipient of the funding.

5.102 I would be grateful if you could advise me of the Council's decision in due course, should you require any further information, or points of clarification in the meantime please contact me using the above email address.

Appendix 1

5.103 The CCG uses a formula for calculating s106 contributions which has been used for some time and is calculated as fair and reasonable. This calculation is based the number of proposed units multiplied by the assumed occupancy multiplied by £360.

5.104 Where the application identifies unit sizes the following predicted occupancy rates will be used.

1 bed unit @ 1.4 persons
2 bed unit @ 2 persons
3 bed unit @ 2.8 persons
4 bed unit @ 3.5 persons
5 bed unit @ 4.8 persons

5.105 Where the unit sizes are not identified then an average occupancy of 2.4 persons will be used.

5.106 The calculations for this development are, based on the dwelling mix provided:

Total Units (per application) (A)	Proposed Number of Bedrooms (per planning application)					NHS Predicted Occupancy Rates					Predicted Occupancy (N)	X £360 (O)
	1 (D)	2 (E)	3 (F)	4 (G)	5+ (H)	1 (I)	2 (J)	3 (K)	4 (L)	5+ (M)		
435	38					1.4					53.2	£19,152
		123					2				246	£88,560
			168					2.8			470.4	£169,344
				106					3.5		371	£133,560
					0					4.8		
											1140.6	£410,616

5.107 **NHS (ICB) – April 2025:** I refer to the above full planning application which concerns the proposed residential development comprising up to 435 dwellings. This letter replaces our previous response dated 28 September 2023.

5.108 NHS Kent and Medway has responsibility for planning healthcare services in Kent and Medway and reviews planning applications to assess the direct impact on healthcare. NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

5.109 In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

5.110 We have applied these tests in relation to this planning application and can confirm the following specific requirements.

	Total Chargeable units	Total (See Appendix 1)	Project
General Practice	435	£410,616	<p>Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or a healthcare facility on safeguarded land at the site Land South of London Road and East of Hermitage Lane or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.</p> <p>To enable proactive development and delivery of a project the trigger of any healthcare contribution should be linked to commencement or an early stage of development, with the funding</p>

			being available in full and not provided in phases.
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5.111 The obligation should also include the provision for the re-imbursement of any legal costs incurred completing the agreement (where relevant).

Justification for infrastructure development contributions request

5.112 This proposal will generate approximately 1141 new patient registrations in general practice based on the dwelling mix provided in Appendix 1. The proposed development falls within the current practice boundaries of: Aylesford Medical Centre, Bower Mount Medical Practice, The Vine Medical Centre, Blackthorn Medical Practice, The College Practice and The Medical Centre Group. The proposal will also increase demand on other healthcare services provided to the local population and will be considered as part of the integrated models of care that will be developed, along with the infrastructure strategy for the West Kent Health and Care Partnership area.

5.113 There is currently limited capacity within existing healthcare premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice and other healthcare premises. We recognise the applicant as the developer for the neighbouring site (Land South of London Road and East of Hermitage Lane) where land for a medical centre has been safeguarded or financial contributions are to be provided as a mitigation for that specific development. The growth arising from this development (Land at Bunyards) is separate to this and has not been considered as part of any other obligation.

5.114 Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current coverage of health care services and location of this application, we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

5.115 In addition to the above we request that any S106 agreement regarding a financial contribution recognises the following:

- To enable proactive development and delivery of a project the trigger of any healthcare contribution should be linked to commencement or an early stage of development, with the funding being available in full and not provided in phases.
- Allows the contribution to be used towards new premises in the area serving this population in line with the Infrastructure Strategy and priorities for the West Kent Health and Care Partnership area.

- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

#### 5.116 **TMBC Environmental Health:**

##### Noise

5.117 Chapter 9 of the Environmental Statement (ES) addresses the likely impact of noise upon and from the proposed development.

5.118 In the main I am content with the Chapter and anticipate that more specific information will be submitted once a final layout has been confirmed.

5.119 Notwithstanding this, I do have some concerns:

5.120 I note that at Para 9.5.29 the attenuation for a partially open window is given as 15dB. This is the upper end of the accepted range of 10-15dB. A more robust assessment would be achieved if a lower attenuation figure were used and I would suggest this be 13dB. The level adopted within the ES for external amenity areas is 55dB LAeq,T. This is the Upper Limit within BS8233:2014 and I would recommend that the desirable limit of 50dB LAeq,T should be aimed for.

##### Air Quality

5.121 Good to see all allocated parking have electric charging and some available for the visitor parking / overflow. No further comment

##### Contaminated land

5.122 Based on the review of:

- Phase I Desk Study Site Reconnaissance Report (Leap Environmental Ltd, 30th June 2021)
- Preliminary Phase II Site Investigation Report (Leap Environmental Ltd, 15th July 2021)

5.123 The Phase I report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Significant sources of contamination have not been identified, however, localised areas of former development may have had an impact on the underlying soils, as well as site wide use of pesticides and offsite ground gas sources.

5.124 The Phase II report presents the findings of an intrusive investigation, including soil sampling and ground gas monitoring. Made ground was found only in the north eastern corner of the site. No elevated concentrations of contaminant were recorded within the soils, and elevated concentrations of ground gases were also

not recorded. Please note that multiple geotechnical issues are highlighted within this report that will need addressing.

5.125 Although no remediation is considered necessary at this site, considering the large size of it, there is the possibility for as yet unidentified areas of made ground/contamination. I would therefore recommend a watching brief be maintained throughout the groundworks phase:

Watching brief

5.126 On the basis of available data and information, the site is not identified as a site of potential concern or any adjacent site.

5.127 To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development, I suggest the imposition of following conditions:

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

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

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

Reason: In the interests of amenity and public safety.

5.128 **KCC (Economic Development) –**

5.129 The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

5.130 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and

3. Reasonably related in scale and kind

5.131 These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices). *[Officer Note: full details of required contributions set out in paragraph 6.105 under chapter "Planning Obligations" later in report]*

5.132 **Waste Services** – No objections but refer to refuse storage standards.

5.133 **Network Rail** – No objections subject to a contribution of £184,440 towards work ‘necessary to provide an improved passenger experience to accommodate increased use and encourage users to travel on the rail network’ from the Bunyards Farm application.

5.134 **KCC (Ecology) – 30<sup>th</sup> May 2022 Response** - We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application.

Protected Species

5.135 Populations of both slow worm and common lizard were found across the grassland and scrub edges of the site during the reptile surveys, with peak counts of 33 adult slow worm and 22 adult common lizard found. As all species of reptile are protected, mitigation measures will be needed to facilitate development works.

5.136 We highlight concern that the proposed receptor site is extremely narrow and mostly occupied by hedgerow, which will shade the area. It is unclear how this area will be maintained throughout the development works and how the reptiles can carry on utilising the receptor site once translocation is complete/works begin. It is not acceptable to displace reptiles onto adjacent land if not owned by the applicant or without explicit consent from the landowner, nor is it acceptable to have a shaded, extremely narrow receptor site for the duration of the development works.

5.137 We advise that the indicative site layout/reptile mitigation strategy is revised to feature a suitable reptile receptor site that will adequately harbour a reptile population throughout the duration of the development works, and which can remain present and suitable for reptiles once the development is operational. As the on-site habitats within the development will not be established at the time of development completion, we query if there will be enough suitable habitat for reptiles post-construction.

5.138 With the exception of reptiles, we are satisfied with the precautionary mitigation measures (for the construction phase) for all other protected species which may utilise the site; namely breeding birds and foraging/commuting badgers. We are

satisfied that there is unlikely to be any other protected species associated with the site and that could be impacted during construction. Suitable mitigation measures for the construction phase have been recommended within the Construction Environmental Management Plan (CEMP).

5.139 Bats (all species of which are protected) will forage and commute over and around the site. Therefore, we advise that a sensitive lighting plan is conditioned as part of any approved planning application.

5.140 We can provide example condition wording for the above once further information regarding reptiles has been provided.

#### Designated Sites and Habitats

5.141 The site is within 3.6km of the North Downs SAC and within 5.4km of Peter's Pit SAC. As such, an HRA will need to be carried out. We note that the necessary information has been provided to allow the competent authority to make this assessment.

5.142 Regarding habitats, the site itself is predominately improved grassland and has relatively low biodiversity value, with the habitats of interest being the woodland/scrub in the south-west corner of the site and the boundary vegetation.

5.143 Importantly, the woodland is due to be retained within the proposals and the CEMP features measures to safeguard this habitat.

#### Biodiversity and Ecological Enhancement

5.144 Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

5.145 The preliminary net-gain assessment (using the Defra metric) predicts that there will be over 10% net-gains for both area and linear habitats. This appears to be achievable in alignment with the indicative site plans but will rely heavily on ecologically-beneficial management, e.g., establishment/enhancement of wildflower grassland. This will need to be updated at the first detailed application stage and a landscape and ecological management plan (LEMP) will need to be secured via condition, or a S106 agreement, if planning permission is granted.

5.146 **KCC Ecology – 2<sup>nd</sup> November 2022 Response** - We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

### Protected Species

5.147 Populations of both slow worm and common lizard were found across the grassland and scrub edges of the site during the reptile surveys, with peak counts of 33 adult slow worm and 22 adult common lizard found. As all species of reptile are protected, mitigation measures will be needed to facilitate development works.

5.148 The outline Construction and Environmental Management Plan (CEMP) states that a translocation exercise will be implemented, which we advise is appropriate after further discussion with the ecologist. Importantly, the receptor area will be 'enhanced prior to translocation'.

5.149 With the exception of reptiles, we are satisfied with the precautionary mitigation measures (for the construction phase) for all other protected species which may utilise the site; namely breeding birds and foraging/commuting badgers. We are satisfied that there is unlikely to be any other protected species associated with the site and that could be impacted during construction. Suitable mitigation measures for the construction phase have been recommended within the Construction Environmental Management Plan (CEMP).

5.150 We advise that two conditions are attached to any granted planning permission; one to ensure a robust reptile translocation exercise is completed (based on the proposals) and another to ensure that precautionary mitigation measures are implemented for all other protected species. Suggested wording:

*Prior to commencement of works (including site clearance), details of the completed reptile translocation exercise will be submitted to, and approved by, the local planning authority. This will be based on the details contained within sections 7.15 through to 7.28 of the 'Appendix 4.1: Outline Construction Environmental Management Plan' (January 2022) and feature photographic evidence of the prepared receptor site and numbers/species of reptiles translocated .*

5.151 From the commencement of works (including site clearance), all precautionary mitigation measures will be carried out in accordance with the details contained in section 7 of 'Appendix 4.1: Outline Construction Environmental Management Plan' January 2022.

### Lighting and Biodiversity

5.152 It is stated that "...the (north-eastern) hedgerow does form a corridor used by commuting and foraging bats, breeding birds, reptiles and could be further utilised by other species". To limit the light spill upon this, and other, vegetated boundaries (including the adjacent woodland), a sensitive lighting design will need to be implemented. As such, we advise that an associated condition is attached to any granted planning permission. Suggested wording:

5.153 With the first detailed application, a lighting design strategy for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, as well as expected light spill in lux levels, to demonstrate that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

#### Designated Sites and Habitats

5.154 The site is within 3.6km of the North Downs SAC and within 5.4km of Peter's Pit SAC. As such, an HRA will need to be carried out. We note that the necessary information has been provided to allow the competent authority to make this assessment.

5.155 Regarding habitats, the site itself is predominately improved grassland and has relatively low biodiversity value, with the habitats of interest being the woodland/scrub in the south-west corner of the site and the boundary vegetation. Importantly, the woodland is due to be retained within the proposals and the CEMP features measures to safeguard this habitat.

#### Biodiversity and Ecological Enhancement

5.156 Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

5.157 The preliminary net-gain assessment (using the Defra metric) predicts that there will be over 10% net-gains for both area and linear habitats. This appears to be achievable in alignment with the indicative site plans but will rely heavily on ecologically-beneficial management, e.g., establishment/enhancement of wildflower grassland. This will need to be updated at the first detailed application stage and a landscape and ecological management plan (LEMP) will need to be secured via condition, or a S106 agreement, if planning permission is granted.  
Suggested condition wording for the two conditions:

With the first detailed application, an updated biodiversity net-gain assessment will be submitted to, and approved by, the local planning authority. The plan will be based on the Preliminary Biodiversity Net Gain Assessment (Bakerwell January 2022) but updated to reflect the final design of the development.

5.158 With the first detailed application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the details within Appendix 4.2: Ecology And Landscape Management Plan (Bakerwell January 2022) and will include the following:

- Description and evaluation of features to be created and managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives;
- Preparation of a work schedule (including an annual work plan);
- Details of the body or organisation responsible for implementation of the plan, and;
- Ongoing monitoring and remedial measures.

5.159 The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

5.160 **KCC Ecology – September 2025:** The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

#### Reptiles

5.161 Reptiles are protected through the Wildlife and Countryside Act 1981 (as amended). All British reptiles are also listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006) and local planning authorities are required to have regard for the conservation of Section 41 species as part of planning decisions under their biodiversity duty.

5.162 We note that the proposed reptile receptor site that is 2.44ha in size, already supports reportedly low populations of reptiles (common lizard and slow worms). It is proposed to move reportedly low populations of additional reptiles (common lizard and slow worms) from approximately 10ha of habitat on the application site to the 2.44ha already containing reptiles. The overall habitat area available to reptiles will have decreased by over 7.5ha, and reptiles will have been moved into an existing population. In our view, current proposals will result in a net loss of reptiles.

5.163 The project ecologists suggest that changes to management at the receptor site, and the addition of three basking mounds, three log piles, and three hibernacula will be sufficient to raise the carrying capacity to support the additional animals. The addition of the vertical habitat and changes to management (which should in theory have already been optimal for reptiles as the site is an existing receptor site for another planning permission) will not provide an equal amount of habitat to that lost. The additional vertical habitat has the potential to increase the quality of habitat, but given the quantity of habitat lost we are sceptical that the additional habitat will be sufficient to counter the losses. We are not aware of any empirical evidence to support that these habitat additions will be sufficient.

5.164 Given that the receptor site already supports populations of common lizard and slow worm, and given the large area of habitat to be lost from the application site. We would recommend, that in line with government guidance, that the receptor site is created in advance of moving the reptiles and is at least the same size as the area of habitat to be lost. There is sufficient habitat available at Boughton Monchelsea (18.5 ha area of land, 5.3km from the application site) for this to be made possible. This land is to the north of Boughton Monchelsea within Maidstone Borough Council Local Planning Authority boundary. The receptor site and its appropriate management for reptiles needs to be secured for the lifetime of the development.

#### Other Protected and Priority Species

5.165 For all other protected species which may utilise the site; namely breeding birds and foraging/commuting badgers, we are satisfied that on-site ecological mitigation and enhancement measures can be incorporated into the design, and that precautionary working practices during site clearance and construction are sufficient. These measures can be secured by way of a condition for a Construction Ecological Management Plan (CEMP - Biodiversity) and to ensure implementation of a suitable Ecological Design Strategy (EDS) should planning permission be granted.

#### Lighting

5.166 It is stated that "...the (north-eastern) hedgerow does form a corridor used by commuting and foraging bats, breeding birds, reptiles and could be further utilised by other species". To limit the light spill upon this, and other, vegetated boundaries (including the adjacent woodland), a sensitive lighting design will need to be implemented.

5.167 We note that retained vegetation around the site is proposed to remain unlit. We welcome this approach, although we would define 'dark' or 'unlit' as where illuminance is below 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane. We note there are roads adjacent to the 'dark corridor' with an average of 2 lux of artificial lighting proposed. Provided that it can be confirmed that it is plausible that the 'dark corridor' will be considered unlit, on both the

horizontal and vertical planes, we would be satisfied with the proposed lighting strategy, although a detailed lighting strategy/plans should be secured by condition.

#### Biodiversity Enhancement

5.168 This site is not subject mandatory biodiversity net gain. Paragraph 187(d) of the NPPF 2024 states: *“Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.”*

5.169 The preliminary biodiversity net gain assessment (using the Defra metric) for the site predicts that there will be over 10% biodiversity net gains for both area and linear habitats. The ability to achieve this will be dependent on detailed landscaping plans and suitable long-term management practices. This will need to be updated at the first detailed application stage, and an updated landscape and ecological management plan (LEMP) will need to be secured if planning permission is granted.

5.170 Recommend conditions be attached to any planning approval.

#### 5.171 **Sports England – 2022**

##### Sport England – Non Statutory Role and Policy

5.172 The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

5.173 This application falls within the scope of the above guidance as it relates to: residential development of 300 dwellings or more.

5.174 Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are:

- Protect - To protect the right opportunities in the right places;
- Enhance - To enhance opportunities through better use of existing provision;
- Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

5.175 The Proposal and Assessment against Sport England's Objectives and the NPPF The population of the proposed development is estimated to be 1088 (ES

page 466). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

5.176 You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that a population of in this local authority area will generate a demand for . 0.03 Artificial Grass Pitches at a cost of £33,244 (£30,237 if sand based), 0.02 indoor bowls rinks at a cost of £7,109, 0.31 sports hall courts at a cost of £211,975 and 0.22 lanes of swimming pool at a cost of £234,516. A total of £486,844. The full report is attached for information.

5.177 The Applicant's planning statement refers to possible contributions through a s.106 legal obligation towards existing off site outdoor sports facilities. Sport England would support those however, no references appears to be made in respect of indoor sport and recreation facilities. Sport England considers that a financial contribution towards off site provision should be secured based on the figures generated by the Sports Facility Calculator. In the absence of contributions being secured, Sport England is currently unable to support the application.

### Active Design

5.178 Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link:  
<https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-costguidance/active-design>

### Conclusion

5.179 In light of the above, Sport England is unable to support this application as it is currently proposed. However, we would be happy to review our position should an appropriate financial contribution towards both off site indoor and outdoor sports facilities be secured in connection with the proposal.

5.180 We would be grateful if you would advise us of the outcome of the application by forwarding a copy of the decision notice.

5.181 **Sport England June 2024:** No change to contribution request.

5.182 **Sport England July 2025:** Sport England is a non-statutory consultee on this application. If the Council is satisfied that existing indoor facilities are adequate to meet the additional demands of the new population and no improvements to existing facilities is required to increase supply, then Sport England is content with that.

5.183 **Kent Police** – We have considered this application regarding Crime Prevention Through Environmental Design (CPTED) in accordance with the National Planning Policy Framework (NPPF). Design and Access Statements (DAS) should demonstrate the design helps create an accessible and safe environment while minimising crime and disorder and fear of crime. Secured by Design (SBD) is the official UK Police flagship initiative combining the principles of designing out crime with physical security, found at [www.securedbydesign.com](http://www.securedbydesign.com).

5.184 Applicants/agents should consult a local Designing Out Crime Officer or qualified specialist to help design out opportunity for crime, fear of crime, Anti-Social Behavior (ASB), nuisance and conflict. In addition, we strongly recommend that the applicant bases the design on the SBD Homes 2019 guide for specifications for doorsets, windows, lighting, perimeter security and other suitable specifications.

5.185 The applicant/agent should address crime prevention and demonstrate the seven attributes of CPTED. A crime prevention statement should be submitted as part of this application, to address our comments and to provide further information in relation to physical security and security measures to be adopted. We recommend the applicant attains an SBD award, which is free of cost, to show commitment to crime prevention and community safety.

5.186 Having reviewed the application online, we would like to make the following comments:

1. We recommend the use of the Secured by Design (SBD) initiative for this proposal.
2. Regarding permeability, the design and layout must ensure routes are well-designed to create safer accessible neighbourhoods with maximum natural surveillance but avoid excessive permeability often linked to increased crime rates. A densely planted defensive perimeter treatment can be created to increase security and control permeability. Mesh fencing should be incorporated to prevent any gaps.

3. Perimeter, boundary, and divisional treatments should be well established and are required for front gardens of any corner properties. It is important to distinguish private garden from public and communal routes to reduce the opportunity for desire lines that can cause Fear of Crime, Nuisance and Conflict across front gardens and parking areas. Rear garden boundaries and divisional fencing between rear gardens need to be a minimum height of 1.8m to aid security and privacy. 1.5m with trellis to meet 1.8m is acceptable if preferred in some sites but unlikely for sensitive or vulnerable sites e.g. alongside Public Rights of Way.
4. The layout and orientation of dwellings should be positioned facing each other to allow neighbours to easily view their surroundings and thus making the potential offender vulnerable to detection.
5. Any alleyways between dwellings or rear access footpaths should be avoided and must be gated if essential. Gates must be placed at the entrance to the footpath. They must be well illuminated, robustly constructed, be the same height as the fence (1.8m) and lockable to restrict access to residents only.
6. Vehicle and pedestrian shared routes do not meet SBD guidance. We strongly recommend the installation of pavements on all roads to avoid vehicle and pedestrian conflict and improve the safety of the future residents.
7. Please note that it is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering, and ball games. The provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.
8. Recessed doors should be no deeper than 600mm especially if hidden from public view e.g. side or rear, unless on an active street frontage with maximum natural surveillance and public view but even then, no deeper than 1m. Deeper recesses can allow a potential burglar a secluded area to work in and for communal doorways allow someone to hide and wait to tailgate someone else in or take advantage of a door closing to squeeze through. While lighting and ground treatments can help deter them, it is rare for anyone to confront them. Finally, it can provide an unofficial smoking area that can lead to nuisance and conflict and shelter for loitering that can increase the fear of crime. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for apartments.
9. Audio/visual door entry systems for visitors to call a dwelling, whether individual or served from a communal entrance are required for apartments. They allow a two-way conversation between a visitor and resident while allowing the resident to see and identify the visitor before they decide if they should remotely allow access via the communal entrance doors.
10. Vehicles should be parked in locked garages or on a hard standing within the dwelling boundary. Parking bays, if unavoidable, must be close and adjacent to

homes, designed to minimise the opportunity for crime with maximum natural surveillance from “active” windows (kitchen or lounge windows for example). Rear parking courtyards are discouraged. The use of allocated parking spaces and clearly signed rule setting for visitor spaces reduces the opportunity for conflict. SBD or Sold Secure ground anchors to help address vehicle crime are recommended for Bicycles, Motorbikes, Mopeds, Electric bikes and similar in the visitor parking area.

11. Any lighting plans should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:

“18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.”

Lighting of all roads including main, side roads and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

12. We recommend each dwelling is provided with a well-lit and secure area to store their bins, to prevent them being used as a climbing aid. Please note these storage areas should not be placed against the external wall of the property where it can be used as a climbing aid onto a vulnerable window. Where bin stores are in communal areas, access control on inner and outer doorsets may be required if it is possible to bypass main entrance access-controlled area.

13. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

14. Windows on the ground floor are potentially vulnerable and must meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated as toughened glass alone is not suitable for security purposes. Ground floor bedroom windows require a defensive treatment.

15. Communal mail delivery for the apartments needs to be “through the wall” or sited at the front in an air lock within the lobby, have CCTV coverage, be of robust construction (SBD or Sold Secure standard) and have anti-fishing design. We strongly recommend TS009 specifications. Tradesperson or timed-release

mechanisms are not permitted as they have been proven to be the cause of antisocial behaviour and unlawful access to communal developments.

16. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. In addition, new shrubs should be maintained at a height of no more than 1m unless planted to create a densely planted defensive perimeter treatment.

17. Consideration should be given to the provision of informal association spaces for members of the community, particularly youths. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution. These areas must be well lit and covered by natural surveillance from neighbouring properties.

18. Play areas should allow natural surveillance and be designed to be secured at night. We recommend fencing at a minimum height of 1.2m with only one point of entry/exit to discourage casual entry and aid parental/guardian supervision. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime.

5.187 If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

5.188 We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

5.189 This information is provided by Kent Police Design Out Crime Team and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.

5.190 **Kent Flood and Water Management –**

5.191 Kent County Council as Lead Local Flood Authority have the following comments:

5.192 Having reviewed the information provided we can confirm that we are satisfied that the principles proposed for dealing with surface water, namely attenuation

with discharge to ground via deep bore soakaways do not increase the risk of flooding from or to the development.

5.193 As such we have no objection to the development proposed and should you be minded to grant permission would recommend the following conditions with advisories:

Advisory

5.194 We note that the provided Flood Risk Assessment details an existing surface water flow path along the southern most boundary, as part of any future application we will expect for it to be demonstrated that those properties proposed within this flow path are suitably protected without any detrimental affect to the flow path.

5.195 We would emphasize that additional ground investigation will be required to support the use of infiltration. It is recommended that for shallow infiltration features soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time. With regards to the testing of the proposed deep bore soakaways we will expect for the results of constant head testing to be provided.

5.196 Given part of the is located within Zone 3 Groundwater Source Protection Zone. We would recommend consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within the submission.

Conditions

Condition: No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition: Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Condition: Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment dated January 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.

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

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.

5.197 This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

5.198 **Southern Water** – Action request: Please provide the details of your anticipated occupation dates and build out rate for the site listed above. This information will support us in planning the required works across our region in readiness for your site to be occupied. If we do not receive this information about the site, we may not be able to progress with the work required to prepare for the connection of your site and your development program. Please note this does not constitute a discharge of any pre-commencement condition that may be attached to your planning consent.

5.199 **Leisure Services** – Summary of Response

- Open space should, in the first instance, be provided on the development site
- If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces
- Further children play should be provided on site
- Contributions sought for this development should total £1,379,740

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

Level of Demand of Open Space Generated by the Development Proposal:

5.201 Open space demand generated by the development (net, sq. m): 91806.31

Existing Level of Open Space Provision – Qualitative Deficiencies

5.202 In assessing qualitative deficiencies, Annex D in the MDE DPD (para.20) permits the consideration of other relevant evidence available at the time of the proposal in addition to those sites identified in Policy Annex OS1B, eg the latest Equality Audits, Site User Surveys, Site Management Plans and the Council's Capital Plan. Listed below are those sites either within the relevant accessibility thresholds of the development site or reasonably related to it where other current evidence (as documented) demonstrates a need for enhancements.

Parks & Gardens – Leybourne Lakes Country Park,

Amenity Green Spaces – N/A as provided on site

Outdoor Sports Facilities – Ditton playing fields

Children's and Young People's Play Areas – should provide on site including a NEAP and/or MUGA Natural and

Semi Natural Green Spaces – N/A as provided on site

**New Open Space Provision - Addressing Deficiencies**

5.203 In accordance with the methodology and sequential approach outlined in Annex D to the MDE DPD, and taking into account onsite provision of Amenity Open Space, initial consideration should be given to further on-site provision in areas of quantitative deficiency, though given the nature of the development proposal it is presumed that this may not be feasible. If provision is not made on-site, consideration should then be given to the developer providing off-site open space in accordance with the quantity standards set out in Policy Annex OS3 (translated to a standard of open space per person in Figure 4 in Annex D to the MDE DPD).

5.204 If neither of these options is feasible or where the site is within an area of qualitative deficiencies, contributions should then be sought to enhance existing off-site open spaces, initially within the identified accessibility thresholds (see Policy Annex OS3) and then those beyond but within reasonable access of the development site.

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

- Parks & Gardens – £486,741
- Amenity Green Spaces – N/A as provided on site
- Outdoor Sports Facilities – £892,999
- Children's and Young People's Play Areas – N/A as provided on site
- Natural and Semi Natural Green Spaces – N/A as provided on site

5.206 If provision is not made on or off-site with regards to Parks and Gardens, a sum total contribution of £1,379,740 should be sought (this is further highlighted on the Open Space Calculator attached).

5.207 The exact allocation of funding will be determined through discussions with developer, an assessment of local opportunities and consideration of the relevant evidence at the time of the application, eg Site Management Plans and the Council's Capital Plan (as permitted by para.20 of Annex D) to establish what the priority projects should be.

5.208 **Tracey Crouch MP:** I am writing as the local Member of Parliament with regard to the above application for 435 homes at the site referred to as Bunyards Farm. The application represents another set of proposals to develop within the green space between Aylesford and Maidstone. As TMBC are aware from my previous representations on the matter, I am opposed to continued development in this area given the number of houses already approved by TMBC and MBC in recent years.

5.209 My primary concerns, along with those of local residents, are the impact on our local road network, health services, the erosion of the strategic gap between Aylesford and Maidstone and the prevalence of sinkholes in the local area.

5.210 In terms of the local road network, the application would require access onto established, narrow residential roads which are not suitable to accommodate such a dramatic increase in traffic flow and congestion. The application would also impact heavily on the A20, Coldharbour Roundabout and M20 J5, all of which are already regularly congested at peak times.

5.211 With regard to local health services, I understand that NHS Kent & Medway CCG have responded to the application explaining that they require a financial contribution towards expanding provision, but are not able to advise on how in practical terms the increase in demand will be met. Other developments in the local area generally receive a similar response from the CCG advising it requires a financial contribution but unfortunately, I have seen little evidence of any increase in provision to address existing shortages of GP and dentist spaces.

5.212 Given the scale of development approved over the years in this specific area, the application would further erode what is left of the strategic gap between Aylesford and Maidstone and in doing so, build on agricultural land. As I have also raised with both TMBC and MBC in recent years, I do have concerns about the prevalence of sinkholes in the local area and the safety risk they could potentially pose.

5.213 I welcome TMBC's decision to refuse application 20/02749/OAEA and while I understand that the decision is currently being appealed, I consider that this application would have a similar detrimental impact on the local area. *[Officer note: this application has now been allowed on appeal]*

5.214 In light of the concerns raised regarding the proposals, I would urge TMBC to reject the application

**5.215 TMBC Conservation & Urban Design Officer:** Thank you for consulting with me on this outline application for housing. I note that it's an outline application with only access not reserved and so the proposals now just set out the parameters for layout, movement, building height and land use. I also note that the Environmental Statement includes in chapter 5 a discussion of the design process to date, which shows that consideration has been given fully to the constraints and opportunities, along with the list as set out on page 44 of the DAS (including the area TPO as both opportunity and constraint). In my view the DAS is very thorough and adequately demonstrates that the key considerations for place making have been assessed (edges, movement, connectivity, nature, etc), in accordance with the National Design Guide, and is a good basis for putting together a reserved matters application, should permission be granted. I've put together a few brief comments below on the parameters that have been set out and what may need to be considered at reserved matters stage.

#### LAYOUT

**5.216** I would question the location of the SUDS right at the junction of the site as it would not present a strong built edge to the development with the others on this side of the rail line. I'm assuming this is the lowest point of the site but need to query whether the SUDS need to be located here. It is in effect leaked space diluting the presence of the housing development. Could they be surrounded by another residential parcel as a central feature, or slightly relocated? I'm concerned about safety and potential need to fence off, etc which could further erode the appearance of the entrance to the development. I note the play area proposed but again if this is located next to the SUDS what sort of protection will be required, as well as a boundary to the access road?

**5.217** Tree planting on the streets is indicative and I believe this is essential for quality of place, given the perimeter block layout, and in line with the most recent changes to the NPPF. It hasn't been demonstrated in the outline application that this is actually achievable (for instance, how it will work with parking spaces and services, and whether in private or managed land). It would be helpful to have an indication at this stage about how this may be achieved.

**5.218** Otherwise the very general design parameters for parking as set out in 7.9 of the DAS are welcome. Parking courts will need careful attention as well to ensure quality of public realm.

**5.219** Generally it's a very permeable layout, using perimeter blocks and pedestrian links through these, and this is welcome, and also maximises active frontages. Details of boundary treatments and parking arrangements, and how the houses will turn the corner and address the roads will need to be looked at in detail in any reserved matters application.

Maximising opportunities for good views is welcome, with the east/west alignment.

Taking the opportunity to allow to extend the existing trim trail from the neighbouring site's infill development is welcome, as indicated by the green corridor on the south side.

The three green spaces indicated are well spaced out and any reserved matters application would need to ensure they are legible and easily accessed. They do seem a bit small given the size of the site, hence my concern about the street trees and ensuring that this will be a green development. It needn't be amended at this stage as I note that it is considered to be compliant with policy, but is a consideration for any reserved matters application to ensure there is sufficient softening of the urban structure.

#### APPEARANCE AND CHARACTER AREAS

5.220 The assessment of local character is welcome as it acknowledges that some of the more recent residential development has missed opportunities for place making, giving aspiration to this proposal. Proposals for building typologies and hard and soft landscaping should clearly flow from this analysis and demonstrate how it responds to context.

5.221 The three character areas appear to have been developed from the site analysis and subsequent proposed indicative layout, but I note and support the commentary in 7.10.2 of the DAS that this is not a coding exercise but is included as an exercise to demonstrate how future character areas may be formulated. I support this as the character areas, if this is decided to be appropriate, should be developed through the detailed design process. It would be helpful to make it clear when deciding this application that the design guide for the character areas is a starting point and not prescriptive.

#### DENSITY AND BUILDING HEIGHTS

5.222 These appear appropriate to the site levels as indicated and the layout of the site.

#### CONNECTION AND MOVEMENT

5.223 A south western access would have been preferable as well for better integration into the existing structure, but I appreciate that the TPO area doesn't allow for this and I believe the only other opportunity appears to be where the 106 homes are proposed to the north east.

5.224 The hierarchy of users moving from the site has been fully taken into consideration within the parameters, linking with the Park & Ride and indicative pedestrian and cycle link through the development to access the southern side of Barming station.

5.225 The Street Typologies section is a step towards coding the development, which is welcome and indicates the hierarchy of street users and how these will be accommodated in the four types of roads, each with variants.

5.226 The opportunity for movement links to the Clarenden Homes proposal for 106 dwellings is welcome.

5.227 The 2 minute walking distance for proposed and existing play areas is welcome. Informal play areas are welcome in principal but these will need to be looked at in detail, including addressing boundaries, in any reserved matters application.

5.228 **Neighbour Consultee Comments:** A total of 74 objections have been received, on the following summarised grounds:

- Over development
- Forms mass urban sprawl
- Development should not be built here hence the village green application
- Over 2000 new homes near to Allington which has ruined the area
- Housing proposed is too dense
- Builds into the Medway strategic gap
- Will create an unbroken line of development from Aylesford to Maidstone
- Allington is ruined by new housing developments already
- Siting the affordable homes here to keep them away from Tonbridge
- The affordable homes are too dense
- Increase in traffic
- More traffic increasing pollution
- Hermitage Lane is always gridlocked as it is
- The A20 has traffic problems already
- Increased traffic on Beaver Road
- Beaver Road junction at capacity already
- Castor Park not suitable for a secondary access
- Road survey completed in lockdown so not true traffic figures

- Will increase on road parking in the local area
- No extra public transport being provided
- The existing bridge is single carriageway and trucks struggle to pass under which will be worse due to this proposed development
- Too much traffic from the Gallaghers site already
- Increased pedestrian safety issues
- A new underpass should be proposed to save traffic on local roads
- The highways mitigation will make no difference
- Highways are advising refusal of the application
- Ecological assessments unsuitable.
- KCC to not mention the bridge in the assessment. This is flawed
- Updated travel plan is incorrect. There is no park and ride anymore
- Conflict with a previous approval over accesses (19/00376/OAEA)
- Another sites emergency access is this site's permanent access
- Not enough parking proposed for 1700 cars
- The Kent Messenger Railway Bridge should be replaced as part of the development
- Poor pedestrian access under the bridge which will be exacerbated by the new homes
- Footpaths in the area are unlit which is unsafe for existing and new residents
- Not sufficient infrastructure to cope with more homes
- Loss of open space
- Adverse impact on biodiversity
- Not enough schools or doctors' spaces
- Broadband reversing alarms should be used.

**6. Determining Issues:**

Policy and Other Considerations

6.1 The following policies and other material considerations are relevant to the proposal:

National Planning Policy Framework (NPPF) 2024 (December).

National Planning Practice Guidance (NPPG)

Tonbridge and Malling Borough Core Strategy 2007 (TMBCS):

Policy CP1 Sustainable Development

Policy CP2 Sustainable Transport

Policy CP7 Areas of Outstanding Natural Beauty

Policy CP14 Development in the Countryside

Policy CP24 Achieving a High Quality Environment

The Core Strategy is now time expired, however not all policies contained within it are out of date. The Core Strategy Policies Document sets out the weight of each policy based on relative conformity with the NPPF.

Managing Development and the Environment Development Plan Document 2010 (MDE DPD):

Policy NE2 Habitat Networks

Policy NE3 Impact of Development on Biodiversity

Policy NE4 Trees, Hedgerows and Woodland

Policy SQ1 Landscape and Townscape Protection and Enhancement

Policy SQ5 Water Supply and Quality

Policy SQ6 Noise

Policy SQ8 Road Safety

TMBC Biodiversity Net Gain (BNG) Interim policy position statement

Kent Design SPD (Kent Design Guide)

KCC'S Parking Standards

## TMBC Climate Change Strategy 2020 to 2030

### Emerging Local Plan

On the 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council's cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025, closing on 2 January 2026.

The emerging Local Plan sets out how the Council will meet the government's objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.

It should be noted that this Regulation 18 Local Plan carries no weight in the assessment of the application, but the evidence base may be material.

### Principle of Development:

- 6.2 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN) with its most recent published position at 2.89 years. On 12 December 2024 the Government published an updated iteration of the NPPF, and the Minister of State for Housing and Planning, Matthew Pennycook MP, made a Written Ministerial Statement ("WMS"), 'Building the Homes We Need'. The WMS confirmed the Government's "ambitious goal of delivering 1.5 million new homes this Parliament" and outlined a series of measures to reflect the Government's "commitment not to duck the hard choices that must be confronted in order to tackle the housing crisis". The latest iteration of the NPPF retains the presumption in favour of sustainable development, as revised.
- 6.3 In the absence of a five-year supply of housing, the presumption in favour of sustainable development contained in paragraph 11 of the NPPF (2024) applies – including what is often called the "tilted balance", For decision taking this means:
  - "c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to

sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

- 6.4 In undertaking this exercise, the adopted development plan must remain the starting point for the determination of any planning application (as statutorily required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the development.
- 6.5 In terms of the principles of the development, policy CP14 is the most important to the determination of this application, due to its specific locational characteristics outside, but close to, the Malling Gap urban area.
- 6.6 Policy CP14 states that within the countryside, development will be restricted to:
  - a) Extensions to existing settlements in accordance with Policies CP11 or CP12; or
  - b) The 1 for 1 replacement, or appropriate extension, of an existing dwelling or conversion of an existing building for residential use; or
  - c) Development that is necessary for the purposes of agriculture or forestry including essential housing for farm or forestry workers; or
  - d) Development required for the limited expansion of an existing authorised employment use; or
  - e) Development that secures the viability of a farm, provided it forms part of a comprehensive farm diversification scheme supported by a business case; or
  - (f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or
  - g) affordable housing which is justified as an exception under Policy CP19; or
  - (h) predominantly open recreation uses together with associated essential built infrastructure; or
  - (i) any other development for which a rural location is essential.
- 6.7 This policy seeks to limit development within the countryside including housing. However, the Borough Council has accepted on numerous occasions when dealing with other planning applications for residential developments within the countryside that this policy is out of date, inconsistent with more up to date policy in the NPPF and cannot, therefore, be attributed any meaningful weight in the

determination of this particular planning application. As a result, this does not form a sufficient reason to resist the principle of development in this location.

- 6.8 Furthermore, this approach has been confirmed by numerous Planning Inspectorate decisions across the borough, including on directly adjoining land (see: 20/02749/OAEA).
- 6.9 The application site lies within the area designated on the proposals map accompanying the current Development Plan as the Strategic Gap to which to policy CP5 of TMBCS applies. This policy seeks to protect the strategic gap between the built-up areas of the Medway Gap and Maidstone. However, following the abolition of the Regional Spatial Strategies (which supported such policy) by central Government and the subsequent production of the NPPF, which no longer supports the strategic gap policy, policy CP5 is also considered to be out of date and cannot be given any weight in the consideration of this application. This approach is also consistent with the Council's previous decisions, for example 17/01595/OAEA for Land at Hermitage Lane.
- 6.10 With regard to the application of the presumption in favour of sustainable development, regard must first be had for whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 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, as directed by paragraph 11(d) (ii) of the NPPF, permission should be granted for this development 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.
- 6.11 It is on this basis that no objection can be raised to the principle of development at this location, but the following assessment is made to consider whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits of doing so.

#### Separate Identity of settlements

- 6.12 Policy CP6 relates to the separate identity of settlements. For the appeal against the refusal of the application for 340 dwellings to the west, (APP/H2265/W/21/3288065) the Council found no conflict with this policy, which states:

“1. Development will not be permitted within the countryside or on the edge of a settlement where it might unduly erode the separate identify of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements.

2. Any development that is considered acceptable in terms of this policy should maintain or enhance the setting and identity of the settlement, and in the countryside, be consistent with Policy CP14."

6.13 The aim of this policy is to preserve the separate identity of different settlements and their individual characters, rather than arbitrarily preventing development outside of settlement boundaries.

6.14 Furthermore, the existing railway embankment spatially and visually cuts off the site from the Hermitage Lane site further to the north, and the submitted master plan (although indicative at this stage) shows how a generous landscaped buffer could be provided between the proposed development and the railway embankment. This would provide a clear legible break between the two developed areas, and is similar to the scheme to the west allowed on appeal (20/02749/OAEA), with the Inspector commenting as follows in this respect:

*"The appeal site is located within a strategic gap defined by Policy CP5 of the CS. The Council accepts that this policy should not attract weight, having its origins in the now largely revoked South East Regional Plan and due to lack of consistency with the Framework. For these reasons, and bearing in mind that the policy allows for development in special circumstances such as a shortfall in strategic housing provision, I again only attach limited weight to the resulting conflict with this policy."*

*"Policy CP6 seeks to maintain the separate identity of settlements. In this case, the Council finds no conflict with the policy, and I am inclined to agree. Whilst the site is located in the land between Maidstone and Aylesford, the railway embankment provides a physical barrier between the two settlements and the indicative masterplan demonstrates that an area of open space could also be incorporated along this side of the development. As such, the proposed development would be seen in the context of the large residential scheme adjacent to the south east, Hermitage Park, appearing as a further extension of Maidstone separate from Aylesford."*

6.15 Due to the visual enclosure of the existing railway line, along with the green buffer proposed, the scheme is not considered to erode the separate identity of settlements or harm the character when viewed from the countryside or adjoining settlements. Consequently, it would not be contrary to the requirements of policy CP6 of the TMBCS.

6.16 Paragraph 83 of the NPPF advises that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." Paragraph 84 provides further guidance by stating that "planning policies and decisions should avoid the development of isolated homes in the countryside". Given that the site is covered by the countryside designation and the earlier reference to policy CP14 of the Core Strategy, a further assessment on this ground must take place.

6.17 Applications heard by this Committee have already considered the Court of Appeal judgment in Braintree DC v SSCLG [2018] which clarifies the definition of isolated homes in the countryside. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. (para.31)

6.18 In the case of this site, it is immediately adjacent to the urban area of Maidstone, the approved scheme of 20/02749/OAEA and the development of 17/01595/OAEA. Furthermore, the site lies a very short distance away from Barming Railway Station and other services within Maidstone. The land forms a logical spatial expansion of this urban area, and given the scale of the development proposed, would not result in isolated homes in a rural area. The location is in fact highly sustainable and would not conflict with paragraph 80 of the NPPF.

6.19 As such, in locational (spatial planning) terms and having due regard to relevant case law and material planning considerations, I conclude that the location of the development of this site for residential purposes would not conflict with policies CP5 or CP6 of the TMBCS.

Character, Pattern of Development, Design and Impact Upon Landscape and Visual Amenities

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

6.21 Notably, paragraph 131 states: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

6.22 Paragraph 135 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. In addition, paragraph 134 sets out that permission should be refused for development that is not well designed especially where it fails to reflect local design policies and government guidance on design.

6.23 Information on both landscape and visual effects has been provided as part of the planning application in the form of the Environmental Statement (ES). Chapter 6 covers Landscape and Visual Amenity and considers the baseline condition of the site, adjoining land, key local viewpoints and receptors, including the Kent Downs National Landscape (AONB), which lies some distance to the north, beyond part of the built-up area of Maidstone and the M20 motorway.

6.24 The evidence within the submitted ES concludes that the landscape and visual impacts of the development, particularly given the context of surrounding approved schemes, would not be significant. This is due to the visual enclosure of the site from the railway and existing / approved development, and the lack of long-range views to and from the site. Intervisibility from the Kent Downs, due to the separation would be limited overall, and the proposal would be seen in the context of the developed area of Maidstone.

6.25 While there would be some more significant visual effects in the immediate vicinity of the site as a result of the development, including from Beaver Road and surrounding properties, it is not considered that the effects on the character and appearance of the area would be significant to justify a refusal. The scale of the development allows for numerous areas of open space, landscaping and new tree planting, to be considered in subsequent reserved matters applications, which would soften the proposal and allow for seamless integration with adjacent development. The indicative plans confirm sufficient space for this, such that confidence can be had at this outline stage that the development would not be harmful to character and appearance. As noted, the density levels (roughly 28dph) would be in accordance with expected levels for a suburban area, and are not excessive or out of keeping with adjacent development patterns and densities. The indicative plans also show opportunities for tree lined streets; a measure encouraged by recent updates to the NPPF at paragraph 136.

6.26 The draft allocation of the site has been assessed within the Regulation 18 Landscape and Visual Appraisal (site 59852). The conclusions of this assessment support the above view that the visual effects of development on this site would be limited.

6.27 Overall, the development is considered to not be harmful to character and appearance, albeit it is important that the indicative open spaces and landscaped buffers are realised through subsequent reserved matters applications. Subject to this, the development would accord with polices CP24 of the TMBCS, SQ1 of the MDEDPD and paragraphs 131 – 136, by respecting and reflecting local character, density and layouts, functioning well, and being visually attractive with effective landscaping.

6.28 Furthermore, no policy conflict or harm is identified in respect of the setting of the Kent Downs AONB, due to the significant level of separation and surrounding

urban context. This would accord with policy CP7 of the TMBCS and paragraph 189 of the NPPF.

Highways Safety, Capacity and Parking Provision

6.29 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

6.30 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. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document (currently Kent County Council's IGN3 Parking Document). 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.

6.31 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.32 Paragraph 115 of the NPPF confirms that when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.33 Finally, paragraph 117 notes that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.34 Policies CP10 and SQ8 are considered to be consistent with the aims of the relevant sections of the NPPF highlighted above, in requiring development not to harm highways safety, encourage sustainable and accessible transport solutions and electric vehicle charging, and to provide adequate parking to meet the needs of future occupants.

6.35 The site is currently undeveloped, and would therefore generate, at best, negligible vehicle movements to and from the site as the existing position. The introduction of 435 new dwellings would therefore undeniably result in a substantial increase in traffic on the surrounding road network, including the strategic highways network due to the proximity of the M20 motorway and A20 / M20 junction.

6.36 The impacts of the development on the local and strategic highways network have been considered by both KCC Highways and National Highways (formerly Highways England), with their detailed responses set out above. These authorities also have regard to the cumulative impact on the highway networks, given the proximity of surrounding consented developments.

6.37 The conclusion of these expert authorities is ultimately that they do not object to the proposal in respect of highways safety and capacity. However, this is subject to an extensive list of mitigation measures, many of which must be delivered prior to first occupation of the development (from which vehicle movements will start to be generated). This includes:

1. No occupation of development until the improvement to the junction of A20/ St Laurence Avenue/access link Road (Poppyfields Roundabout) are completed.
2. No occupation of development until the Link Road improvement has been completed.
3. No occupation of development until Beaver Road / Bunyard Way / A20 London Junction improvement has been completed.
4. A financial contribution of £406,725 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
5. A financial contribution of £71,589.08 is required towards improvement to key junction in Maidstone - A26/Fountain Lane/Tonbridge Road.
6. A Section 278 agreement between applicant and KCC Highways is required towards design and implementation of the two-way cycleway to the north side of A20 London Road between Castle Road and Grace Avenue. Which will aid active travel towards, and from, Maidstone Town Centre.
7. Submission of a Construction Management Plan before the commencement of any development on site
9. Submission of a Travel Plan

6.38 Notably these responses are clear that the planned improvements to the Beaver Road / Bunyard Way / A20 London Junction improvement must be completed before first occupation. Given the potential increase in vehicle movements, it is considered entirely reasonable and necessary in planning terms to restrict occupation of the development by planning condition until these works are finished. There is therefore sufficient certainty that they will be delivered such that these conditions are reasonable. The financial contributions also sought by KCC provide further highways / transport mitigation, including additional bus services, and monies towards the planned junction improvement works to address the additional pressure from this development.

6.39 Disruption during the construction process from HGV and other vehicles can be managed and mitigated through the submission of a Construction Management Plan. This can be secured by condition.

6.40 In respect of parking, it must be remembered that the proposal is currently made in outline form, and final details of the level of parking layout would be confirmed through subsequent reserved matters applications. However, the application indicates that 745 parking spaces would be proposed for the 435 dwellings, at a ratio of roughly 1.7 spaces per dwelling. It must be remembered though that parking allocation will vary, with smaller units being afforded less parking, and

larger units allocated more. It will be important to carefully consider this at the reserved matters stage and ensure that parking distribution is acceptable and has regard to future occupants, including the need for EV charging and accessible parking spaces for disabled occupants.

6.41 Additionally, the application proposes 1212 cycle spaces, at a ratio of 2.7 spaces per unit (again, distribution will not be exactly like this, reflecting greater need from larger units). The high number of cycle spaces is welcome, and would encourage alternative transport methods other than private cars, consistent with national policy which encourages modal shift towards more sustainable travel methods.

6.42 One further important consideration is the location of the road access within Maidstone Borough Council's administrative boundary. This covers only a very thin strip of land adjacent to Beaver Road, but the turning head and final connection onto the wider road network can only be approved by MBC. There is naturally some difficulty with this arrangement, since it is a matter for MBC to decide, having regard to national policy and their own adopted development plan. That said, KCC Highways and National Highways are not raising objections in respect of the access design / position or resulting traffic movements across the wider network, including in MBC's jurisdiction, subject to the measures outlined above. If this application is approved, the context of the area would change dramatically with residential development across the site, such that the access in MBC's boundary would inevitably be seen against this backdrop.

6.43 Officers have had discussions with MBC Officers regarding the access application being handled by them. It is understood that Officers are likely to recommend approval of the scheme, if TMBC approve this application, for the reasons outlined in the preceding paragraph. Therefore, whilst it is ultimately a decision for MBC to make, it appears that there is a reasonable likelihood that the access onto Beaver Road can be delivered, but it is justified to impose conditions ensuring that it is done prior to first occupation of the development. It would then be a matter for the applicant to secure permission from MBC for this element of the scheme.

6.44 Overall, given the outline stage of this application, it is considered that indicative parking provision is likely to be acceptable, and consistent with adopted standards. Further scrutiny can be provided at the reserved matters stage to ensure full policy compliance.

6.45 Furthermore, providing that the planned highways improvements to the A20 and adjoining roads are delivered before first occupation of the development, the County and National Highways Authorities are satisfied that traffic generation and vehicle movements would not be harmful to road safety and operation. Accordingly, there is no evidence that the development would conflict with policies CP10, SQ8 and paragraphs 116 and 117 of the NPPF.

Ecology and Biodiversity / Appropriate Assessment

6.46 Policy NE2 requires that 'the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced'.

6.47 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 the proposals for the development must make 'provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought'.

6.48 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, as appropriate locations to support and enhance the Green Infrastructure Network'.

6.49 Decisions made for development sites should accord with these policies and should contribute to enhance the natural and local environment by '(inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

6.50 Policy CP8 deals with developments regarding International and UK statutory designated sites. Development that will directly impact these will not be permitted.

6.51 Policy CP25 requires development that impacts the natural environment to provide mitigation measures including replacing habitats lost and new links between existing areas of wildlife where these will add a value. This may include 'compensation to off-site schemes for strategic enhancement of biodiversity where such schemes are close to the development and of similar biodiversity interest.'

6.52 It is also important to have regard to the following legislation:

- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
- European Protected Species are listed in Schedules 2 and 5 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

6.53 Taken together, these policies and legislative requirements require development proposals to not harm international and nationally designated sites, important habitats including their quality and quantity, and protected or notable species. The policies within the development plan are generally consistent with the more recent national policy objectives, requiring development not to have harmful effects on

protected species and sites, and encouraging biodiversity net gain and ecological enhancement.

6.54 Chapter 7 of the ES considers the effect of the development on the relevant biodiversity and ecology considerations outlined above, along with several statutory designated locations with 8km of the site. The application site is currently dominated by poor quality semi-improved grassland with dense scrub to all boundaries, and scattered scrub across the grass. An area of woodland protected by a TPO is located in the south-eastern corner of the Application Site, with further woodland regrowth surrounding this. The southwest boundary is formed by a line of poplar trees. Bats use the boundaries for commuting and foraging, and a single tree with bat roost potential was identified within the woodland. A low population of two species of reptiles, common lizard and slow worm are distributed across the Application Site. A badger sett is located on the Application Site.

6.55 The application proposes a series of mitigation and enhancement measures, which will overall result in neutral effects on woodland and trees, with temporary slight adverse effects resulting from hedgerow and scrub removal to create site accesses. This includes:

- Retention of all mature trees, where possible;
- Restoration and management will be carried out to the regrowth woodland areas to remove non-native or crowding trees and create woodland glades. Mixed species understory and woodland ground flora will be introduced to these areas;
- Native tree and hedgerow planting to extend and enhance existing tree lines;
- Addition of at least three brash piles using cuttings from the Application Site to provide wildlife habitat (in addition to the reptile receptor site);
- Install a total of 40 bird brick boxes within the walls of residential units to the edges of the Proposed Development, for species known to use the site e.g. house sparrows, ten of these will be swift boxes to encourage, swift, swallows and house martin;
- Creation of a wildlife/ SUD pond to be planted with native emergent and wildflower grassland;
- Creation of a native species rich wildflower meadows to all open space areas to form buffers for the retained woodland and railway corridor; and
- Creation of diverse scrub clumps throughout the open space to minimise impacts through scrub reduction to construct the Proposed Development.

6.56 Further species-specific measures are proposed to translocate / avoid disturbance to protected species in and around the site, including bats, badgers, breeding birds, hedgehogs and reptiles.

6.57 No likely significant cumulative effects are anticipated to Peters Pit SAC/SSSI, Ditton Quarry LNR/LWR and Hayes Depot Yard. Both common lizard and slow worm were found on site and the applicant proposes a relocation process to avoid injuring these protected species. This is endorsed by KCC Ecology.

6.58 A consultation response has been provided by KCC Ecological Advice Service. They have confirmed they are satisfied with the precautionary mitigation measures (for the construction phase) for all other protected species which may utilise the site; namely breeding birds and foraging/commuting badgers, and that the relocation exercise proposed to the reptiles is appropriate to ensure they are protected. They have advised two conditions are attached to any granted planning permission; one to ensure a robust reptile translocation exercise is completed (based on the submitted proposals) and another to ensure that precautionary mitigation measures are implemented for all other protected species. It has been determined as appropriate to include both conditions.

6.59 The application was submitted before the requirement for mandatory Biodiversity net gain of 10% was introduced. Notwithstanding this, the application does propose a net gain of 10% through the following measures:

- Ensuring the retention and enhancement of existing habitats on the Application Site (including the broadleaved woodland, mixed scrub, hedgerow and line of trees);
- Creating ecological linkages between the Application Site and off site habitats in the wider area by strengthening linear features connected via the railway line and field boundaries; and
- Mitigating against the loss of reptile habitat and replacing with higher quality grassland and mixed scrub habitats.

6.60 Furthermore, Natural England have reviewed the proposed plans and reports and consider that the proposal would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes (including the National Landscape).

6.61 Under Part 6 of the Conservation of Habitats and Species Regulations 2017, Tonbridge and Malling Borough Council is required as the competent authority to undertake an appropriate assessment of the likely impacts of the development, individually or cumulatively, on protected habitats sites. This includes The Allington Quarry SSSI, North Downs Woodlands SAC (formed of Woudham to Detling Escarpment/SSSI and Halling to Trottiscliffe Escarpment SSSI) and Peter's Pit SAC/SSSI.

6.62 Chapter 7 of the ES considers the potential effects on these statutorily protected habitats, and concludes on the following:

- No threats to the integrity of Peters Pit SAC have been identified (JNCC 201227). Threats to North Downs Woodland SAC are from recreation and air quality, invasive non-native species and inappropriate forest management. Inappropriate forest management was scoped out as a threat occurring as a result of the Proposed Development.
- Impacts to the SAC compartment Halling to Trottiscliffe SSSI were scoped out due to distance (7.5km) and lack of accessibility
- The effects of impacts to the Would to Detling Escarpment SSSI located 3.6km from the Application Site were assessed further. The report concludes that there will be no likely significant effects on the integrity of the international designated site when the Proposed Development is considered in isolation providing the following conditions/ integral mitigation and embedded measures are all agreed prior to construction commencing and fully implemented during construction and operation including: effective implementation of the Construction Environmental Management Plan, (CEMP) including the Ecological Mitigation Strategy (EMS) provided in Appendix 8 of the CEMP provided in Appendix 4.1; and effective implementation of the Ecological and Landscape Management Plan (ELMP) provided in Appendix 4.2.

6.63 Additionally, consideration of the cumulative effects of the proposed development, in conjunction with other nearby committed developments was considered. The potential cumulative effects are limited to changes in air quality impacts to these protected sites, as a result of increased traffic flow from the development on nearby road networks.

6.64 The ES concludes that whilst committed plus Proposed Development traffic at junctions 6 & 7 of the A229 and A249 Detling Hill has the potential to be close to the 1000 annual average daily traffic (AADT) change threshold for part of the North Downs Woodland SAC, given the current condition and size of these areas, impacts will be of negligible magnitude with no likely significant effect (slight adverse) on a receptor of very high significance (international importance).

6.65 Concluding the assessment of the development's potential effects on biodiversity, ecology, protected species and locally and statutorily protected wildlife sites and habitats, it is considered that subject to the conditions and recommendations outlined in the submitted reports, the development would not have any significant harmful effects. Through the delivery of biodiversity net gain of 10%, ecology and biodiversity can also be protected and enhanced across the site.

6.66 This would therefore comply with policies NE2, NE3 and NE4, CP8 and CP25, and the Council's statutory obligations outlined above.

Best and Most Versatile Agricultural Land

6.67 Approximately 11.5 hectares of the site, or 88.5% is classified as Grade II (Best and Most Versatile “BMV”) agricultural land. Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will not be proposed in the LDF unless there is an overriding need, and (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.

6.68 Paragraph 187 of the NPPF explains that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

6.69 Policy CP9 is therefore broadly consistent with objectives of the NPPF in this respect, although the NPPF does not maintain the tests set out in CP9 whereby the loss of BMV agricultural land can only be permissible where there is an overriding need and no suitable sites in a sustainable location or poorer quality / or alternative sites would result in worse harm to BMV land. Nonetheless, both national and local policy recognise the value of BMV land, and therefore the loss of the 11.5 hectares if the development proceeds is a matter which must be given consideration.

6.70 However, with the consented scheme to the south allowed on appeal, and existing development all around, the site is now landlocked and cut off from other agricultural land, which would reduce its attractiveness and viability for farming. This is a matter that lessens the harm from the loss of this land to a degree.

6.71 The loss of this BMV agricultural land would also follow a cumulative trend of the loss of such land in the Borough on nearby sites, including those mentioned previously to the north and south, and further to the west at Winterfield Lane (19/01814/OA), also allowed on appeal but similarly containing Grade II BMV land. However, the refusal of planning permission for this scheme would not restore those sites to agricultural use, and therefore it is difficult to conclude that the cumulative loss of BMV land is sufficient grounds to refuse the loss of this relatively small and land locked parcel.

6.72 Nonetheless, there would be some adverse impact and therefore policy conflict with CP9 and paragraph 187 of the NPPF. This weighs against the granting of planning permission for the proposed development, and will be considered in the overall planning balance in later chapters.

### Renewable Technologies and Climate Change Strategy

6.73 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states quite clearly that where the Local Plan is silent on a specific issue, the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. Whilst the current adopted development plan policies relating to climate change and renewables are largely out of date now, the NPPF provides clear policy guidance.

6.74 Paragraph 164 states that new development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."

6.75 Paragraph 166 states: "In determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

6.76 The development will make contributions to improve the bus services in the locality and make highways and footpath improvements. Other measures are also secured as part of the Travel Plan including vouchers towards cycle equipment for future occupiers, providing bike surgeries and providing public transport information to residents. EV charging points are covered under Building Regulations but will be installed with all allocated spaces and some visitor spaces having a point.

6.77 As has been reported in the ecology section, the development is shown to deliver a biodiversity net gain and create/improve the existing wildlife habitats within the site.

6.78 Matters such as passive solar gain and the use of renewable technology will be considered at the detailed design stage of the development. However, a condition can be used to ensure that such matters are submitted as part of those details and designed into the scheme from day one.

6.79 On this basis, it can be concluded that the proposed development meets the national and Council requirements in terms of climate change and renewable technologies.

Minerals

6.80 The development would be undertaken on land that is safeguarded within the Kent Mineral and Waste Local Plan OL7 for Kent Ragstone and Sandstone. Whilst the site's geology is consistent with the Hythe Formation (ragstone), it is considered too small to be commercially viable to extract. Additionally, the proximity of adjacent residential development would make extraction highly constrained without significant harmful effects on adjoining neighbouring amenity.

6.81 Furthermore, the last remaining company actively quarrying ragstone (Gallagher Group) operates two quarries locally with reserves until 2037 (Hermitage Quarry) and 2054 (Blaise Farm). As such the development of this site would not sterilise a commercially viable mineral deposit of which there is an adequate supply of in the local area. KCC concurs with this position. Accordingly, it is not considered that the development would fail to comply with policy OL7 of the KMWLP.

Land Contamination

6.82 Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:

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

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

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

6.83 Paragraph 197 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.84 In terms of land contamination, as part of the Environmental Statement Section 11, two reports were submitted and prepared by LEAP Environmental. They state that although parts of the site could not be surveyed in detail due to overgrown vegetation, there were a few potential sources of contamination identified on site, however widespread contamination is not expected. Soil sampling and ground gas monitoring were carried out with no elevated concentrations of contaminants recorded.

6.85 The Contaminated Land Officer as part of the Environmental Health Consultation considered no site wide remediation necessary, but recommends a watching brief

be carried out during groundworks which can be imposed under condition. This would accord with paragraph 196 of the NPPF by avoiding harm to future occupants through land contamination.

### Flooding and Surface Water Management

6.86 Policy CP10 of the TMBCs requires development within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development.

6.87 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.

6.88 These policies are consistent with the objectives of the framework at paragraphs 170 – 182, which require development not to be at risk of flooding (including through surface water flooding), not to increase the risk of flooding off site, and to provide suitable sustainable drainage systems. This is particularly relevant to major developments such as this.

6.89 KCC (Flood and Water Management) has advised that it has no objection in principle to the development and are satisfied that the principles proposed for dealing with surface water, namely attenuation with discharge into ground via deep bore soakaways do not increase the risk of flooding from or to the development. Furthermore, Southern Water have raised no objection to the application.

6.90 Conditions can be applied to ensure the scheme proceeds in line with the submitted details and that any future reserved matters applications demonstrate all requirements are met.

6.91 The development would therefore comply with policy CP10 of the TMBCS, and paragraphs 170 – 182 of the NPPF by not being vulnerable to flood risk, not increasing flood risk to adjoining areas or property, and by incorporating suitable SUDs, final details of which to be approved by reserved matters.

### Noise

6.92 Paragraph 198 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

6.93 A Noise Assessment has been submitted in support of the application as part of the Environmental Statement (Chapter 9). The report details the measurement of the existing and proposed noise climate present at the site and compares this with appropriate standards. It goes on to set out mitigation on the attenuation measures that could be implemented to secure an acceptable environment.

6.94 Environmental Health have raised a point regarding assessments to the figures provided for open windows. It is considered that once a final layout is received at reserved matters stage, internal and external noise levels and appropriate mitigation can be assessed. A condition can be added to ensure that the necessary noise mitigation/attenuation measures are incorporated into the development. The proposal therefore accords with paragraph 198 of the NPPF.

#### Air Quality

6.95 Paragraph 199 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

6.96 The site lies outside of any AQMAs with the nearest ones (within TMBC) being approx. 3km to the north, along the A20 corridor at the top of Hermitage Lane and the other at Wateringbury crossroads located approx. 4km away.

6.97 An air quality assessment has been submitted under Chapter 10 of the Environmental Statement which provides an in-depth assessment of the relevant air quality standards and the receptors, including those within the nearest AQMA.

6.98 Environmental Health have provided their comments on the scheme and raise no objection in respect of air quality impacts. They also acknowledge the provision of electric vehicle charging points as a means to reduce emissions from private cars (though encouraging electric vehicle usage). A Travel Plan has also been submitted which includes mechanisms for discouraging high emission vehicle use, encouraging the uptake of low emission fuels/technologies and the provision of EV charging points for houses with dedicated parking. These measures which are proportionate will be secured by condition.

6.99 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's own expert, it is considered that the air quality effects

of the development would not be significant. The development therefore accords with paragraph 199 of the NPPF.

#### Archaeology / Heritage

6.100 The submitted Environmental Statement Chapter 8 provides an assessment of archaeology on the site. The application site lies within an area of High Archaeological Potential Prehistoric and Romano-British periods, moderate for the Anglo Saxon and Medieval, and low for all other periods. The report states that prior to construction commencing, a programme of investigative archaeological works will be carried out.

6.101 Although no consultation response has been received from KCC Archaeology, the information provided within the ES is considered sufficient to conclude that subject to the investigative programme being undertaken prior to construction, the development is unlikely to cause harm or loss to archaeological assets. The investigative assessment programme for archaeological works can be sought by planning condition.

6.102 No Listed buildings, non-designated heritage assets or Conservation Areas lie close to the site, either within TMBC or MDC boundaries. It is therefore considered that the proposal would not harm statutory or local heritage assets.

#### Planning Obligations

6.103 Policy CP26 of the TMBCS confirms that Development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

6.104 The erection of up to 435 additional dwellings would place considerable additional pressure on local infrastructure, including healthcare, education and open space. In accordance with policy CP26 it is therefore fully justified that financial contributions are made to mitigate the impact of the development on these key services.

6.105 The following table summarises the total contributions sought by various consultees to mitigate the impact of the development. This also includes the proposed affordable house level, and tenure split, as follows:

<b><u>Affordable Housing</u></b>	40%
	70:30 Social Rent: Intermediate Local Lettings Plan

<b><u>Secondary Education</u></b> <i>'Towards the expansion of secondary schools in the Maidstone &amp; Malling selective planning group.'</i>	£596.87 per applicable flat.  £1,705.36 per applicable house.  Total - £568,395.90  <u>Applicable excludes 1 bed units less than 56m<sup>2</sup> GIA and any sheltered accommodation.</u>
<b><u>Primary Land</u></b> <i>'Towards the land requirement for a new Primary School in the East Malling and / or adjoining Primary Education Planning Groups (contributions passed to landowner).'</i>	£919.80 per applicable flat.  £3,679.21 per applicable house.  Total - £1,190,224.19  <u>Applicable excludes 1 bed units less than 56m<sup>2</sup> GIA and any sheltered accommodation.</u>
<b><u>Primary Education</u></b> <i>'Towards a new Aylesford Primary School in the East Malling and Maidstone West Primary Education Planning Groups (including proposed schools relating to MA/13/1749/OUT and TM/24/00372/OUT.'</i>	£1,770.30 per applicable flat.  £7,081.20 per applicable house.  Total - £2,290,768.20  <u>Applicable excludes 1 bed units less than 56m<sup>2</sup> GIA and any sheltered accommodation.</u>
<b><u>Special Education Needs &amp; Disabilities (SEND)</u></b>  Towards the provision of additional SEND places within new and existing facilities serving the development	£139.96 per applicable flat.  £559.83 per applicable house.  Total - £181,105.25  Applicable excludes 1 bed units less than 56m <sup>2</sup> GIA and any sheltered accommodation.
<b><u>Open Space</u></b>	Parks & Gardens £486,741 Outdoor Sports Facilities £892,999 Sub-total = <b>£1,379,740</b> (per unit £3,171.82)
<b><u>Community Services</u></b>	Community Learning and Skills at £14,881.35 (£34.21 per unit) Integrated Childrens' Services at £29,397.85 (£74.05 per unit)

	Library Registrations and Archives Services at £27,244.05 (£62.63 per unit) Adult Social Care at £78,682.80 (£180.88 per unit) Waste at £22,620.00 (£52.00 per unit)
<b><u>NHS ICB</u></b>	General practice contribution <b>£410,616.</b> (£943.94 per unit) – subject to final confirmation.
<b><u>KCC Highways Contributions</u></b>	£406,725 towards bus service enhancements (£937.29 per unit)  £ 71,589.08 improvements Jct A26/Fountain Lane/Tonbridge Road  Provision of cycleway facilities along A20 corridor (to be sought by S278 agreement).  £1,422 Travel Plan monitoring fee
<b><u>Network Rail</u></b>	£184,440 towards work 'necessary to provide an improved passenger experience to accommodate increased use and encourage users to travel on the rail network' from the Bunyards Farm application.

6.106 The applicant has agreed to pay these contributions, the timing of which will be phased in accordance with the requirements of the relevant consultee and in line with adjacent developments. Should the committee approve a resolution to grant planning permission, Officers can finalise the S106 agreement with the applicant on this basis, issuing the decision once the agreement is signed.

#### Planning Balance and Overall Conclusions

6.107 Returning to the tilted balance under paragraph 11(d) of the NPPF, triggered as a result of the Council's inability to demonstrate a 5-year supply of housing, the overarching test required to be considered by the Council is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is because no policies in the framework at the footnote to paragraph 11(d)(i) provide a clear reason for disengaging the tilted balance (i.e Green Belt, harm to heritage / National Landscape etc).

6.108 This is fundamentally a balancing exercise, whereby the individual benefits of the development must be weighed against any adverse impacts. But the titled balance, by its clear framing, is not an even balance between benefits and harms: in order to promote the delivery of housing, national policy as set out at paragraph 11(d) mandates that permission should only be refused if the adverse impacts *significantly and demonstrably* outweigh the benefits. The effect of this is that the starting point is weighted in favour of granting consent, and even where there are some moderate or even considerable harms arising, this may not be sufficient to reach the threshold of significantly and demonstrably outweighing the benefits.

6.109 In this case, the key benefits arising from the development can be summarised as follows:

- The provision of up to 435 dwellings towards considerable local shortfall, including policy compliant affordable housing
- Significant investment in the Borough and beyond, through construction and other job creation, spending in local shops and services from future occupants.
- The use of land not subject to more sensitive designations like Green Belt, National Landscape, land subject to flooding or close to Conservation Areas or other Heritage assets
- The provision of 10% biodiversity net gain, new open and play space, linked footpaths and increased accessibility through the development
- New funding for community infrastructure, off site open space, sports infrastructure, social and education infrastructure including contributions towards new schools

6.110 Taken together it is considered that these benefits must be attributed very substantial weight in favour of granting permission, particularly the provision of up to 435 dwellings, a significant amount that would make a strong contribution towards existing shortfall, as well as delivering urgently need affordable homes. These new homes would strengthen the Council's housing supply position and help it resist inappropriate schemes in more sensitive areas.

6.111 Furthermore, the development is considered to be policy compliant in almost every respect, including in regards to ecology, flooding / drainage, transport and highways, neighbouring amenity, air quality, land contamination, minerals and noise. The development is also supported by the evidence base for the Regulation 18 draft local plan.

6.112 Whilst there would be some change in character from the loss of a previously open field, the parameters of this outline scheme provide sufficient confidence that the development would be acceptably landscaped, with large areas of open

space and screening, alongside the previously mentioned ecological enhancement measures. This tempers the weight that can be afforded to the loss of this open field. The loss of best and most versatile agricultural land, whilst a clear harm that weighs against the scheme, is limited by the extent of the land, and lack of connectivity with wider agricultural parcels, reducing the value this land has for agriculture.

6.113 Additionally, it must be born in mind that permission has been granted by this Council for development of much greater parcels of land to the north of the railway line, where the visual impacts and loss of BMV land would have been considerably greater, but were still not outweighed by the overriding need for housing. Equally, the land to the west was also granted consent on appeal with the Inspector concluding much the same. In the context of these approvals, it is further considered highly unlikely that the Council could provide sufficient justification for refusing the development.

6.114 In conclusion, the proposal is largely consistent with the development plan and national policy, which seeks to boost significantly the supply of housing. Where there is divergence from the adopted development plan in respect of the loss of BMV agricultural land and the location outside of settlement boundaries, material considerations exist to justify a departure from these policies; namely, the inconsistency of the Council's spatial strategy with the more up to date NPPF, shorting of housing land supply, and engagement of the tilted balance in favour of sustainable development for new homes. The adverse impacts of granting consent do not therefore significantly and demonstrably outweigh the numerous and weighty benefits of the development. On this basis, it is recommended for approval, subject to the conditions set out below, and the satisfactory completion of a S106 agreement to secure the necessary level of affordable housing and planning obligations.

## **7. Recommendation:**

### **7.1 GRANT OUTLINE PLANNING PERMISSION** subject to:-

7.2 The applicant entering into a planning obligation with the Council to provide on-site affordable housing and financial contributions towards public open space provision and enhancement and health provision, off-site highway junction and cycleway improvements, public transport, the provision of education facilities and community services and Network Rail contributions for upgrading Barming Station as set out in paragraph 6.105; and

### **7.3 The following planning conditions:**

## Conditions

### General Conditions

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

Reason: No such approval has been given.

2. Application for approval of the reserved matters in respect of Phase 1 of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. Applications for the approval of reserved matters in respect of all other phases shall be made to the Local Planning Authority before the expiration of four 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 in any phase shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the reserved matters for that particular phase, whichever is the later.

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Other 20-019-12A Technical Note dated 01.08.2022, Travel Plan 20-019-06D Parts 1 and 2 dated 01.08.2022, Management Plan 20-019-07D Construction dated 01.08.2022, Management Plan ECOLOGY AND LANDSCAPE APPENDIX 4.2 dated 18.10.2022, Other PRELIMINARY PHASE 2 SITE INVESTIGATION ES APPENDIX 11.2 dated 06.04.2022, Other AGRICULTURAL LAND CLASSIFICATION ES APPENDIX 11.3 dated 06.04.2022, Other MILERALS SAFEGUARDING AREA ASSESSMENT ES APPENDIX 11.4 dated 06.04.2022, Proposed Plans 1410 82 dated 23.02.2022, Other TOPSOIL ASSESSMENT & MANAGEMENT PLAN ES APPENDIX 11.5 dated 06.04.2022, Proposed Plans 1410 85 dated 23.02.2022, Proposed Plans 1410 81 dated 23.02.2022, Proposed Plans 1410 83 dated 23.02.2022, Proposed Plans 1410 84 dated 23.02.2022, Other drawings issue register dated 23.02.2022, Master Plan 1410 87 dated 23.02.2022, Location Plan 1410 80 dated 23.02.2022, Design and Access Statement dated 23.02.2022, Energy Statement Apex E part 1 and 2 dated 23.02.2022, Energy Statement main text dated 23.02.2022, Environmental Assessment ES APPENDIX 11.1 PHASE 1 DESK STUDY AND SITE RECONNAISANCE REPORT dated 23.02.2022, Flood Risk Assessment dated 23.02.2022, Transport Statement dated 23.02.2022, Environmental Statement Travel plan Appendix 13.2 Framework residential dated 23.02.2022, Environmental Statement 10 - Air quality dated 23.02.2022,

Environmental Statement 11 - Ecology and soils dated 23.02.2022, Environmental Statement 12 - Water environment dated 23.02.2022, Environmental Statement 13-Transportation dated 23.02.2022, Environmental Statement 14- Socio Economics dated 23.02.2022, Environmental Statement 15- Lighting and night time dated 23.02.2022, Environmental Statement 16 - climate change dated 23.02.2022, Environmental Statement 17 - Human health dated 23.02.2022, Environmental Statement 18 - Summary and conclusions dated 23.02.2022, Environmental Statement 2 - EIA Methodology dated 23.02.2022, Environmental Statement 3 - Application site dated 23.02.2022, Environmental Statement 4 - Proposed development and construction programme dated 23.02.2022, Environmental Statement 5 - Alternatives and design evolution dated 23.02.2022, Environmental Statement 6 - Landscape and visual amenity dated 23.02.2022, Environmental Statement 7 - Biodiversity dated 23.02.2022, Environmental Statement 8 - Historic environment dated 23.02.2022, Environmental Statement 9 - Noise and vibration dated 23.02.2022, Environmental Statement 1 - introduction dated 23.02.2022, Environmental Statement Technical summary dated 23.02.2022, Environmental Statement VOL 2 MAIN TEXT CONTENTS dated 23.02.2022, Planning Statement dated 23.02.2022, Statement community involvement dated 23.02.2022, Report utilities Appendix A1-A3 dated 23.02.2022, Report Utilities dated 23.02.2022.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

5. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement (Rev. A) and the following plans:  
1410-81 Rev B Land Use Parameter Plan: 1410 85 Rev C Access & Movement Parameter Plan: 1410 82 Rev B Green & Blue Infrastructure Plan: 1410 83 Rev. B Density Parameter Plan: 1410 84 Rev. B Building Height Parameter Plan

Reason: In order for the reserved matters to proceed in general conformity with the outline parameters of the scheme.

6. Prior to the first reserved matters application, a phasing plan for each area shall be submitted to the Local Planning Authority for approval in writing. Each phasing plan shall include details of the quantum of development in each phase, whether that is the number of market and affordable dwellings or other uses, together with the general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, public open space/NEAP, and access for pedestrians, cyclists and vehicles. The development of the site shall be carried out in accordance with the approved phasing plans.

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

7. The access into the site hereby approved shall be carried out in accordance with that shown on the following plan:

20-019-007 rev. X Proposed Site Access

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

#### Highways Conditions

8. No occupation of development shall commence until the Link Road improvement, between Hermitage Lane and A20 London Road, has been completed.

Reason: In order for the necessary upgrades to the strategic road network to be delivered prior to the generation of traffic by the development.

9. No occupation of development shall commence until Beaver Road / Bunyard Way / A20 London Junction improvement has been completed.

Reason: In order for the necessary upgrades to the strategic road network to be delivered prior to the generation of traffic by the development.

10. The details submitted in pursuance of Condition 1 shall show land, reserved for parking. No building hereby approved shall be occupied until the parking area to serve that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area.

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

11. Prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase, in accordance with the principles contained within the 'Appendix 4.1: Outline Construction Environmental Management Plan' (January 2022) shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
- Routing of construction and delivery vehicles to / from site
- Parking and turning areas for construction and delivery vehicles and site personnel
- Timing of deliveries
- Provision of wheel washing facilities
- Temporary traffic management / signage

- Provision of measures to prevent the discharge of surface water onto the highway.
- Procedures for notifying local residents and other neighbours as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

Reason: in order that the development is managed in a way to minimise harm to the amenities of local residents.

12. No part of the development hereby permitted shall be occupied until a detailed Travel Plan, in accordance with the principles contained within Appendix 13.2 Framework Residential Travel Plan (January 2022), has been approved in writing by the local planning authority (who shall consult with National Highways) and implemented. The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement.

Reason: To minimize traffic generated by the development and to ensure that the M20 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980. (The Travel Plan may either be a single entity covering the whole site or made up of bespoke Plans for each phase. Where multiple Plans are used, provision must be made for the Plans to be fully coordinated.)

### Design

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

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

14. No development above ground in a particular phase shall commence until details and samples of all materials to be used externally on the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

### Drainage / Contamination

15. No development of any phase of the development (or part thereof) shall take place other than as required as part of any relevant approved site investigation

works until 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 particular phase of development (or part thereof) 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 particular phase of development (or part thereof) 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 each phase of the development (or part thereof) 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 of works.

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

16. Following completion of the approved remediation method statement for each phase of the development (or part thereof), and prior to the first occupation of the relevant phase a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground shall be submitted for the information of the Local Planning Authority.

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

Thereafter, no works shall take place within any phase of the development (or part thereof) such as to prejudice the effectiveness of the approved scheme of remediation.

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

17. Prior to the commencement of any piling that is necessary for any building within any phase of the development, details of the piling techniques to be used for those buildings shall be submitted to the Local Planning Authority for its approval together with details of any measures that are considered to be necessary to mitigate against noise disturbance and groundwater contamination. The development shall be undertaken in accordance with the details so approved.

Reason: In order to prevent contamination of ground water and to protect the aural amenity of neighbouring residential properties.

18. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

19. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within Appendix 12.1 Flood Risk Assessment dated January 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):

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- 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.

20. 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 in accordance with the details approved for condition 20 of this decision notice. 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.

21. No development within a phase of development shall take place until a strategy detailing the proposed means of foul waste disposal for that phase and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

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

22. Prior to the commencement of any piling or other ground penetration type of foundations that are necessary for any building within any phase of the development, details of the piling techniques or foundations design to be used for those buildings shall be submitted to the Local Planning Authority for its approval together with details of any measures that are considered to be necessary to mitigate against noise disturbance and groundwater contamination. The development shall be undertaken in accordance with the details so approved.

Reason: In order to prevent contamination of ground water and to protect the amenity of neighbouring residential properties.

### Archaeology

23. No development shall take place within each phase of the development until the applicant has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

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

### Noise

24. None of the dwellings identified within Chapter 9 of the Environment Statement shall be occupied until any necessary noise mitigation measures have been incorporated into those dwellings, the details of which have first been submitted to and approved by the Local Planning Authority.

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

### Ecology / Landscaping

25. No development shall take place (including any ground works, site or vegetation clearance) until a construction ecological management plan (CEMP (biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following and be based on the findings and conclusions of Chapter 7: Biodiversity of the Environmental Statement dated January 2022, the Ecological Update by Bakerwell, dated 6th June 2025 and up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
- Reference to the relevant protected species licences (e.g., badgers) to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
- A reptile mitigation and compensation strategy, including details of the proposed reptile translocation off-site, up-to-date survey results for the development site and Boughton Monchelsea off-site reptile receptor. The off-site reptile receptor shall be at least equal in size to the area of habitat lost at the development site;

- Reference to giant hogweed exclusion zones and an up-to-date giant hogweed management plan, including actions to be taken during site clearance and construction to prevent legislation breaches in relation to the species (if relevant);
- Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Initial aftercare and reference to a long-term maintenance plan (where relevant);
- Disposal of any wastes for implementing work.

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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

26. At the time of the submission of Reserved Matters for each phase of the development pursuant to Condition 1, a scheme of hard and soft landscaping and boundary treatment shall be submitted to the Local Planning Authority for formal approval as part of that particular phase. The landscaping details shall include an implementation programme for all planting, seeding and turfing including any ecological enhancement measures. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The approved hard landscaping works shall be implemented prior to first occupation of those parts of the development to which they relate.

Reason: In the interests of visual and rural amenity and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 135 of the National Planning Policy Framework.

27. No development above the ground for each phase shall take place until details of an external lighting scheme for that phase in accordance with principles contained within Appendix 15.3 Lighting Strategy (January 2022) has been submitted to and approved in writing by the Local Planning Authority. The plan will show the type and locations of external lighting, as well as expected light spill in lux levels, to demonstrate that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: To protect the visual amenity of the locality and to protect biodiversity and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing

Development and the Environment DPD 2010 and paragraphs 135 and 187 of the National Planning Policy Framework (December 2024).

28. No dwellings shall be occupied until full details of the open space to be provided on site (including amenity space, children's play areas and natural green spaces) within the development or each phase of development, along with a timetable for provision and a scheme for future management of the spaces have been submitted to and approved in writing by the Local Planning Authority. The details shall include any fencing and equipment to be installed. The approved scheme shall be fully implemented in accordance with the timescale approved and shall be maintained and retained at all times thereafter.

Reason: To ensure that the development is appropriately served by open space in accordance with the requirements of policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

29. Prior to commencement of works (including site clearance), details of the completed reptile translocation exercise will be submitted to, and approved by, the local planning authority. This will be based on the principles contained within the 'Appendix 4.1: Outline Construction Environmental Management Plan' (January 2022), and the Bakerwell Letters dated 26 September 2024 and 6 July 2025 and feature photographic evidence of the prepared receptor site and numbers/species of reptiles translocated.

Reason: to safeguard protected species.

30. From the commencement of works (including site clearance), all precautionary mitigation measures will be carried out in accordance with the principles contained in section 7 of 'Appendix 4.1: Outline Construction Environmental Management Plan' January 2022.

Reason: to safeguard ecology and biodiversity.

31. With the first detailed application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority, addressing:

1. Creation and enhancement of habitats in accordance with the biodiversity net gain assessment, up-to-date ecological survey data and ecological commitments made within 22/00409/OAEA submission documents;
2. Management of on-site habitats to achieve biodiversity net gain in accordance with the biodiversity net gain assessment, up-to-date ecological survey data and ecological commitments made within 22/00409/OAEA submission documents;
3. Biodiversity enhancement measures, including building-integrated bat boxes, bird nest boxes, bee bricks, native species planting and installation of log piles.

The content of the LEMP shall be based on up-to-date survey information, and the details within Appendix 4.2: Ecology and Landscape Management Plan (Bakerwell January 2022) and the Ecological Update by Bakerwell, dated 6th June 2025. The LEMP shall include the following:

- a. Purpose and conservation objectives for the proposed ecological design works.
- b. Detailed design(s) to achieve stated objectives (including detailed soft landscaping plans, planting schedules, and habitat features such as bird and bat boxes shown on scaled plans suitable for construction).
- c. Extent and location/area of proposed works on appropriate scale maps and plans.
- d. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e. Timetable for implementation, including the planting of the screening hedgerow prior to first use of the development.
- f. Persons responsible for implementing the works.
- g. Details of initial aftercare.
- h. Aims and objectives of management.
- i. Prescriptions for management actions for the life-time of the development.
- j. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- k. Habitat monitoring provisions.
- l. Details of the individual, body or organisation(s) responsible for implementation of the plan.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

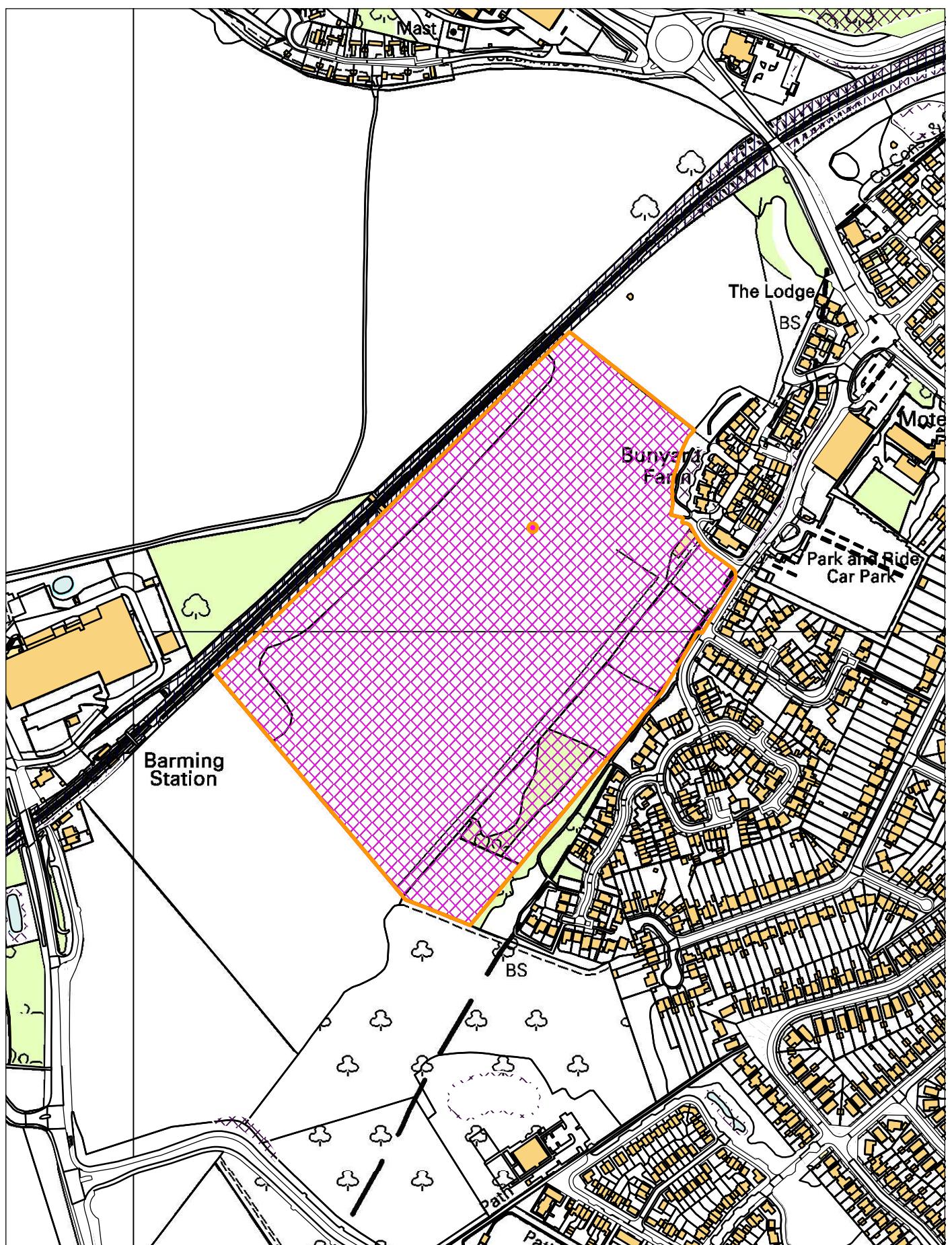
### **Informatics**

- 1 During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
- 2 The use of bonfires on the site could lead to justified complaints from residents and the disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommend that bonfires not be had at the site.
- 3 Your attention is drawn to the comments available online by Kent police Designing Out Crime Officers in relation to crime prevention on the site.

- 4 Your attention is drawn to the comments available online by TMBC Waste Services in relation to refuse collection provision.
- 5 Any tonal alarms used on site should be broadband or white noise type to minimise noise impact on nearby properties.

Contact: Robin Gilbert

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ADDRESS: Land At Bunyards Beaver Road Allington

CASENO: 22/00409/OAEA

Date: 19/01/2026

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Walderslade

29 January 2026

25/00855/PA

**Location:** 49 HALLSFIELD ROAD CHATHAM ME5 9RS

**Proposal:** Ground floor rear extension and change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals.

**Go to:** [Recommendation](#)

## 1. Description of Proposal:

- 1.1 Determination of this application was deferred on 11 December 2025 to allow for the Director of Central Services and Monitoring Officer to provide the committee with a report setting out the risks involved should the recommendation of officers to grant planning permission subject to conditions not being accepted, and planning permission refused.
- 1.2 This is in line with the Council's Constitution which sets out as follows:
- 1.3 If, contrary to a recommendation of the Director of Planning, Housing & Environmental Health, an Area Planning Committee is minded to determine an application in a way or on grounds which the Director does not consider can be substantiated, a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to the next meeting of the committee to enable the Director of Central Services and Monitoring Officer to submit a report on the possibility of costs or compensation being awarded against the Council in the event that the application is determined in that way.
- 1.4 If the Director of Central Services and Monitoring Officer's report indicates that there is likely to be a risk of significant costs being awarded against the Council at any appeal, or a potential liability to pay compensation, the committee may not determine the application in a manner contrary to the advice set out in the report, and a resolution by the committee to make such a determination will be a recommendation only and the application shall stand adjourned to Council for determination.
- 1.5 The December 2025 committee report can be found at Annex 1 with its associated supplementary report at Annex 2. The report of the Director of Central Services and Monitoring Officer is contained within Part 2 of the agenda. This report should be read as a whole with both of those documents.

## 2. Recommendation:

- 2.1 **Approve**, subject to the following:

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

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

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

Planning Statement

Parking Management System

HR-A1-SB-04 – Proposed Block Plan

HR-A1-SB-08 – Proposed Basement and Ground Floor Layout

HR-A1-SB-09 – Proposed First Floor Plan and Roof Plan

HR-A1-SB-20 – Proposed Elevations

BR-AA-XX-XX-DC-E-0403-P02 Vehicle Tracking Path 2 Block Plan View

BR-AA-XX-XX-DC-E-0404-P02 Vehicle Tracking Path 3 - Google Maps View

BR-AA-XX-XX-DC-E-0405-P02 Vehicle Tracking Path 3 - Block Plan View

BR-AA-XX-XX-DC-E-0406-P02 - Vehicle Tracking Path 4 - Google Maps View

Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order), the use hereby approved shall be for a residential institution for adults with learning disabilities and for no other purpose falling within use class C2.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

4. The residential institution shall be limited to no more than 5 residents at any one time.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

5. Before the development hereby approved is occupied, an Operational Management Plan detailing how the residential institution will be operated shall be submitted to and approved in writing by the Local Planning Authority. The management plan should include, but is not limited to, the following details:

- How the staff will engage with the local community
- How visitors will be managed

The facility will be run in accordance with the approved management plan at all times.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

6. The northern and southern elevations of the hereby approved ground floor extension shall be obscure glazed and remain so for the lifetime of the development.

Reason: In the interests of safeguarding neighbouring amenity

7. Prior to the first occupation of the development hereby approved, full details of the proposed privacy screening on the ground floor shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height, materials, and finish of the privacy panels. The approved privacy screening shall be installed in full prior to the first occupation and shall thereafter be retained and maintained in situ for the lifetime of the development.

Reason: To protect the amenities of adjoining residential properties and visual amenity.

8. The use shall not be commenced until details of how waste is to be stored on site, and how materials for recycling will be stored separately, have been submitted to, and approved by the Local Planning Authority. The development must be carried out in accordance with those details, and the approved scheme shall be retained at all times thereafter.

Reason: In the interests of residential and visual amenity.

9. The use hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking spaces has been made available. Thereafter the spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided, in the interests of residential amenity.

### **Informatics**

During the construction phase, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Contact: Larissa Brooks

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**Walderslade****11<sup>th</sup> DECEMBER 2025****25/00855/PA****Location:** 49 HALLSFIELD ROAD CHATHAM ME5 9RS**Proposal:** Ground floor rear extension and change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals.**Go to:** [Recommendation](#)**1. Description of Proposal:**

- 1.1 Planning permission is sought for a ground floor rear extension and change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals with learning disabilities. The current age group for residents is between 40 – 53.
- 1.2 The company, St Leonard's Place, employs eight members of staff in total. Two staff members are on duty between 8am – 8pm, with one member of staff on duty overnight operating a 'waking night' shift. The site manager is also on site three to four days a week at various times, as needed.
- 1.3 Use class C2 is defined within "Residential institutions" in the Schedule to the Use Class Order (UCO) as follows:
  - "Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
  - Use as a hospital or nursing home.
  - Use as a residential school, college or training centre."
- 1.4 It should be acknowledged that under Use Class C3(b), up to 6 residents can live together as a single household, without needing to apply for planning permission, and that this represents a legitimate fallback position to the development. Please see [here](#) for further information.

**2. The Site:**

- 2.1 49 Hallsfield Road is a detached property situated on the east side of Hallsfield Road, Chatham.
- 2.2 There is an Ancient Woodland to the rear of the site, with the rear garden partially sitting within the Buffer Zone.

**3. Planning History (relevant):**

No recent planning history.

**4. Consultees:**

4.1 PC: No objection.

4.2 KCC (Highways): KCC Highways has reviewed the submitted Parking Management Plan (PMP). While the applicant has addressed some previously raised concerns, the document lacks sufficient detail, and the requested site plan showing independent accessible parking spaces has not been provided. It is also requested that the applicant confirms the expected daily visitor numbers and explain how these will be managed. Based on the submitted information and review of the site it is not considered that the parking requirements can be met with the application boundary. However, as the site is located on an unclassified road with low traffic flows this is not considered a highway safety issue, but rather a highway amenity concern, the parking shortfall cannot be considered a valid reason for highway objection. It remains recommended that the LPA consult their Parking Enforcement Team.

4.3 Environmental Protection: I've looked through the submitted documents and apart from the construction of a conservatory, there appears to be little structural change.

The change from C3 to C2 would not, at first glance at the information supplied, seem to raise any undue Environmental Protection concerns. I have had one case of this type of use causing alleged noise issues to residents, but this was not substantiated as being Statutory Nuisance. In my experience, that type of disturbance is by no means the norm.

Informatics.

During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site.

4.4 Neighbours: 45 objections (please note that in some cases, numerous objections were received from the same household), concerned with:

- Insufficient parking provision

- Increased vehicular movements
- Increased noise pollution
- Fear of crime and security
- Light pollution
- Suitability of property for C2 use
- Unsustainable location
- Loss of privacy
- Loss of light
- Overbearingness of proposed conservatory
- Waste and odour
- Loss of residential character
- Overdevelopment/ intensity of use
- Stress on local NHS services

4.5 Section 70(2) Town and Country Planning Act 1990 requires the decision maker to have regard to any other material considerations in determining an application for planning permission. The scope of material planning considerations is wide and must have a planning purpose that relates to the character and use of the land. It must fairly and reasonably relate to the proposed development under consideration. The following matters raised by members of the public are not material planning considerations and shall not be considered further:

- The development sets a precedent for further non-residential uses.
- Impact upon property values.
- Restrictive covenants.
- *'Residents of both Hallsfield Road and Sadlers Close recently opposed and successfully resisted a proposed permit parking scheme. The timing of the renewed yellow line restrictions, combined with this planning application, has understandably given rise to public concern that these actions may be connected. Whether or not this is the case, such perceptions risk undermining public trust in fair and accountable local decision making'* (non-material as conjecture).
- Fly tipping and unauthorised works in Ancient Woodland / TMBC land behind site (falls beyond the scope of this planning application, is being dealt with by the Leisure and Services Department in collaboration with the Tree Officer).
- Other works to the property which do not require planning permission (e.g., internal works), including the actions of contractors and other builders. The LPA do not have authority over this and should instead be reported to the building companies themselves.

4.6 Concern was also raised regarding publicity and Certificates. Immediate neighbours were notified as per Council Statement of Community Involvement and a site notice displayed near the site on 3<sup>rd</sup> October 2025. Although the wrong Certificate was initially issued (Certificate A), this was corrected and a Certificate B was served on

the neighbouring property, No, 51, due to the shared drive. Appeal decisions (including PINS ref. 3009006) have confirmed that although Section 65(5) states that “*A local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of this section have been satisfied*,” once the requirements of s.65(5) **have** been satisfied, the authority is not prevented from entertaining the application — even where the requirement is met **after** the application has been submitted. The appeal decision emphasises that principles of natural justice must be taken into account. The purpose of the ownership certificate requirements is to ensure that landowners are made aware of development proposals affecting their land and have an opportunity to participate in the planning process. In this case, the landowner’s interests have not been prejudiced. During the site visit, the planning officer spoke with immediate neighbours to discuss their concerns, and it is clear that the neighbour who should have received notice was aware of the proposal and had also submitted representations online. Accordingly, the LPA considers that there is no reason why Certificate B could not be completed retrospectively.

- 4.7 It is acknowledged that updated plans were submitted close to the public consultation end date, however the Council have kept the consultation open and have allowed members of the public to submit comments after the consultation end date. Furthermore, these were corrections to plans rather than amendments.
- 4.8 It should be noted that some of the older comments relate to inaccurate drawings, these have since been rectified. ‘Do Not Scale’ annotations have been removed. It is not a requirement for street furniture to be shown on site location plans.
- 4.9 Moreover, concern has been raised that the Council have accepted more than one amendment to the planning application, and that this contravenes the Council’s procedure on amendments. This is discussed in greater detail within paragraph 5.57 of this report. Whilst it is acknowledged that more than one set of amendments were accepted, it should be noted that not all amendments received were changes to the proposed scheme, but rather they were corrections to drawings which the procedure states will be accepted. Furthermore, it is at the Officer’s discretion whether to accept such amendments and in this case due to the minor nature of the amendments which did not fundamentally change the proposal these amendments were sought.
- 4.10 There has also been confusion over the description of development, with some residents stating that the conservatory represents a first-floor extension, rather than a ground floor extension. However, the LPA would like to clarify that the proposal description is correct. Although land levels at the site make the extension appear as first floor, it is in fact ground floor, with the annexe below representing the basement level.
- 4.11 Lastly, drawing HR-A1-SB-05 (Existing Basement (Annexe) and Ground Floor Plans) is correct. Although they show the fencing to the rear of the site, this is because the fencing is currently there, so it needs to be shown on the plans so that it is a true

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reflection of the existing situation on site. On drawing HR-A1-SB-08 (Proposed Basement and Ground Floor Layout) the fencing to the rear has been removed. This is because the applicant will be removing the fencing in order to provide a parking space to the rear.

4.12 Planning Officers have reviewed the plans and are satisfied that they are correct.

## 5. Relevant Policies & Determining Issues:

### 5.1 Principle of Development

- 5.2 Under Policy CP11, Hallsfield Road is identified as part of the urban area of Walderslade. Whilst it is noted that the policy does not specifically reference changes of use, the principle of development in urban areas is largely acceptable, provided it complies with other relevant local and national planning policies. This shall be assessed in further detail below.
- 5.3 The proposal would result in the net loss of 1 residential dwelling through the conversion. The Council cannot currently demonstrate a 5 year supply of housing and the loss of a dwelling is undesirable. However, the adopted development plan does not contain policies resisting the loss of such accommodation.
- 5.4 Furthermore, the Housing Needs Report 2022 identifies 258 residential care bedspaces (C2 planning use class) or 13 each year to 2040.
- 5.5 In summary, while the proposal would result in the loss of a single dwelling at a time when the Council cannot demonstrate a five-year housing land supply, the development plan contains no policy basis for resisting such a loss. Moreover, evidence in the Housing Needs Report (2022) highlights a clear and ongoing requirement for additional C2 bedspaces within the Borough. These considerations form an important part of the overall planning balance and are examined further in the following sections.

### 5.6 Design

- 5.7 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas.
- 5.8 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 5.9 The proposed rear extension would measure approximately 5.5 metres in depth, 5.6 metres in width, and 3 metres in height. Its fully glazed design is lightweight in

appearance and characteristic of a traditional conservatory, rather than a solid brick-built structure. As the extension is positioned to the rear of the dwelling, it would not be readily visible from the public realm and would therefore have no impact on the street scene or the character of the wider area. Whilst the change in land levels results in the ground floor—and consequently the extension—appearing elevated, this is not considered to be visually intrusive or harmful.

5.10 Overall, it is considered that the design is appropriate for the character of the area and would not detract from the street scene or create any impact on the character and appearance of the area. As such, the development accords with policies CP24 and SQ1 and paragraphs 135 and 139 of the NPPF.

#### 5.11 Residential Amenity

5.12 Saved Policy P4/12 states that extensions to residential properties will not be permitted if they would result in an adverse impact on residential amenity of neighbouring properties in terms of light and privacy and overlooking of garden areas.

5.13 Policy CP1 of the Core Strategy also requires proposals to have regard to impacts on residential amenity.

5.14 It is proposed to construct a conservatory-style extension at ground floor level, replacing the existing terrace. The current terrace has no mitigation measures in place to address potential overlooking. However, given that the proposed conservatory would likely result in a more intensive and year-round use of this space, it is necessary to consider the potential impact on neighbouring residential amenity.

5.15 The two closest neighbouring properties are No. 47 Hallsfield Road to the north and No. 51 Hallsfield Road to the south. No. 47 is positioned further forward on its plot relative to the application site. Substantial soft landscaping exists along the shared boundary, meaning views from the existing terrace—where the proposed conservatory would be located—towards No. 47 are limited and would not result in a material loss of privacy. Whilst some oblique views towards No. 47's garden may be possible, these would be effectively mitigated by the proposed obscure glazing to the conservatory's side elevations, supplemented by a privacy panel for additional screening.

5.16 No. 51 sits level on its plot with No. 49. The proposed obscure glazing to the conservatory's southern elevation will prevent direct overlooking towards No. 51. Although the eastern elevation will not be obscure glazed and may allow some limited views towards No. 51's rear garden, at the time of site visit it was noted that substantial tree cover exists along the boundary between the rear gardens. Given this existing screening and the downward slope of the gardens to the east, any potential overlooking is not considered to result in harm to neighbouring amenity.

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5.17 It is considered that the proposed conservatory would not result in any loss of light to neighbouring properties, as the 45-degree rule is met on both sides. Moreover, the conservatory is a lightweight glazed structure rather than a solid built form such as a brick extension, which significantly reduces its visual mass and overall impact. As a result, and given the separation distance between properties, the proposal would not appear overbearing or cause undue harm to neighbouring amenity in this regard.

5.18 Some residents have raised concerns regarding potential light pollution from the proposed extension. However, it is not considered that the extension would generate significant levels of light pollution that would justify refusal of the application.

5.19 Overall, it is considered that the proposals would not result in a significant impact on the amenity of the neighbouring properties in terms of loss of light, light pollution, overbearingness, overlooking and privacy.

5.20 There has been a number of objections to the proposal from local residents, largely relating to noise and disturbance. It is noted that the Council's Environmental Protection Team raised no objection to the proposals and stated that noise disturbance from this type of use 'is by no means the norm.' Such uses can operate successfully within established residential areas without resulting in any measurable impact on local amenity or a change to the character of the area. Nevertheless, the extent to which that is achievable in this instance remains a matter of planning judgement, taking into account the specific site context and operational details of the proposal.

5.21 The proposal would accommodate five adult residents on a permanent basis. Between 8:00am and 8:00pm, two members of staff would be present on site to provide care, with a site manager attending three to four times per week and remaining on call at all times. The applicant indicates that external visitors include a chiropodist (monthly), a hairdresser (every six weeks), and family visits for one resident every two weeks, with another resident escorted by staff to visit relatives elsewhere. It is noted that details of visitors for the other three residents have not been specified. Therefore, a condition requiring an Operational Management Plan is recommended to ensure visits are staggered to ensure that visits do not result in harm to the amenity of the neighbouring occupiers.

5.22 There is no evidence to suggest that the proposed use would generate higher levels of noise and disturbance than its current Class C3 Use. If remaining in Class C3 Use as a family home, the dwelling could accommodate two adults and three+ children in the main dwelling, with further capacity for up to two adults in the annexe. The comings and goings associated with a large family such as this is considered to be comparable to the proposed Class C2 Use. The regular shift patterns and changes at 8am and 8pm would be no different from a family commuting to and from work or school. Visitors are infrequent and again, a Class C3 Use can also generate a large number of visitors, so there is no evidence to suggest the situation would be materially different.

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5.23 Moreover, if noise nuisances did occur, nearby residents would still be protected under the Environmental Protection Act 1990.

5.24 The aforementioned condition requiring an Operational Management Plan is recommended to mitigate impacts to neighbouring amenity. This should include contact details for the site manager so neighbours can get in touch if complaints or concerns arise. Further conditions are recommended restricting the use and the number of residents, so that the LPA can monitor changes to the site.

5.25 As such whilst the proposed use is not a private residence, there is nothing to suggest that the use would result in any greater level of noise or disruption than might reasonably be expected in such an area. To reiterate, the Council's Environmental Protection Team have raised no objections on noise grounds, and this further suggests that there is no evidence of any harmful levels of disruption to adjoining properties. The proposals are therefore not considered to result in undue noise and disturbance in line with Policy CP1.

**5.26 Fear of Crime**

5.27 It is important to recognise that the planning system does play a role in maintaining and enhancing well-being amongst individuals and communities, and fear is well documented as being an important contributory factor to diminished levels of well-being. Paragraph 96 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This is echoed in Paragraph 135(f) of the NPPF which states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being.

5.28 The courts have held that the fear of crime can be a material consideration if there is some reasonable, cogent evidential basis linking the proposed use or occupiers with criminal activity (West Midlands Probation Committee v Secretary of State for the Environment [1997]).

5.29 The proposal relates to accommodation for adults with learning disabilities, which is a supported and supervised residential use. It should be noted that the institution must be registered and approved by the Care Quality Commission with stringent checks and inspections on its set up and operations. There is no substantive evidence to suggest that the proposal would give rise to an increase in crime or anti-social behaviour, nor that it would generate a reasonable fear of such outcomes among local residents. Any perceived concern would therefore be speculative and not supported by material planning grounds. On this basis, it is considered that fear of crime does not carry significant weight in the determination of this application.

**5.30 Amenity of Future Occupiers**

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5.31 Paragraph 135(f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.32 The application proposes one double bedroom in the annexe (11.1m<sup>2</sup>), one double bedroom on the ground floor (11.8m<sup>2</sup>), two double bedrooms on the first floor (12.3m<sup>2</sup> and 13.2m<sup>2</sup>) and a single bedroom on the first floor (7.6m<sup>2</sup>). Concerns were raised during the application process about the lack of space for staff and regarding the size of one of the bedrooms (7.2m<sup>2</sup>). Consequently, amended plans were received which subdivided the living room to create a larger double bedroom on the ground floor, and turn the smaller (former) bedroom into an office, as a dedicated space for staff to use. As previously stated, it is recommended that a condition to secure the number of residents to be no more than 5 and to ensure the office is not changed back to a bedroom at a later date.

5.33 Although subdividing the ground floor living room has reduced the amount of communal space, this is mitigated somewhat by the creation of the ground floor conservatory-style extension, which will allow the terrace area to be used year-round.

5.34 It is noted that members of the public have raised concern regarding non-compliance with both National Described Space Standards (NDSS) and the Kent County Council (KCC) Learning Disability Supported Accommodation Design Principles (May 2017).

5.35 The NDSS are not relevant to the determination of this application as they are applied for the creation of new dwellings which this is not.

5.36 Regarding the KCC Design Principles, although a material consideration, they carry little weight as they are not formally adopted within the Local Plan. Minor shortfalls in these principles would therefore not warrant a reason for refusal in their own right.

5.37 It is worth highlighting that the planning system is just one mechanism in which the suitability of the property for the proposed use will be assessed. The Care Quality Commission (CQC) act as the main body / regulator for residential institutions such as this, and the applicant would be required to register their new location with the CQC who would undertake their own assessment of the facility in line with their regulations.

5.38 Therefore, the living standards for future occupants are considered to be acceptable in line with paragraph 135(f) of the NPPF.

#### Highways and Parking Provision

5.39 Paragraphs 115 and 116 of the NPPF explain that:

“115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

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- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.”

“116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 5.40 Policy SQ8 of the MDE DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 5.41 In this case, the relevant parking standards are Kent County Council (KCC) Parking Standards published in January 2025. The guidance sets out the parking standards for new developments in Kent.
- 5.42 The applicant has supplied the LPA with a ‘Deed of Access,’ which shows that No. 49 has a right of access over the shared drive which runs between the application site and No. 51, and vice versa. Consequently, the red line boundary was amended during the application process to encompass the whole drive, as shown on the Deed of Access. This is in line with National Planning Practice Guidance which states that the red line on the location plan ‘should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).’
- 5.43 Although this type of development would usually fall below the threshold for consultation with the KCC Highways Department, due to the considerable public interest, particularly with matters pertaining to parking provision and highway safety, their professional opinion was sought.
- 5.44 In their final set of comments dated 6<sup>th</sup> November, it was stated that:

*“KCC Highways has reviewed the submitted Parking Management Plan (PMP). While the applicant has addressed some previously raised concerns, the document lacks sufficient detail, and the requested site plan showing independent accessible parking*

*spaces has not been provided. It is also requested that the applicant confirms the expected daily visitor numbers and explain how these will be managed. Based on the submitted information and review of the site it is not considered that the parking requirements can be met with the application boundary. However, as the site is located on an unclassified road with low traffic flows this is not considered a highway safety issue, but rather a highway amenity concern, the parking shortfall cannot be considered a valid reason for highway objection. It remains recommended that the LPA consult their Parking Enforcement Team."*

5.45 The standards can be seen below:

Residential Institutions – C2			
	Car Parking		Goods Vehicles and Coach Parking
	Staff	Visitors	
<b>Nursing / Residential Care Homes</b>	1 space per resident staff + 1 space per 2 other staff	1 space per 6 beds or residents	Minimum of 1 space for an Ambulance (see Note 1)

5.46 No resident staff are proposed. During the day, there will be 2 regular members of staff and the site manager, who will visit the site ad hoc. This generates a requirement for 1.5 spaces, rounded up to 2 spaces. For visitors, 1 space per 6 beds or residents is required. As there are 5 residents proposed, this generates the need for 1 visitor space. In total, 3 parking spaces are required. It is acknowledged that the company uses a pool car to transport residents to appointments and other days out. However, this does not alter the required parking provision of the site on a strict reading of the standards.

5.47 It is acknowledged that there are on-street parking restrictions in the immediate vicinity of the site. These restrictions operate directly outside the property between 12:00pm and 1:00pm, Monday to Friday, and on the opposite side of the road between 11:00am and 12:00pm, Monday to Friday. However, the management of any existing on street parking restrictions falls to the Parking Services teams within District and Borough Councils because it is a devolved function – i.e., it is not the responsibility of the Highways Authority to enforce these restrictions. Therefore, if illegal parking did occur, this would be flagged with the Parking Services Team within the Council.

5.48 Although the plans have been amended during the course of the application, it is considered that the site can only effectively accommodate parking for two vehicles. Vehicle tracking demonstrates that it would not be possible for a car to manoeuvre out of the front parking space independently while another vehicle is stationary. Therefore, only one vehicle can be accommodated at the front. In addition, the

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applicant has confirmed that only one car can be accommodated within the rear parking area. To help offset this shortfall, cycle storage provision has been included as part of the proposal.

5.49 Although the proposal includes the provision of cycle parking spaces, this does not in itself ensure that they will be used. In practice, it is unrealistic to expect staff working long or overnight shifts to travel by bike, particularly given the likely distances between the site and their place of residence. As such, the shortfall in on-site car parking cannot reasonably be mitigated by the inclusion of cycle spaces, and the LPA has no mechanism to require or enforce staff or visitors to travel by bike. Accordingly, only limited weight can be afforded to this measure in addressing the identified parking deficit.

5.50 However, it is noted that the site is classified as being within an urban area in the Local Plan. The policy description states that "*Development at the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport.*" One of the determining factors in designating an area as urban would be, amongst other considerations, its accessibility to public transport. Therefore, it is reasonable to assume that the site benefits from at least a basic level of public transport connectivity, which may offer some limited mitigation in respect of the parking shortfall.

5.51 The Council are aware that the comments received from Highways were somewhat unclear. We sought advice from a Senior Highways Officer, who provided us with the following final view.

5.52 The Highways Authority have advised that Hallsfield Road is a residential street that is not subject to through traffic and therefore conducive to a low-speed environment. Many dwellings have their own dedicated off-street parking which would indicate that Hallsfield Road experiences a low-level of parking stress. This could be quantified via parking surveys, however it was not considered proportionate to the scale of development proposed to request this of the applicant. Moreover, much of Hallsfield Road has a linear alignment meaning that oncoming vehicles would have good visibility of any overspill parking that might be associated with the development. For this reason, although there is a shortfall of 1 parking space, the Highways Authority do not object to the development as the shortfall would not amount to a highway safety concern. As per Paragraph 116 of the NPPF, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe'. As the impacts on the road network are not considered to be severe or amount to a highway safety concern, Officers conclude that a refusal based on impact to the Highway would not be sustainable at appeal.

5.53 Although it is acknowledged that the ambulance space cannot be provided on site, this was not raised as a concern by the Highways Authority. The applicant has

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advised that ambulance callouts are by no means the norm and the likelihood of an ambulance being called to the site is the same as any other dwelling in the area.

5.54 It is noted that the applicant has installed fencing to the rear and that this currently blocks off the rear parking space. A condition is recommended ensuring that the fencing is removed and the parking space made available prior to first occupation.

5.55 In conclusion, it is considered that the proposals do not conflict with Paragraphs 115 and 116 of the NPPF.

5.56 Policy SQ8 of the MDE DPD states that development proposals should comply with the adopted parking standards. Although strict reading of the standards would indicate a parking shortfall and therefore non-compliance with the adopted parking standards, this shortfall has been considered in a site-specific context. In the context, the shortfall is considered not to amount to a highway safety issue and therefore is accepted in this instance.

#### Waste

5.57 Policy CC2(4) of the MDE DPD states that '*Proposals for development will not be permitted unless they incorporate adequate space for the storage of recyclable and non-recyclable waste, where different waste streams can be segregated and collected, and, in the case of residential schemes, each dwelling with private garden space is equipped, where practicable, with a composting bin.*'

5.58 It is acknowledged that concern was raised from local residents regarding waste provision.

5.59 The Waste Services Team have been consulted and confirmed that they would provide the property with all the waste receptacles they provide to other residential properties and that the Residential Institution is treated as a Dwellinghouse in this regard. Although the exact size of the bins needed is currently unknown (Waste Services have advised that when/if the property is occupied, they will discuss their needs and provide the most suitable sized bins for their collections), it is considered that there is adequate space to the rear of the site for waste provision, such as that it would not have a harmful impact on visual amenity. It is recommended that details are secured by condition once the sizes of the bins have been confirmed by Waste Services.

5.60 The occupancy would be similar to a Class C3 dwelling and the generation of waste and type of waste would be similar such as to not result in harm to the amenity of neighbours by way of waste odour.

#### Pressure on Local Services

5.61 Concern has been raised from local residents regarding pressure on local services, particularly GPs. However, this is a small-scale development, with five residents

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proposed. This would not make a significant impact on local services, enough to warrant a refusal of the application.

5.62 Public Sector Equality Duty – Equality Act 2010: Equality Impact

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

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

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

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

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

5.67 In assessing this application, Officers have taken into account the nature of the business, which provides care for adults with learning disabilities. It is recognised that the applicant purchased the property prior to obtaining the necessary planning permissions, and that this application therefore carries significant implications for the applicant, their business, and the residents in their care. Officers have sought to work proactively with the applicant, initially allowing time for the engagement of professional architectural support and subsequently accepting a series of amended plans. This approach went beyond the usual TMBC policy, which permits only one set of amendments per application, and has resulted in what Officers believe to be a policy-compliant scheme.

5.68 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

#### Fallback Position

5.69 The applicant has submitted a Change of Use application for Planning Permission and thus the application has been assessed on this basis. However, it should be acknowledged that under Use Class C3(b), up to 6 residents can live together as a single household, without needing to apply for planning permission.

5.70 Classes C3(a) and (b) are set out as follows:

“Use as a dwellinghouse (whether or not as a sole or main residence) —  
(a) by a single person or by people living together as a family, or  
(b) by not more than 6 residents living together as a single household  
(including a household where care is provided for residents)...”

5.71 Paragraph 3B-979 of the Encyclopedia of Planning includes the following statements:  
(a) “Class C3 is intended and apt to include small community care homes consisting of up to six people, “living together under arrangements for providing care and support within the community””; (b) “the smaller the number of occupants, the more intimate, integrated and cohesive their occupancy is likely to be and the more apt, therefore, to describe it as a single household”; (c) “Where the household is one where care is provided for residents it remains in this class (provided the limitations are met) rather than class C2 (residential institutions)”; (d) “The Secretary of State does not accept that the distinction depends upon the extent of the care provided”; and (e) “the High Court has confirmed that the Class does not require that the staff providing care for residents need themselves be resident (R. v Bromley LBC Exp. Sinclair [1991] 3 P.L.R. 60)”.

5.72 Should the application be refused, the applicant may seek to pursue a Lawful Development Certificate, which represents a legitimate fallback position. At this stage, the Council does not have sufficient information to assess the likelihood of such a Certificate being granted, nor is that the matter currently before us for determination. The burden of proof would rest with the applicant to demonstrate, on the balance of probabilities, that use of the premises is consistent with a single household (C3(b)) and not of a Residential Institution (C2).

5.73 If a Certificate were to be granted, the use could continue without the Local Planning Authority having the ability to impose conditions, including any relating to operational management as previously suggested within this report.

5.74 It should be noted that Planning Permission would still be required for the ground floor extension.

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5.75 Taking into consideration all relevant material planning considerations and the fallback position, the following recommendation is put forward:

**6. Recommendation:**

6.1 **Approve**, subject to the following:

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

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

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

Planning Statement

Parking Management System

HR-A1-SB-04 – Proposed Block Plan

HR-A1-SB-08 – Proposed Basement and Ground Floor Layout

HR-A1-SB-09 – Proposed First Floor Plan and Roof Plan

HR-A1-SB-20 – Proposed Elevations

BR-AA-XX-XX-DC-E-0403-P02 Vehicle Tracking Path 2 Block Plan View

BR-AA-XX-XX-DC-E-0404-P02 Vehicle Tracking Path 3 - Google Maps View

BR-AA-XX-XX-DC-E-0405-P02 Vehicle Tracking Path 3 - Block Plan View

BR-AA-XX-XX-DC-E-0406-P02 - Vehicle Tracking Path 4 - Google Maps View

Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order), the use hereby approved shall be for a residential institution for adults with learning disabilities and for no other purpose falling within use class C2.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

4. The residential institution shall be limited to no more than 5 residents at any one time.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

5. Before the development hereby approved is occupied, an Operational Management Plan detailing how the residential institution will be operated shall be submitted to

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and approved in writing by the Local Planning Authority. The management plan should include, but is not limited to, the following details:

- How the staff will engage with the local community
- How visitors will be managed

The facility will be run in accordance with the approved management plan at all times.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity.

6. The northern and southern elevations of the hereby approved ground floor extension shall be obscure glazed and remain so for the lifetime of the development.

Reason: In the interests of safeguarding neighbouring amenity

7. Prior to the first occupation of the development hereby approved, full details of the proposed privacy screening on the ground floor shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the design, height, materials, and finish of the privacy panels. The approved privacy screening shall be installed in full prior to the first occupation and shall thereafter be retained and maintained in situ for the lifetime of the development.

Reason: To protect the amenities of adjoining residential properties and visual amenity.

8. The use shall not be commenced until details of how waste is to be stored on site, and how materials for recycling will be stored separately, have been submitted to, and approved by the Local Planning Authority. The development must be carried out in accordance with those details, and the approved scheme shall be retained at all times thereafter.

Reason: In the interests of residential and visual amenity.

9. The use hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking spaces has been made available. Thereafter the spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: To ensure that parking is provided, in the interests of residential amenity.

**Informatics**

1. During the construction phase, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.

Contact: Larissa Brooks

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 11th December 2025

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**Walderslade**

**TM/25/00855/PA**

**Location:** 49 Hallsfield Road, Chatham, ME5 9RS

**Proposal:** Ground floor rear extension and change of use from use class C3 residential dwelling to C2 residential institution designed to provide accommodation and personal care for up to five individuals.

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An email has been received from a local resident raising concerns regarding potential loss of light and outlook to neighbouring properties. Officers have fully assessed this matter, and the considerations are already addressed within the main committee report. However, for clarity, the following points are provided:

**No. 51:**

No. 51 contains a window serving a kitchen that opens onto the terrace. This is not considered a habitable room, and in line with established assessment methods, the 45-degree test is applied from the primary window of the nearest habitable room. In addition, the separation distance between the properties is sufficient to ensure that no material loss of light would occur. Officers have site photos illustrating this which will not be presented at committee, but they can be made available for Councillors on request.

**No. 47:**

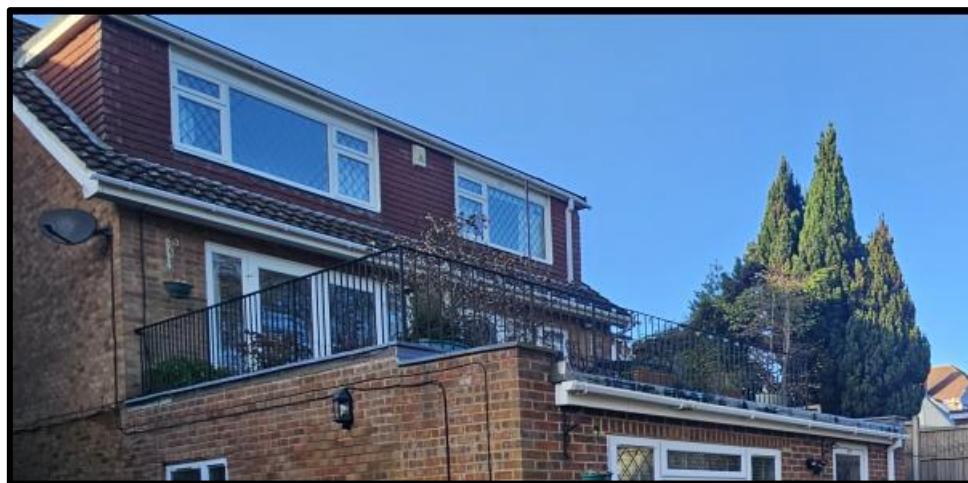
No. 47 sits further forward within its plot compared to the dwelling at the application site. The representation draws a line to the rear of No. 47, which is a conservatory and not a single window. Again, officers have site photos illustrating this which can be made available on request. As this space is fully glazed on all sides, any impact would be negligible given the ability for light to enter from multiple directions. Furthermore, substantial soft landscaping lies between No. 47 and the application site, which already produces some natural overshadowing and provides a visual buffer (see Figures 1 and 2 below).

**Proposed Rear Extension:**

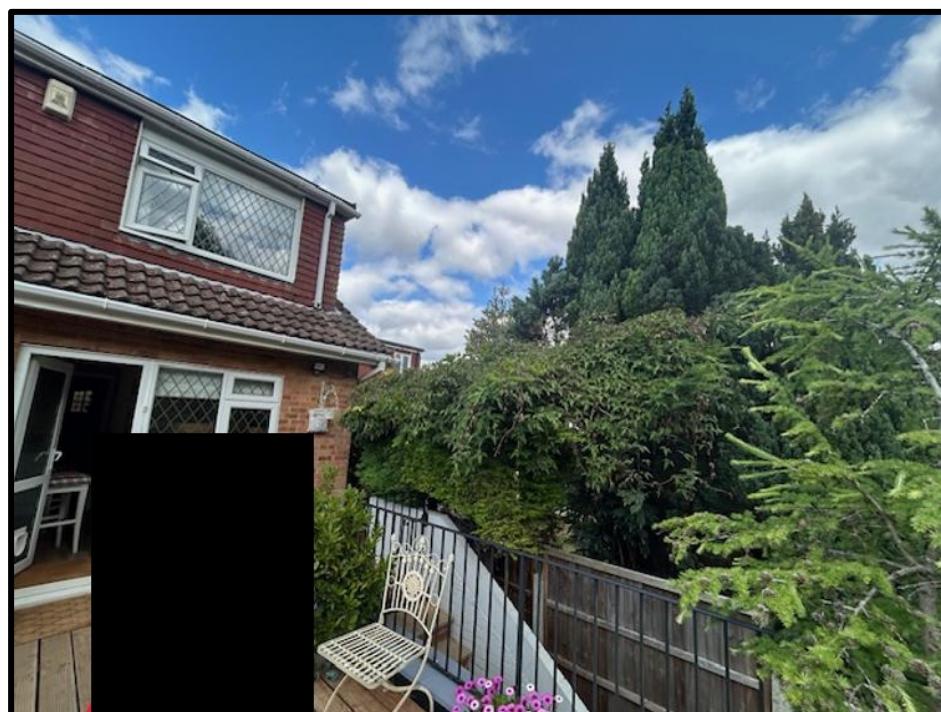
The proposed ground-floor rear extension is of a conservatory-style design and will be fully glazed, allowing light to pass through the structure which further lessens any potential impact on neighbouring light levels.

**Conclusion:**

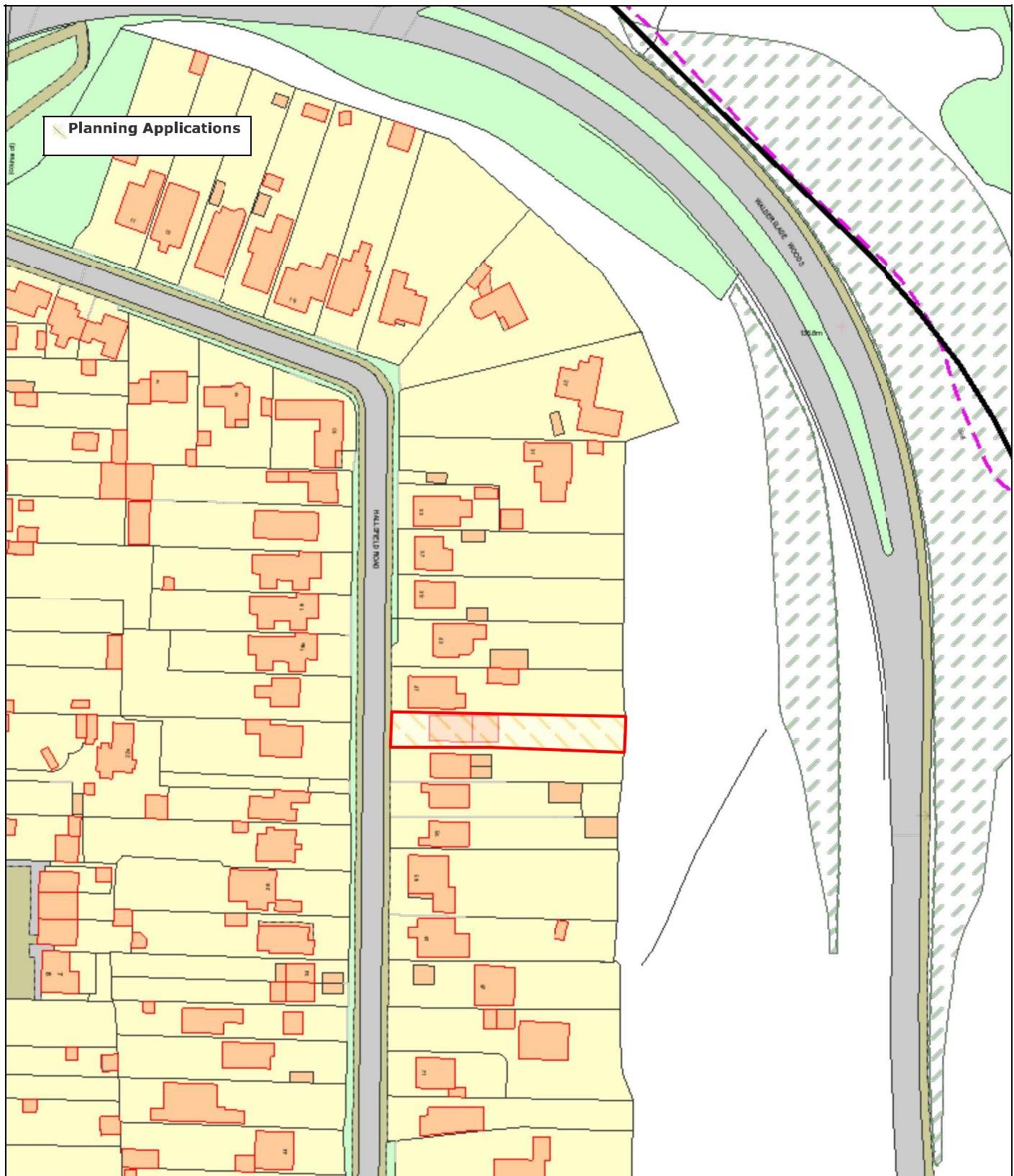
In light of the above, officers are satisfied that the proposal would not result in a material loss of light to Nos. 51 or 47 nor would it adversely impact the outlook of any habitable windows, and this has been fully and accurately considered in the assessment of this application.



**Figure 1 – Soft landscaping separating No. 49 and No. 47**  
Taken in winter (Dec 2025)



**Figure 2 – Soft landscaping separating No. 49 and No. 47**  
Taken in summer (Jul 2025)



**Planning Applications 25/00855/PA**

**Scale: 1:1250**

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Date: 14/11/2025 17:01

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# Agenda Item 8

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

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# Agenda Item 10

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT INFORMATION**

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