

Ditton
Ditton

20 December 2018

TM/18/02966/OA

Proposal: Outline Application: Development of the site to provide up to 300 dwellings (Use Class C3) and provision of new access off Kiln Barn Road. All other matters reserved for future consideration

Location: Development Site South Of Brampton Field Between Bradbourne Lane And Kiln Barn Road Ditton Aylesford Kent

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1. Description:

- 1.1 Outline planning permission with all matters reserved for future consideration, except for access, is sought for the development of up to 300 residential units (including 25% affordable housing), with associated landscaping and areas of open space.
- 1.2 Access is the only matter not reserved for future consideration and therefore full details of the proposed vehicular access have been provided. The access is to be taken from the west side of Kiln Barn Road. The carriageway at the junction to measure 6.5 in width with 2m footways either side. The visibility splay to the north to be 52m and 50m to the south. A secondary emergency access is also to be provided via Kiln Barn Road.
- 1.3 Whilst the specific layout of the development is reserved for future consideration, an illustrative masterplan has been submitted which sets out how a development of this nature and quantum could be accommodated within the site. The principles centre on the creation of a suburban centre, with a semi-urban section to the north and a more rural layout to the south and west, to respond to the wider setting of the site. The intention is to punctuate the southern boundary to allow for views through to the wider countryside.
- 1.4 Again, whilst scale and appearance are not for consideration at this time, the submitted Design and Access Statement indicates that the units will be two storey. (For the avoidance of any doubt, no three storey buildings are shown on the illustrative masterplan.) The submission indicates that this could take the form of a mix of 1 and 2 bed flats and 2 – 4 bedroomed houses. The mix of units, scale and appearance would all be subject to detailed assessment at the reserved matters stage.
- 1.5 In support of the planning application, the following documents have been submitted. These have been referred to and discussed where applicable and necessary within the assessment that follows:
 - Planning Statement prepared by Savills dated December 2018;

- Design and Access Statement prepared by Savills dated December 2018;
- Air Quality Assessment prepared by Ardent Consulting dated December 2018;
- Arboricultural Report prepared by Down to Earth dated August 2018;
- Archaeological Desk Based Assessment prepared by CGMS dated December 2018;
- Ecological Assessment prepared by Ecology Solutions dated December 2018;
- Flood Risk Assessment and Drainage Strategy prepared by Ardent Solutions dated December 2018;
- Framework Travel Plan prepared by Ardent Consulting dated December 2018;
- Heritage Statement prepared by Savills dated December 2018;
- Landscape and Visual Appraisal prepared by Lloyd Bore Ltd dated December 2018;
- Noise Assessment prepared by Ardent Consulting dated December 2018;
- Preliminary Risk Assessment prepared by Ardent Consulting dated December 2018;
- Statement of Community Involvement prepared by Maxim dated December 2018;
- Transport Assessment prepared by Ardent Consulting dated December 2018;
- Transport Assessment Addendum prepared by Ardent Consulting dated January 2020;
- Utilities and Servicing Statement prepared by Ardent Consulting dated December 2020.

1.6 Most recently, at the request of the Council, the applicant has provided the following additional documents, and again these are referred to within the assessment as necessary:

- Air Quality Assessment Addendum prepared by Ardent Consulting dated September 2020;
- Ecology Update prepared by Ecology Solutions dated 11 September 2020;
- Density Study prepared by Savills;

- Supplementary Supporting Statement: Scheme Quantity and Housing Numbers prepared by Savills dated 01 October 2020;
- Supplementary Supporting Statement: Public Benefits and Engagement with Ditton Parish Council prepared by Savills dated 30 September 2020.

1.7 Given the scale of the development proposed by this application, it was considered that a site inspection should be undertaken to be fully familiar with all site related matters of fact. The Members' Site Inspection was held on 27 October 2020 and allowed attending Members to walk the site and note key characteristics on the ground.

1.8 The proposed development was screened under TM/18/02556/EASC in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and found not to comprise EIA development. This does not mean however that the environmental impacts of the proposal will not be fully assessed and are done so later in this report.

2. Reason for reporting to Committee:

2.1 Due to the balance which needs to be made between diverging and significant policy considerations.

3. The Site:

3.1 The site lies within the countryside, outside the defined settlement confines of Ditton. It comprises 11.58 hectares and was formerly used for agricultural research purposes. The site appears reasonably level although actually slopes downwards to the north. The site currently comprises open fields and orchards. A group of agricultural buildings are located in the south of the site, but are unused and in some disrepair.

3.2 The site is bounded to the west by a ragstone and brick wall, with existing farm cottages and office buildings beyond. The north west corner of the site abuts the Bradbourne East Malling CA.

3.3 A substantial mature hedge forms part of the northern site boundary with the dwellings on Cherry Orchard. Cherry Orchard comprises a residential estate of semi-detached and detached dwellings dating from the 1970s. The northern boundary with the residential dwellings on Wilton Drive and Brampton Field is more open, with post and rail fencing. The dwellings on Wilton Drive are semi-detached and date from the 1960s. The dwellings on Brampton Field are of mixed character and date from the 2000s.

3.4 The eastern site boundary comprises an established hedge with Kiln Barn Road and Ragstone Court to the east. Ragstone Court is a residential cul de sac of

detached dwellings comprising the redevelopment of part of the former Ditton Court quarry in the 1980s.

- 3.5 The southern site boundary comprises a line of trees forming a wind break with agricultural land operated by the EMT to the south. A PROW MR100 crosses the western part of the site with a line of mature trees following the route. The trees do not benefit from any Tree Preservation Order.
- 3.6 The site lies within Flood Zone 1 and Groundwater Protection Zone 2. For clarity the site does not lie within a CA or immediately adjacent to any listed buildings. However Bradbourne House is located to the north west and the wall forming the western boundary of the site was formerly part of the wider setting of this grade I listed building.

4. Planning History (relevant):

TM/18/02556/EASC screening opinion EIA 15 November 2018
not required
Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011: New residential development of up to 300 residential dwellings (Use Class C3) with car parking, cycle parking, landscaping and public realm works

5. Consultees:

5.1 Ditton PC:

Original representation received 24 January 2019

- 5.1.1 Ditton Parish Council asks that this be accepted as this Council's initial objection to this application on the grounds that the existing highways in and out of the village and lack of infrastructure cannot support this level of development. Owing to the overwhelming level of objection received from local people, and the additional documents only just delivered to the Parish Council, the Parish Council will be making further representations of objection to this application when it has had chance to review all the information that has been made available.

Representation received 18 March 2019

- 5.1.2 As the result of a Public Open Session at a Meeting on 14th January 2019 held by Ditton Parish Council regarding the Ditton Edge Development, which was packed with local residents, the Parish Council heard many various concerns.
- 5.1.3 People with personal and individual concerns were advised and encouraged to make their personal representations directly to Tonbridge & Malling Borough Council Planning Department.

5.1.4 The Parish Council supports the main issues of concern of residents as below:

5.1.5 The road infrastructure from the development provides little alternative from the existing highway link, used by current Ditton residents including their ancillary vehicle movements. Turning North into Kiln Barn Road following through to New Road in order to meet the A20 about half a mile away. This stretch of highway, which contains a 'hair pin' bend, is a narrow carriageway within a totally residential area. The road is apparently unclassified with parked vehicles outside of residential properties along New Road on the approach to the A20. Ditton Church of England Junior School where certain children suffer from the effects of vehicle omission pollution (Asthma), is also sited along this stretch of road. At this point, during school opening and closing times the level of traffic is particularly heavy.

5.1.6 The link on to the A20 is controlled by traffic lights which allows only a few vehicles to exit New Road at a time, which, even currently, causes a regular build up of vehicles, the alternative route on to the A20 is via a 'rat run' through St Peters Road and Bradbourne Lane which is a totally residential area with on street parking. This stretch of road twists and turns through the estate and is located close to the school. The Highway in this area is also unclassified.

5.1.7 The development scheme would have a disastrous effect on the road usage as it is estimated that including residential and all ancillary vehicles some 1500 additional vehicles journeys would take place along the half mile from the development to the A20 and return on a daily basis. There is no logical scheme to improve the existing situation to meet the demand, or indeed solve the entry and exit from the A20. The new development would be estimated to increase the local unclassified road use by more than 200%.

5.1.8 It is estimated that the excessive increase in traffic movements would also vastly attract the ancillary problems of road use in relation to queues, accidents and traffic offences along Kiln Barn Road, New Road, St Peters Road and Bradbourne Lane.

5.1.9 The environmental impact associated with the vast increase in vehicle use would have a devastating effect on the current residential properties, school and popular recreational areas.

5.1.10 The sewage system and water supply to and from the new development would struggle to cope if linked to the current system.

5.1.11 The plan for the new development does not include essential services such as doctor's surgery, dentist, and school which the local facilities of such are currently over stretched for the existing residents.

5.1.12 The development would cause the loss of quality agricultural land, be harmful in ecology terms and create a negative visual impact on the rural lane, the

countryside surrounding the village, and existing residential properties and its vastness would ruin the traditional layout and attraction.

5.1.13 The change of use of the land for residential housing is not set out within the Borough's Local Plan for the consideration of development and it is confusing as to the change of thought of inclusion in the recently submitted plan particularly when there are many negative issues to overcome at this particular location.

5.1.14 At present, this area of land is not officially earmarked for development and is shown as agricultural land. It would be premature to allow the development pending the draft plan going through the public examination procedure. To do so would undermine the Local Plan procedures, including proper considerations of the objections raised.

5.1.15 Information from KSL PLANNING at the Environment Agency states - apparently, the proposed development site is located upon Hythe Beds, which is a sandy limestone and 'hassock', which is loose sandstone. We all are aware after previous 'horror stories' that sink holes can easily develop within Hythe Beds.

5.2 EM&L PC:

5.2.1 This site is wholly within Ditton parish and therefore we are leaving that parish to comment both on the principal of the proposed development and the details of how it could affect Ditton parish. However we are obviously aware the site is allocated in the draft Tonbridge and Malling Local Plan forming part of the Borough Councils strategy to meet the Governments housing targets. Given this we would wish to comment on the matters that follow.

5.2.2 We note many of the representations being received relate to the impact on the local highway system. There is concern generally about the capacity of the A20 from its junction with the A228 through to the Maidstone Borough boundary and the parish council with other local councils have been involved with meetings about how the various junctions could be improved, particularly within highway limits, to ease traffic flows. These meetings have included consideration of the A20/New Road/Station Road junction from which there is often queuing especially at peak times sometimes as far back as Larkfield. If this site is approved its main impact will be on this junction and it would be helpful if actual proposals for the junction could come into the public domain. And also if KCC will be seeking a contribution from this development for any changes to the junction.

5.2.3 It is important that in considering this application the A20 be the focus of attention in highway terms as otherwise traffic from the development could seek to go south along Kiln Barn Lane and Easterfields with the network of lanes beyond which are in large sections single track with poor visibility and totally unsuitable for extra traffic. And it would spoil the rural nature of these lanes which are used by horse riders and walkers.

5.2.4 It should also be borne in mind the restricted nature of the railway bridge at Kiln Barn Lane and East Malling High Street. These coupled with the nature of the lanes makes them completely unsuitable for construction traffic.

5.2.5 The parish council also wishes to underline the importance of public footpath MR100 which runs from Ditton Church through the research grounds to East Malling Church. It is much used by local walkers and people going to East Malling station from Ditton. It will be affected by the development and we would ask the development if permitted should take into account its route so it is clear and if necessary waymarked. It should not be turned into a narrow alley. We would also ask as a feature the old estate wall be kept which is also important for historic reasons and contributes to a sense of place as ragstone walls are a feature of the local area.

5.2.6 And lastly if this site does go ahead there should be a boundary and landscaping condition so the southern boundary is not “hard” with just gardens and fences at the end but a “soft” one that blends into the general landscape. This also would be important for views of the site when coming north along the public footpath and distant views from the Greensand ridge running through the south of these parishes. Views such as from Easterfields and Sweets Lane areas including from footpath MR108 from which there are really good views of the Medway Gap.

5.3 KCC (H+T) – Reproduced in full at Annex 1

5.4 PROW: Unfortunately, the treatment of public footpath MR100 has not been well considered and the proposed main access road will run adjacent to the PROW. We ask that the applicant considers an alternative layout to accommodate the PROW within a wide green corridor of open space, away from the main access road, providing new residents opportunities for recreation, active travel and exercise. At the very least we ask that the applicant considers a wider buffer between the road and the PROW. (See additional comments offered in the KCC (H+T) response received 13 February 2020 above.)

5.5 EA:

Original representation received 18 January 2019

5.5.1 No objection subject to planning conditions.

Representation received 15 February 2019

5.5.2 The updated Flood Risk and Drainage Strategy by Ardent (182600-01A) dated January 2019 has been reviewed. Although we do not object to the proposed drainage strategy at this stage we feel that the following points should be addressed as the design stage moves forward.

5.5.3 Section 5.7 of the report states that boreholes will extend to a depth of 5m below ground level. Groundwater has been recorded at approximately 10m bgl by Southern testing therefore a borehole extending to a depth of 5m bgl would be acceptable in principle as an unsaturated zone is present between the base of the borehole and groundwater, and therefore there is no direct discharge to groundwater. Again we would like to stress that we would not allow deep boreholes to extend to depths which would result in a direct discharge to groundwater.

5.5.4 We are aware of previous site investigations at historical waste sites to the south of the proposed development where contamination of groundwater was identified. The extent of this groundwater contamination is unknown. We therefore feel that groundwater sampling should be carried out to inform the proposed drainage strategy. This will allow the applicant to determine baseline groundwater quality conditions prior to any development. This will then allow the applicant to determine any impacts the proposed drainage strategy may have on groundwater quality, but also will aid in determining any risks that contamination within groundwater may pose to end users of the site i.e. migration of vapours from contaminated groundwater.

5.6 KCC (LLFA):

Original representation received 24 January 2019 (extract)

5.6.1 Whilst the development layout is indicative, it appears that little consideration has been given to the incorporation of SuDS within the site masterplan and limited space has been reserved for surface water that has not been controlled at source.

5.6.2 Paragraph 165 of the National Planning Policy Framework (July 2018) also promotes the inclusion of SuDS which provide multifunction benefits where possible, including those which provide water quality, amenity and biodiversity benefits throughout the entire development.

5.6.3 We would recommend that the drainage design manages surface water as close to source as possible in accordance with sustainable drainage principles to avoid end of pipe solutions for all surface water. We would promote infiltration to be spread throughout the development at shallower depths (for example with property level soakaways, permeable surfaces etc.). This is particularly important in the Hythe Formation where concentrated discharges of surface water are likely to result in a risk of washout or ground instability.

5.6.4 Borehole tests undertaken at the site show groundwater was encountered at varying depths of which water rose to the highest level of 10.2m bgl at borehole 3. From the outline strategy deep bore soakaways would be 10 metres deep. It is essential that a sufficient unsaturated zone is provided between the invert levels of each soakaway and any groundwater. We would recommend that groundwater monitoring is undertaken at the site to observe any changes to the depth of

groundwater. As the site lies in Groundwater Source Protection Zone 2, discussion with the Environment Agency's Groundwater Protection Team is recommended to determine the unsaturated zone required.

5.6.5 We advise that Infiltration into the underlying geology will need sufficient pollution control to be incorporated into the design to ensure that there would be no unacceptable risk of pollution to groundwater. We would recommend this is assessed using published guidance such as the water quality chapters of the CIRIA SuDS Manual 2015.

5.6.6 Therefore, we would object to the current proposal pending the receipt of further information for review. At present we cannot determine that a deliverable drainage scheme exists for the development. The revised drainage strategy will need to demonstrate a feasible scheme can be incorporated into the proposed site master plan / layouts to serve this proposed development.

Representation received 1 March 2019 (extract)

5.6.7 Option 1 for disposing surface water through soakaways will need further ground investigations to demonstrate groundwater levels and to ensure sufficient infiltration rates can be achieved. We recommend groundwater monitoring is undertaken to inform future design. It would be our preference that surface water is managed and disposed of to ground within the development unless it is expressly demonstrated to be unviable.

5.6.8 Should discharge off-site be required, we would highlight that we disagree with the greenfield run-off rates proposed. These appear to be based upon a SPR value of 0.4, which is not appropriate to this geological setting. The soils at the site are considered to be of an intermediate permeability at the surface, underlain by the highly permeable Hythe Formation.

5.6.9 Our Drainage and Planning Policy Statement states that in areas of intermediate permeability soils *'infiltration should still be maximised, with any residual discharge to watercourses or sewers requiring the provision of long-term storage; offsite discharge should be limited to QBAR, (the mean annual flood flow rate, equivalent to an approximate return interval of 2.3 years)'*.

5.6.10 The illustrative layout included within this application does not provide significant areas of open space across the development and it is assumed any attenuation would be need to be accommodated within the open space on the northern boundary. Any utilisation of deep bore soakaways would require a separation distance of 10 m and this may impact the proposed illustrative layout.

5.7 SWS: (extract): Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided

by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests that a relevant planning condition is applied.

5.8 HE: No objection

5.9 KCC (Heritage): No objection subject to an archaeological watching brief.

5.10 KCC (Economic Development): Contributions sought as follows:

- Primary Education - £4535 per house and £1134 per flat towards phase 1 of a new Aylesford Primary School
- Primary Land - £3208.18 per house and £802.05 towards land acquisition for a new Aylesford Primary School
- Secondary Education - £4115 per house and 1029 per flat Aylesford School enhancement of teaching space
- Community Learning – total of £9770.80 towards Aylesford School Adult Education Centre, additional equipment for new learners
- Youth – total of £4041.06 towards Aylesford Youth Club
- Libraries – total of £15,116.04 towards Larkfield Library enhancement and additional bookstock for the new borrowers
- Social Care – total of £16,770 towards the Aylesford Priory changing place facility
- 3 wheelchair adaptable homes as part of the on-site affordable homes delivery

5.11 KFRS: The means of access is considered satisfactory.

5.12 Kent Police: Welcome further discussions with the applicant to ensure Safety by Design standards are met.

5.13 CCG: A contribution of £252,720 is sought towards refurbishment, reconfiguration and/or extension at Thornhills Medical Centre, Watringbury Surgery and/or West Malling Group Practice.

5.14 KWT: No response.

5.15 NE: No comment.

5.16 Leisure Services: If not provided on site the following contributions to be sought:

- Parks & Gardens - £365,883
- Amenity Green Spaces - £66,695
- Outdoor Sports Facilities - £671,268
- Children's and Young People's Play Areas - £88,142
- Natural Green Spaces - £140,411

5.17 Environmental Protection:

Contaminated land:

5.17.1 This site forms part of the wider East Malling Research facility, and as such is identified as potentially contaminated land. It is not known what kind of chemicals, if any, have been used on this site in association with the agricultural research activities. There is also a historic landfill site on the North West boundary of the site. I would therefore recommend planning conditions:

Noise:

5.17.2 The Applicant has submitted a Noise Assessment carried out by their consultant Ardent Consulting Engineers (their ref 182600-08, dated December 2018).

5.17.3 The report details measurements of site noise levels taken at two representative locations at the proposed site. The report has compared these with maximum levels cited in BS8233:2014 and given recommendation as to construction type/specification to ensure that suitable internal levels will be achieved. I would concur with the information.

5.17.4 The report does not, however, appear to have considered the 'windows partially open' scenario, and whether additional ventilation is required. This issue is referred to in the notes accompanying Table 4 in para 7.7.2 of BS8233:2014, and that if the levels stated can only be achieved with windows closed, then consideration needs to be given to the provision of a satisfactory alternative means of ventilation. I believe that this may be an issue for properties fronting onto Kiln Barn Road and may be a matter for which additional, more specific information can be provided at the full application stage.

5.17.5 The Assessment has also considered the effect of the additional traffic generated by the proposal upon the wider environment and assessed this, taking into account projected traffic increases to 2031. The report calculates that the noise increase due to traffic from the proposed development would be approximately 2.9dB, which is marginally below the commonly accepted minimum detectable change of 3dB.

5.17.6 The Assessment has also briefly considered construction noise, but as this is for an Outline Application, no specifics are available for consideration. If felt necessary, the Applicant could seek a Section 61 Prior Consent under the Control of Pollution Act 1974 from the Council.

5.17.7 In conclusion, I do not consider that noise will be a limiting factor on this Outline application, but that additional information will be required once the layout has been finalised.

Air quality:

5.17.8 No objections raised to original submission or recently submitted addendum.

5.18 Private Reps: 70+ site + press notices: 4X/411R/0S. Objections raised on the following grounds:

- Traffic surveys should be revisited and carried out at peak times not during school holidays. Surveys not considered the new Lidl development. The traffic data is confusing. Need to review safety audits. Dangerous junction with Donderry Way not considered.
- New Road, St Peters Road, Sweets Lane and Bradbourne Lane cannot accommodate the additional vehicle traffic movements and will become further congested and dangerous, particularly to children. A20 and Hermitage Lane is beyond capacity with traffic jams at the traffic lights. Congestion will inhibit emergency vehicles. More congestion when the M20 is blocked. Congestion results in loss to businesses.
- Bradbourne Lane has no footpath. No footpath was constructed by EMT to the former Laboratories site on Kiln Barn Road.
- Problems with construction traffic.
- A single access is unacceptable, needs a second access point. Needs a new road through the EMT site to redirect traffic.
- The roads in Ditton cannot be improved.
- PROW route needs amending.
- Insufficient parking at the stations. Road is often flooded under the railway bridge.
- If there will be 1669 vehicle movements this means 834 vehicles, a shortfall of more than 200 spaces. The scheme therefore needs redesigning.
- People own several cars these days.

- Lead to dangerous pavement parking.
- No electric charging points.
- Disturbance will be detrimental to the standard of living of all residents. Increased light and noise pollution, from traffic and occupants. Overlooking, loss of privacy light and outlook to existing dwellings
- Increase in air pollution – nitrogen dioxide and CO₂, and impacts on health, particularly children.
- Damage to existing homes, the community and the local area. Recycling arrangements already inadequate.
- Increase in crime, insufficient policing.
- Would increase the population of Ditton by more than 10% without upfront infrastructure improvements.
- No jobs to accommodate increase in population.
- Insufficient school places. Insufficient medical facilities, adverse impact on doctors' surgeries, dentists and hospitals, already difficulty getting appointments. Services are not provided despite an increase in council tax. Impact of increased number of residents on the crematorium.
- Sewers at Brampton Fields are overloaded. Additional impact on water, electricity and sewerage.
- Potential land contamination from research chemicals.
- Local geological conditions include sink holes. Create problems with Suds infiltration.
- Development should be on land designated between Kiln Barn Road and Hermitage Lane. TMBC should prioritise brownfield rather than greenfield sites.
- Reduction in wildlife habitat.
- The tall pine trees and smaller trees opposite the junction of Ragstone Court must be kept. Who will maintain the retained trees to the rear of Bradbourne Fields?
- Hardstanding will increase the risk of surface water flooding. The proposed pond will be subject to flooding, insects, and smell and be dangerous to children. New Road and Kiln Barn Road have both previously flooded.

- The dwellings should not be higher than two storey. Flats unsuitable as none in the area.
- Will remove views of pear orchards and East Malling church. Loss of separation between existing settlements. Will erode the setting of Bradbourne House.
- Kent is at breaking point.
- Ditton village and community will be lost.
- The impacts will far outweigh the benefits. No benefits to the surrounding area.
- Devalue house prices.
- The description is inaccurate and should include scale and point 8 states parking is not relevant however the application includes parking spaces. Point 16 is inaccurate as agricultural buildings will be lost.
- Premature in advance of the local plan process.

6. Determining Issues:

Principle of development:

- 6.1 The LPA is under a statutory duty to determine planning applications in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Development Plan currently in force comprises the TMBCS (September 2007), the DLA DPD (April 2008), the MDE DPD (April 2010) and the saved policies of the TMBLP. The NPPF and guidance contained within the associated NPPG are material considerations.
- 6.2 The site lies to the immediate south of the confines of Ditton, within the designated countryside. Policy CP14 of the TMBCS seeks to restrict development in the countryside and whilst it includes circumstances where development can be acceptable, the introduction of up to 300 dwellings does not fall within one of the exceptions listed. The proposal is therefore contrary to this development plan policy. However, TMBC cannot presently demonstrate a five year supply of housing and in this context CP14 has been confirmed by recent appeal decisions to be out of date and cannot therefore provide any justification to resist the development in terms of broad principles.
- 6.3 In the absence of a 5 year housing supply the presumption in favour of sustainable development must be applied. For decision taking, this is set out at paragraph 11 of the NPPF as follows:

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 within this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

6.4 Dealing firstly with paragraph 11 d) (i), Footnote 6 of the NPPF provides a closed list of those restrictive policies that relate to protected areas and assets of particular importance. Designated heritage assets are specifically referenced. Although there are no designated heritage assets within the site I am aware that the north west corner of the site abuts a CA, and the ragstone and brick wall which forms the western boundary of the site once delineated the parkland associated with Bradbourne House. For completeness it is therefore necessary to assess the application with regard to the relevant policies of the NPPF that protect heritage assets in order to determine, in the first instance, whether there is a clear reason to refuse the proposed development.

Impact designated heritage assets and their settings:

6.5 There is a statutory duty on decision-makers to have special regard to the desirability of preserving listed buildings and their settings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.6 Similarly, section 72 of the Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of these areas, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

6.7 Section 16 of the NPPF relates specifically to conserving and enhancing the historic environment. Applicants are required to describe the significance of any heritage assets affected, and LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. The section clearly sets out what LPAs should take account of in decision making and that any potential impact is considered in relation to the significance of the heritage asset

potentially affected. Paragraphs 194 – 196 and the NPPG provide further clarification on this method of assessment. The method requires potential harm to designated heritage assets to be categorised as either substantial (which includes total loss) or less than substantial harm, in order to determine which of the policy tests should be applied. However, within the category of “less than substantial harm” it is accepted in case law that a decision maker must take a view as a matter of planning judgement as to the level of harm within that category.

- 6.8 In addition, and of particular relevance to the current application, the guidance makes it clear that the significance of a heritage asset derives not only from its physical presence but also from its setting. The site does not contain any designated heritage assets but it remains important to determine whether the site impacts on the wider setting of the CA or Bradbourne House which is a Grade I listed building.
- 6.9 It is necessary therefore to identify the relevant heritage assets; identify the settings of the relevant heritage assets; and determine whether the proposal will result in substantial harm or less than substantial harm. If less than substantial harm the level of that less than substantial harm will be determined. Further guidance on such matters can be found in the NPPF and Historic England’s The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017.
- 6.10 The guidance requires the identification of which heritage assets and their setting are potentially affected. For clarity the NPPF glossary states that - “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
- 6.11 The potentially relevant significant heritage assets are identified as Bradbourne House (Grade I listed) and the associated Bradbourne East Malling Conservation Area. The CA surrounds Bradbourne House and its associated Grade II listed outbuildings and it can reasonably be concluded that the CA was so designated as to reflect the extent of the historic setting of Bradbourne House and its associated outbuildings. However it is a matter of planning judgement as to the continued significance of the former parkland in terms of the wider setting of Bradbourne House.
- 6.12 Historic England acknowledges the importance of Bradbourne House but notes that although the site lies to the east of Bradbourne House, it is outside the historic park boundary, and although the site is adjacent to the conservation area it is obscured from the house and conservation area by farm buildings and trees and also lies adjacent to existing modern development. For these reasons, HE state that they do not think the proposed development would cause harm to the CA or to the significance of Bradbourne House due to the relative distance and features

which lie between the heritage assets and the site. HE therefore do not have concerns on heritage grounds. I conclude that the proposed development falls beyond the setting of the heritage assets and therefore the heritage assets will not suffer any harm. Consequently it is not necessary to carry out any further analysis regarding levels of potential harm. Owing to the absence of any direct impact on any designated heritage assets or their wider setting there is no clear reason to refuse the proposed development on this basis.

6.13 It is therefore necessary to turn to paragraph 11 d) (ii) to determine whether the proposed development would result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework as a whole. It is on this basis that the remainder of my assessment takes place.

Location of development:

6.14 Paragraph 79 of the NPPF states that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Whilst the site is located within the designated countryside, it lies immediately adjacent to a defined urban area.

6.15 The site lies immediately adjacent to the southern confines of Ditton. The pedestrian links to the site are good. PROW MR100 allows access to the north to Ditton Community Centre and recreation ground, the primary school and the church. The site is within reasonable distance from the A20 which is a major bus route. The PROW MR100 also provides access to the south west, which links into PROW MR102 to provide access to the facilities and main line station of East Malling. Future residents would not therefore be solely reliant on the private car as the primary mode of transport. The development is not therefore isolated in any way.

6.16 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that the planning system has three overarching objectives to achieving sustainable development, these being an economic objective, such as ensuring adequate land is available to support growth and enable the provision of infrastructure; a social objective, such as ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations as well as accessible services and open spaces; and an environmental objective, ensuring that effective use is made of land, helping to improve biodiversity and protecting and enhancing the natural, built and historic environment.

6.17 It is considered therefore that the location of the site and the type of development proposed would be considered sustainable development under the relevant paragraphs of the NPPF.

Amount of built development and density:

- 6.18 Paragraph 122 of the NPPF requires that planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive and healthy places.
- 6.19 Paragraph 123 of the NPPF goes on to state that where there is an existing or anticipated shortage of land for meeting housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances, paragraph 123 (c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. It also states that in this context, a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of land (as long as the resulting scheme would provide acceptable living standards).
- 6.20 Of course, the need to make the best and most efficient use of available land for housing provision must be measured against the need to ensure the development comes forward in an acceptable way, having full regard to local context and characteristics. In this respect, adopted policy CP24 of the TMBCS requires that all development must be well designed and of a high quality and must through (inter alia) its density be designed to respect the site and its surroundings. This is further supported by the express requirements of policy SQ1 of the MDE DPD. These policies are in broad conformity with the relevant policies of the Framework which, at paragraph 127 sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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

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

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

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

6.21 Paragraph 130 of the NPPF then sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

6.22 The development of this site with 300 residential units provides an overall density of 26 dwellings per hectare. This is entirely commensurate with prevailing density patterns of the locality which have been identified as ranging between 20 – 30 dwellings per hectare.

6.23 Given the scale of development proposed here, it is quite right that densities across the site will vary. This is acknowledged within the submitted parameter plans which demonstrate that the outer edges of the development, particularly to the south should be at a lower density to ensure a suitable acknowledgement to the characteristically rural land beyond. It will therefore be important to ensure this is readily reflected in any detailed layout coming forward at the reserved matters stage in the event that outline planning permission is granted. On this basis, the amount of development proposed by this application is acceptable and accords with the relevant adopted policies and the requirements of the NPPF.

Impact on character and appearance of locality:

- 6.24 Having regard to the adopted policy and NPPF requirements as already set out above, it is also necessary to make a more detailed assessment as to the potential impacts arising on character and appearance arising from the proposed development. This is set out as follows:
- 6.25 To the north of the site is residential development, with sporadic development to the north west. The eastern site boundary comprises Kiln Barn Road with development beyond, and to the south and south west lie open fields. The illustrative masterplan has been designed to respond to the wider setting of the development site and comprises a suburban centre, with a semi-urban section to the north and a more rural layout to the south and west.
- 6.26 An Arboricultural report has been submitted which identifies the best quality trees. These are to be retained and are reflected in the indicative layout. The trees along the northern site boundary are to be retained, and will continue to provide a visual barrier between the existing and proposed residential development. There will be long views from the south and south west towards the proposed development and therefore the more rural layout in these areas is appropriate. This will help to soften the visual impact of the overall proposed development. Additional tree planting is proposed in the south west corner of the site and whilst planting is also proposed to the southern boundary, the intention is to punctuate this boundary to allow for views through to, and from, the wider countryside. The recommendations of the submitted Arboricultural Report includes the incorporation of native species planting of local provenance, and those of known value to native wildlife. This is acceptable and will increase the biodiversity of the site, although the precise nature of the proposed landscaping can be considered at the reserved matters stage.
- 6.27 A Landscape and Visual Appraisal has been submitted as part of the planning application. The site is not the subject of any specific landscape designation. The site is not dissimilar in character to the wider landscape, particularly to the EMT land to the south, and does not contain any site specific or rare features. It is the site boundaries of mature vegetation and the mature trees along the PROW which contribute most significantly to its character.
- 6.28 The development proposes extensive landscape planting which will render the development largely visually contained, although the proposed removal of various parts of the existing windbreak trees to the southern boundary will create glimpsed views of the open agricultural land beyond. I appreciate that the site is visible to PROW users and to the existing dwellings, particularly those of the northern boundary. However Members will appreciate that the planning system does not recognise a private right to a view and therefore the mere fact that the development will be seen by the existing residents and PROW users is not, in itself, a material planning consideration.

6.29 I consider that the indicative masterplan has demonstrated that a detailed scheme could come forward in a manner that would ensure no unacceptable impact on the character of the wider locality. Although subject to further design detail and public consultation at reserved matters stage, it has been shown that development can be designed to respect the site and conserve the character of its surroundings. Although the layout is indicative at this stage it will be possible for the site to be well developed to create an attractive, welcoming and safe environment. The proposed development therefore accords with Policy CP24 of the TMBCS, Policy SQ1 of the MED DPD and paragraphs 122, 127 and 130 of the NPPF.

Indicative landscaping and provision of public open space:

6.30 The submitted Masterplan and associated Green Infrastructure, Open Space and Drainage Plan indicate the proposed developable area relative to the amount of open space to be provided across the scheme. The developable area (for residential purposes) is shown to comprise 8.88 hectares of the total 11.58 hectares of the site. Open space is shown to comprise a total of 2.38 hectares, with the remainder of land across the site shown to be providing necessary access infrastructure.

6.31 The most significant proportions of that open space are to be provided to the north-west and south-west corners of the site, totalling around 1.35 hectares of the 2.38 given over to formal public open space, with the remainder shown to be more informal green corridors along the outer edges of the site and across the centre, providing linkages.

6.32 Planning conditions would be imposed on any outline planning permission granted requiring the reserved matters submissions to demonstrate in detail how these identified areas would provide for areas of amenity space, natural space and formal play space in accordance with adopted policy OS3 of the MDE DPD.

6.33 More generally, the wider landscaping and boundary treatment of the site as a whole would also be subject to reserved matters submissions in the event that outline planning permission were to be granted. In this respect generally it will be important that the established site boundaries are maintained and enhanced wherever possible to do so and that additional planting be reflective of the prevailing characteristics of the area. This will be particularly important in any planting treatment along the edges of the retained public footpath through the site.

Existing and proposed residential amenity:

6.34 It is also vital to assess the proposed development in terms of its potential impact on the residential amenity of existing dwellings located close to the site and in addition to ensure that suitable residential amenity can be achieved for future occupiers of the proposed development. This assessment will be made with regard to the relevant planning policies CP24 of the TMBCS, SQ1 of the MDE DPD

and paragraphs 127 and 130 of the NPPF. These policies are detailed above in the preceding assessment.

- 6.35 The indicative masterplan shows a layout demonstrating how the quantum of development proposed could be accommodated across the site. The majority of the dwellings will have no direct impact on existing dwellings. However it is important to consider the potential relationship between the proposed dwellings to be located in the north of the site and those existing dwellings on Cherry Orchard, Brampton Field and Wilton Drive. The indicative masterplan shows a minimum distance of 21m between the opposing elevations of the existing and proposed dwellings. On this basis I consider that the proposed development would not cause any overt harm to the residential amenity of the existing dwellings to the north and north west. Whilst the proposal will alter the outlook from these residential dwellings, the separation distances and the use of landscape buffers will ensure no loss of privacy, light or general amenity. Accordingly this relationship will also ensure a suitable level of residential amenity for future occupiers of the proposed development.
- 6.36 In making this assessment and reaching this conclusion, I am mindful that the existing views over countryside from the north will change. However, Members will be mindful that rights to a view are not a material planning consideration and this cannot therefore be taken into account when reaching a decision on this application.
- 6.37 Furthermore, I note that the supporting document indicate an intention to punctuate through the southern site boundary (currently a tall hedge acting as a windbreak) to afford views over the countryside beyond for the benefit of the new residential properties. There is, in planning terms, nothing inherently wrong in this approach provided any gaps created within the hedge were visually acceptable and did not cause harm in ecology terms. This would be assessed as part of the reserved matters application. Equally, how the new houses would interplay with this boundary will be important at the reserved matters stage in order to ensure the future occupants have an acceptable level of amenity provided for.
- 6.38 Policy SQ6 of the MDE DPD relates to noise. However this policy has been out of date since the publication of the NPPF in 2012. Therefore, for decision making purposes it is necessary to refer to paragraph 180 of the NPPF. This paragraph requires planning decisions to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. A Noise Assessment has been submitted as part of the planning application. The assessment concludes that the site is 'low risk' and calculates the noise increase from the predicated traffic movements to be 2.9dB which is below the commonly acceptable minimum detectable change of 3dB. This demonstrates that the site is suitable for residential development in terms of noise.

- 6.39 Whilst EP concur with this overall conclusion, in order to ensure a suitable aural climate for the proposed dwellings fronting Kiln Barn Road, it may be necessary to consider some form of mechanical ventilation. However overall the indicative masterplan has demonstrated that 300 dwellings could be adequately accommodated within the site and include suitable on site provision of roadways, vehicle parking, a SUDs as well as amenity and play space.
- 6.40 Policy SQ4 of the MDE DPD only allows for development where the proposed land use does not result in a significant deterioration in air quality, does not result in the creation of a new Air Quality Management Area (AQMA) or is not sited close to an existing harmful source of air pollution or impact on designated sites of nature conservation. An Air Quality Assessment has been submitted as part of the planning application, along with a more recent addendum. The assessment concludes that the impact of the proposed development in this regard will be negligible. This has been verified by technical officers within the Council. Alongside this, mitigation measures such as the installation of electric vehicle charging points and a Travel Plan to encourage sustainable means of transport (public, cycling and walking) are recommended, and such measures can be ensured by planning condition.

Best and most versatile land:

- 6.41 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will be not be proposed in the LDF unless there is an overriding need, and
- (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.
- 6.42 Paragraph 170 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. In particular section b) requires the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services to be recognised – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.43 Whilst I appreciate that policy CP9 relates to the allocation of sites rather than decision making, this policy when considered in conjunction with paragraph 170 (b) of the NPPF makes it clear that there is a need to balance the need for additional housing with the loss of agricultural land.
- 6.44 The site is classified as grade 2 which is typical of the surrounding area. Grades 1, 2 and 3a are referred to as 'best and most versatile' land. It is recognised that the site comprises the best and most versatile agricultural land, although it is a

small area when compared with the size of the East Malling Trust land, the primary purpose of that organisation being agricultural research. Specifically, the submitted Planning Statement advises that the land has been used for research purposes and not crop production but that due to changes in research methods there is not as much demand for land by the Trust. It is therefore my judgement that that the loss of this area of land would not result in an unacceptable impact on agricultural yield or profitability, particularly when balanced against the lack of a five year housing land supply.

Ecology and biodiversity:

- 6.45 In accordance with section 40 of the Natural Environment and Rural Communities Act 2006 in decision making LPAs must have regard to conserving biodiversity. Policy NE2 of the MDE DPD requires that the biodiversity of the borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 states that development which 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. The policy continues to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.
- 6.46 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network. These are all in general conformity with the policies in the Framework. In particular, paragraph 170 of the NPPF states that planning policies and decisions should contribute to, and enhance, the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.47 An Ecological Assessment has been submitted in support of the application and an update to this given the period of time that has elapsed has also been provided. The assessment was carried out in accordance with the guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM). The assessment includes full details of how the surveys were carried out and references the appropriate methodologies. Three bat activity surveys were carried out concentrating on the existing agricultural buildings at the site. Further surveys relating to great crested newts and other amphibians, badgers, reptiles, birds, invertebrates and dormice were also carried out. The assessment did not discover any protected species at the site. The assessment identified all the surrounding designated habitat areas including Holborough to Burham Marshes SSSI (2.7km

to the north), Oaken Wood LWS (1.3km to the south) and Ditton Quarry Local Nature Reserve (0.2km to the east), but concludes that the separation distances between the application site and any designated habitat areas are sufficient to ensure no adverse impact would result from the proposed development. I therefore conclude that the proposed development will not adversely affect any protected species or damage any special habitat.

6.48 Nevertheless legislation, development plan policies and the NPPF seek to enhance the biodiversity value of sites. Accordingly the Ecological Assessment recommends a series of mitigation and enhancement measures. The measures include garden fences to be provided with a 'Hedgehog Gateways', the provision of Schwegler bird boxes and sparrow terraces (Schwegler is a supplier of good quality woodcrete nesting boxes), two hibernacula (for overwintering) and two log piles. These recommendations, in conjunction with those already made in the submitted Arboricultural Report, will ensure an overall enhancement to biodiversity and wildlife habitat, particularly through the introduction of ponds associated with the SUDs and wildlife rich species planting. I am satisfied therefore that the proposed development accords with the requirements of the relevant policies in this regard.

Highway safety, capacity and parking provision:

6.49 Members are advised to read this section in conjunction with the detailed representations made by KCC (H+T), which are reproduced in full at Annex 1.

6.50 Policy SQ8 of the MDE DPD sets out that:

1. 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.
2. 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.
3. 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.
4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
5. 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.

6.51 This is consistent with the relevant policies of the Framework which state as follows.

6.52 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 goes on to state that within this context, applications for development should:

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

6.53 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.54 In accordance with paragraph 111, a detailed Transport Assessment, associated addendum, traffic data and Framework Travel Plan have been submitted as part of the planning application. The numerous documents have been subject to vigorous scrutiny by the highway authority who have sought additional information and clarification throughout the life of the application.

6.55 The access to the site is proposed from the west side of Kiln Barn Road. The proposed access has been designed with a 52m vision splay to the north and 50m to the south (at a setback distance of 2.4m). Whilst I understand that discussions are taking place regarding a possible reduction in the speed limit at this point along Kiln Barn Road, an assessment as to the acceptability of the access

arrangements and proposed visibility splays within the context of the current speed limit must take place. In this respect, KCC have confirmed that the arrangements are acceptable. They have also confirmed that there is no requirement for a second, full vehicular access to serve the development.

- 6.56 An additional emergency access is however to be provided further south on Kiln Barn Road. The proposed secondary emergency access is to have similar visibility splays but being emergency access will be controlled by collapsible bollards. The access will be 3.7m in width and also provide pedestrian and cycle access. Full details of the proposed accesses are shown on drawing referenced 182600 – 003 Rev E received 26.02.20. A safety audit has been completed and the highway authority has found these arrangements to be acceptable.
- 6.57 Turning now to traffic generation arising from the proposed development; traffic movements have been estimated using the TRICs database. (Trip Rate Information Computer System is a database of trip rates used in the UK designed specifically to quantify the trip generation of new developments.) In addition, traffic counts were undertaken in July 2018 (in term time) on Kiln Barn Road close to the proposed site access, and in November 2018 at the junction of Kiln Barn Road/New Road/St Peters Road. Furthermore a wide range of capacity assessments have been completed for the junctions along the A20 including the A20/Bradbourne Lane junction.
- 6.58 The TRICs calculations and survey results confirm that the A20/Bradbourne Lane junction will work within capacity in 2031 if the proposed development were to proceed and therefore no further improvements are required in this location. However Members will be aware of the existing capacity issues along the A20 at certain points. Members will also be aware that the NPPF requires the Council to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Regulation 122 of the CIL Regulations also sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.59 The TRICs calculations and survey results demonstrate that the traffic generated by the proposed development can be adequately mitigated through junction improvements at the A20/Station Road/New Road junction. Details of this

proposed junction improvement are shown on drawing referenced 182600-017A received within the Transport Assessment Addendum on 31.01.20.

- 6.60 The improvements to the A20/Station Road/ New Road junction comprise of widening to the carriageway on both the northern and southern sides of the A20 in order to allow for two straight ahead lanes on the A20 both eastbound and westbound. This will improve capacity, reduce delays and improve journey times.
- 6.61 The improvements relate directly to the proposed development and are fair and reasonable in scale and kind. The improvements therefore meet the tests set out in the NPPF and the CIL regulations. The improvements can therefore be ensured by planning condition and legal agreement. KCC have advised that these improvements are to be undertaken by the developer and the precise details of how the improvements will be secured (whether by planning condition or s106 agreement) are currently being finalised and confirmation will be provided to the committee by way of a supplementary report.
- 6.62 The TRICs calculations and survey results demonstrate that the additional traffic generated by the proposed development will also have an impact on the A20 corridor. A further sum of £1547.62 per dwelling is therefore sought towards other highway improvements along the A20 between the junctions of the A228 and Coldharbour roundabout. These measures have been identified by the highway authority as being necessary mitigation measures and are directly related to the proposed development and being fair and reasonable in scale and kind will be ensured by legal agreement.
- 6.63 In these respects, the highway authority has also identified the need for a financial contribution towards bus service enhancements to improvement bus journey times and to encourage sustainable travel. The final amount for this contribution is being negotiated between KCC and the applicant and the resolution will be reported by way of a supplementary matter. The contribution and its purpose will be enshrined within the section 106 legal agreement.
- 6.64 In terms of parking provision to serve the resultant residential development, the illustrative masterplan shows that 1.5 parking spaces (averaged) are be provided for the 1 and 2 bedroom flats and 1 and 2 bedroom houses, and 2 vehicle spaces for the 3 and 4 bedroom houses. IGN3 recommends for suburban edge and village settlements a provision of 1 space per 1 and 2 bed flats, 1.5 spaces for 1 and 2 bed houses, and 2 spaces for 3 and 4 bed houses. The proposed development meets these recommendations; however I also recommend that any final design includes suitable provision for visitor parking spaces. This can be suitably addressed at the reserved matters stage.
- 6.65 Paragraph 91 of the NPPF requires the aims of planning policies and decisions to achieve healthy, inclusive and safe places. In particular section c) requires policies and decisions to enable and support healthy lifestyles and (inter alia) layouts that encourage walking and cycling.

- 6.66 A new footway is to be provided along the site frontage on Kiln Barn Road with a crossing facility. The Design and Access Statement makes reference to a new network of public footpaths and cycle routes, stating that a new around-the-site footway and the green corridors will provide opportunities for walking, running, cycling and dog walking. Furthermore, the illustrative masterplan confirms that the existing PROW MR100 is to be maintained. However I am aware of the concerns of KCC PROW who seek improvements in the overall design, noting that Kent Design guidance requires provision for walkers and cyclists to be made within traffic free, wide green corridors of open space, and should not be confined behind rear gardens or close to roads. In addition the PROW will also need to be at least 2m in width and suitably surfaced. The site is of sufficient size to accommodate these requirements and this can be addressed at reserved matters stage and ensured by planning condition.
- 6.67 Members will be aware of the proposed improvements to A20/Mills Road/Hall Road junction. The improvements are to be delivered by the highway authority. Funding for this scheme has been secured by the highway authority although it is important to ensure that the proposed development is not to be undertaken until these works are substantially completed. This again can be ensured by planning condition.
- 6.68 Appropriate measures have been identified which will successfully mitigate the impact of the proposed development on the highway network and these can be adequately secured by planning conditions and obligations.
- 6.69 The proposed development is capable of making suitable provision for alternative modes of transport owing to the locality of the site and PROW links. The provision of electric vehicle charging points is recommended and this can be ensured by planning condition. Consequently both I and the highway authority conclude that the proposed development will not have a severe adverse impact in either capacity or safety terms on the wider highway network. The application is therefore acceptable in this regard. It also remains appropriate however to minimise any highway disruption during construction. It will therefore be necessary to agree a Construction Management Plan and, again, this can be ensured by planning condition.

Potential flood risk and drainage:

- 6.70 Policy CP10 of the TMBCS states that 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. Similarly, paragraph 155 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
- 6.71 The drainage and flood risk across the site is addressed in the submitted (revised) Flood Risk Assessment and Drainage Strategy. It sets out that the proposed

development lies within Flood Zone 1, where residential development is considered to be a compatible land use. However whilst the majority of the site is at very low risk of surface water flooding there is a very small area of low risk of flooding to the west of the site and a small area, at a low point to the north of the site, shown to be at high risk of flooding. The proposed drainage arrangements will need to minimise any risk to ensure that the site itself will not be at risk of flooding or increase flood risk elsewhere. It is appreciated that the masterplan shows an indicative layout only. However it will be vital to ensure that any final layout incorporates a robust SUDs to accommodate all surface water within the site. This can be ensured by planning condition. The strategy also confirms that foul sewerage will discharge via a new connection into the Southern Water sewer.

Ground conditions and land contamination:

6.72 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

6.73 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.74 Ground conditions are addressed in the submitted and updated Preliminary Risk Assessment for Ground Water. This assessment demonstrates that SUDS could be so designed as to not cause pollution to groundwater. Nevertheless the site forms part of the wider EMT Research facility, and as such is identified as potentially contaminated land. There is no evidence of what chemicals have been used in association with the agricultural research activities, and there is a historic landfill site on the north west site boundary. It is therefore necessary to attach planning conditions to deal with any potential land contamination issues.

Archaeological considerations:

6.75 Paragraph 189 of the NPPF requires sites that have the potential to include heritage assets with archaeological interest to submit appropriate desk-based

assessments and, where necessary, field evaluations in order to assess the significance of any such assets.

- 6.76 The majority of the site lies in an area of archaeological potential (AAP) for prehistoric and Roman remains. The application includes an Archaeological Report which provides a reasonable summary and on this basis the application is acceptable in this regard subject to an archaeological watching brief. This can be ensured by planning condition.

The draft local plan:

- 6.77 Members will be aware that this site is cited within a policy for housing development in the draft local plan by policy LP25 (o) which allocates a proportion of the site for a total of 216 dwellings. The application site itself is actually larger than the land identified by the draft allocation as it takes its extent from the physical field boundary on the ground. This means that the application site on which the 300 houses are proposed totals 11.58 hectares whereas the allocation for 216 units covers 7.09 hectares.
- 6.78 In any event, Members should be aware that under paragraph 48 of the NPPF, a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies and (3) the degree of consistency of the relevant policies with the NPPF.
- 6.79 Paragraph 49 then advises that this, when taken in the context of the NPPF and “in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”
- 6.80 When considering the requirements of the NPPF in this respect, Members will be aware of the latest letter from the examining Inspector dated 22 October 2020. It is clear at this time on the basis of this position and the relevant NPPF paragraphs that the draft local plan carries only limited weight for decision making purposes, certainly until it has progressed further through the examination process and therefore the draft allocation cannot be determinative at this time.

Planning obligations:

- 6.81 To reiterate, Members will be aware that the NPPF requires the Council to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Regulation 122 of the CIL Regulations requires conditions and obligations to be necessary to make the development acceptable in planning terms; be directly related to the development; and be fairly and reasonably related in scale and kind to the development.
- 6.82 Policy CP25 of the TMBCS relates to the mitigation of development impacts and states:
1. Development will not be proposed in the LDF or permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.
 2. Where development that causes material harm to a natural or historic resource is exceptionally justified, appropriate mitigation measures will be required to minimise or counteract any adverse impacts. Where the implementation of appropriate mitigation is still likely to result in a residual adverse impact then compensatory measures will be required.
- 6.83 Policy CP17 of the TMBCS states that in urban areas affordable housing provision will be sought on all sites of 15 dwellings or above at a level of 40% of the number of dwellings within that scheme (70% affordable rent, 30% shared ownership). Only in exceptional circumstances should off-site provision be secured or a commuted sum provided in lieu of on-site provision.
- 6.84 The application comprises the on-site provision of affordable housing. Affordable housing is proposed at a level of 25%. This reflects the requirements of draft local plan policy LP39 in this part of the Borough. As already noted the draft local plan is not sufficiently advanced in the examination process to be afforded any more than limited weight. Consequently, the application includes a viability report which concludes that the appropriate level of affordable housing provision at the site is 25% rather than the 40% which is required via adopted development plan policy. This is unsurprising as the viability report was based on the same evidence as the draft local plan which states that 25% affordable housing provision is appropriate for this part of the Borough. I am aware that provision at a level of 25% does not accord with the 40% requirement set out in the current development plan policy CP17. I am also aware that the draft local plan policy carries little weight. However the evidence put forward in the submitted viability report is based on the same evidence as the draft local plan policy and is therefore more up to date than the local plan policy which dates from 2007. Therefore, there are material

planning considerations that indicate the provision of 25% to be acceptable in this instance. The specific type and tenure of the proposed affordable housing, and details of its implementation, will be secured by legal agreement. The affordable housing is to include the onsite provision of 3 wheelchair adaptable homes.

- 6.85 Policy OS3 of the MDE DPD requires all developments of 5 units or more to provide open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The indicative masterplan identifies some 1.35 hectares of formal public open space and a hectare of what is described on the masterplan as green network. In addition the intention is to provide a Neighbourhood Equipped Area of Play (NEAP) and Local Areas of Play (LAP). The proposal therefore includes a large proportion of the required open space within the site. Full details of the on-site open space will be provided at reserved matters stage. However it is not practical to make on on-site provision for parks and gardens or outdoor sports facilities. Consequently a sum of £365,883 is sought towards Leybourne Lakes Country Park and £671,268 towards the provision of enhanced outdoor sports facilities in the local area.
- 6.86 The applicant has sought to engage with Ditton PC as to whether they can identify any particular projects in respect of open space provision and contributions. The PC have identified that their multi-use games area (MUGA), originally provided through lottery funds and used by many local sports teams, is in need of upgrading. Quite reasonably, this proposed development could increase demand and use for the facility and therefore utilising a proportion of the outdoor sports facilities contribution (totalling £671,268 as set out above) could reasonably be earmarked to possibility be spent on this project. This can be reflected within the final section 106 legal agreement and when the contribution triggers are met officers would liaise with the PC further on their specific requirements in this respect.
- 6.87 The suggestion has also been made that the development could usefully look to accommodate additional allotment spaces. Whilst it would not be possible to *require* the development itself to make such provision, officers have raised with the applicant whether there is any available land within its wider holding that could be made available for such a use in connection with this application. The applicant has given due consideration to this request but has advised that it has no objection for a proportion of the cited open space contribution to be for the provision of off-site allotments (again, this can be reflected in the section 106 agreement as a project to be investigated at the time the contribution was received) but there is not a possibility of the Trust directly accommodating such provision on land within its ownership. Quite reasonably, matters of access and security given current ongoing research operations have been cited as reasons as to why this would not be possible or suitable in these circumstances.

- 6.88 The PC has also requested that consideration be given to whether a public footpath could be provided to the development down to Ragstone Court, including street-lighting and traffic calming and also provision for the footway to continue from the development up to the houses developed on the former Ditton Laboratories site. Again, this suggestion has been discussed with the applicant who has set out that this was previously investigated at the point of submission and it was agreed that the footpath described was not needed to make this development acceptable in planning terms. I agree with that conclusion and whilst I can appreciate that it is frustrating that the footpath was not provided in connection with the former Ditton Laboratories development, it is not possible to seek to impose requirements upon this current scheme above and beyond what is considered to be necessary to make this development acceptable in planning terms.
- 6.89 Lastly, the PC have raised concerns with officers regarding the lack of local infrastructure and the further demands placed on local services that will arise from the proposed development. Members will appreciate that evidence is provided from KCC and the CCG in connection with such matters in order that suitable provision and enhancement of facilities can be secured where necessary to do so. In this case, KCC advise that the proposed development will give rise to up to 84 additional primary school pupils, and as there are no existing local schools which can be suitably expanded this need can only be accommodated through the construction of a new primary school. Therefore a financial contribution of £4535 for each house and £1134 for each flat will be sought towards the build costs of a new primary school in Aylesford, and a financial contribution of £3208.18 for each house and £802.05 for each flat towards the costs of land acquisition.
- 6.90 I am aware that there is no absolute certainty regarding the delivery of a new primary school in Aylesford. I am also aware of the limited weight that can be afforded to the TMBC draft local plan. However it is entirely reasonable that KCC are planning for projects that take account of the proposed development strategies within the draft plan. There will however need to be a clear mechanism put in place within the legal agreement to ensure that the provision of primary school places arising from the proposed development are met in the event that the proposed primary school does not come forward as envisaged.
- 6.91 KCC advise that the proposed development will give rise to up to 60 additional secondary school pupils, and this need can be met through the enhancement of teaching space at Aylesford School. Therefore a financial contribution will be sought of £4115 for each house and £1029 for each flat.
- 6.92 KCC also advise that in order to mitigate the additional impact arising from the proposed development on the delivery of its community services, the payment of the following sums is sought:

- £9770.80 towards the Aylesford School Adult Education Centre for additional equipment for new learners
- £4041.06 towards Aylesford Youth Club
- £15,116.04 towards Larkfield Library enhancement and additional book stock for the new borrowers
- £16,770.00 towards the Aylesford Priory Changing Place facility

6.93 The NHS CCG advise that the proposed development will generate 702 new patient registrations and in order to mitigate this impact a sum of £252,720 will be sought towards the refurbishment, reconfiguration and/or extension at Thornhills Medical Centre, Wateringbury Surgery and/or West Malling Group Practice.

6.94 I am satisfied that the on-site provision of affordable housing, and the financial sums sought towards off site open space, education and community facilities, as well as the highway improvements detailed elsewhere in this report, are all necessary to make the development acceptable, are directly related to the development, and are fair and reasonable and related in scale and kind to the proposed development. Consequently the relevant tests have been met. The affordable housing, junction improvements and financial contributions comprise the S106 agreement.

Benefits arising from the proposed development:

6.95 The application of the presumption in favour of sustainable development at paragraph 11 (d) (ii) of the NPPF requires that development proposals be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

6.96 Firstly, the proposed development would provide up to 300 new homes on an edge of settlement site in a sustainable location, which carries substantial weight given the overarching need to deliver a sufficient supply of homes and, in particular, the fact that the objective of significantly boosting the supply of homes is a key government objective (paragraph 59 of the NPPF)

6.97 Whilst a number of the benefits put forward in support of the application are required by policy (affordable housing, open space and infrastructure contributions) it is clear that these all amount to substantial and important benefits arising from the scheme and this is an approach that inspectors consistently adopt in such circumstances.

6.98 In addition, a case has been put forward on behalf of the Trust setting out that as a registered charity its primary objectives are the support of horticultural research and the advancement of science for public benefit at a local and national level.

The case goes on to explain that the Trust is seeking to make substantial improvements to the research campus by providing new facilities to ensure the long term success of the research and development undertaken at the campus. Reference is also made to the fact that the Trust also supports accommodation for a total of 63 businesses based across the Estate as well as maintaining the Grade I listed Bradbourne House and historic parkland. The supporting information explains that public funding for research remains fragile and that the age of existing facilities at the campus has recently resulted in the loss of new research projects to the campus. It is stated that new streams of funding are needed to improve facilities and expand the scope of work at the campus and thus also retain the specialist workforce and that financial receipts generated through the sale of land not required for research and development purposes will provide much needed investment into facilities and “*maintain East Malling as an internationally renowned centre of scientific excellence and innovation*”.

- 6.99 This aligns with the requirements of the NPPF at paragraphs 80 – 84 which highlight the importance planning policies and decisions can have in creating conditions in which businesses can expand, invest and adapt.

Planning balance and overall conclusions:

- 6.100 On the basis of the preceding assessment when taken as a whole, I consider that the limited adverse impacts arising from development taking place on designated countryside land in conflict with policy CP14 of the TMBCS (which is considered to be out of date) and the loss of Grade 2 agricultural land do not significantly or demonstrably outweigh the identified benefits arising from the provision of 300 houses in this location when taken cumulatively and when assessed against the policies in the Framework as a whole. On this basis, the presumption in favour of sustainable development points clearly to the grant of planning permission. Any identified impacts arising from the development can be adequately and appropriately mitigated through planning obligations and conditions and the following recommendation is therefore put forward:

7. Recommendation:

- 7.1 **Grant outline planning permission** in accordance with the following submitted details: Site Location Plan EMT-B-01 Rev A, Illustrative Masterplan EMT-B-02 Rev A, Parameter Plan – Masterplan Principles EMT-B-03 Rev A, Parameter Plan – Developable Area EMT-B-04 Rev A, Parameter Plan – Green Infrastructure, Open Space and Drainage EMT-B-05 Rev A, Parameter Plan – Movement and Circulation EMT-B-06 Rev A, Parameter Plan – Building Heights and Frontages EMT-B-07 Rev A, Parameter Plan – Character Areas, Block Structure and Density EMT-B-08 Rev A, Proposed Access Arrangement via Kiln Barn Road 182600-003 Rev E, Planning Statement (December 2018), Design and Access Statement (December 2018), Landscape and Visual Appraisal (10.12.2018), Flood Risk Assessment and Drainage Strategy (December 2018), Transport Assessment

(December 2018), Transport Assessment Addendum (January 2020), Framework Travel Plan (December 2018), Arboricultural Report (August 2018), Ecology Assessment (December 2018), Noise Assessment (December 2018), Air Quality Assessment (December 2018), Heritage Statement (December 2018), Archaeological Desk-Based Assessment (December 2018), Utilities and Servicing Statement (December 2018), Statement of Community Involvement (December 2018), Preliminary Risk Assessment (December 2018), Financial Viability Statement (12 September 2019), Financial Viability Statement UPDATE (10 December 2019) Air Quality Assessment Addendum prepared by Ardent Consulting dated September 2020; Ecology Update (11 September 2020); Density Study; Supplementary Supporting Statement: Scheme Quantity and Housing Numbers (01 October 2020); Supplementary Supporting Statement: Public Benefits and Engagement with Ditton Parish Council (dated 30 September 2020); subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision (parks and gardens and outdoor sports facilities), open space enhancement and healthcare provision;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards off-site highway junction improvements where not addressed by planning condition, public transport enhancements, the provision of education facilities, and community services.

It is expected that the section 106 agreement should be completed within 3 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 21 February 2021, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions:
 - 1 Approval of details of each phase of the development (if any) comprising the layout and appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

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

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

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

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

- 4 Applications for the approval of the reserved matters shall be in conformity with the Parameter Plans referenced Masterplan Principles Plan Ref: EMT – B – 03 Rev A, Developable Area Plan Ref: EMT – B – 04 Rev A, Green Infrastructure Open Space and Drainage Plan Ref: EMT – B – 05 Rev A, Movement and Circulation Plan Ref: EMT – B – 06 Rev A, Building Heights and Frontages Plan Ref: EMT – B – 07 Rev A, Character Areas Block Structure and Density Plan Ref: EMT – B – 08 Rev A received 13 December 2019 and details of the proposed access and emergency access (the Proposed Access Arrangement via Kiln Barn Road Plan) referenced 182600 – 003 Rev E received 26.02.20.

Reason: To ensure that the layout of the proposed development will not result in any unacceptable impact on the nearby heritage assets or the wider highway network.

- 5 Prior to or as part of the first submission pursuant to Condition 1, a scheme detailing the phasing of the construction of the development including the means of access, layout of buildings, car parking and servicing arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

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

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

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual relationship with the nearby heritage assets.

- 7 The details submitted in pursuance of Condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. The scheme shall be in

conformity with the Green Infrastructure Open Space and Drainage EMT – B – 05 Rev A received 13 December 2019 and follow the recommendations set out in the Arboricultural Report received 13 December 2019. The scheme shall be approved in writing by the Authority Planning Authority and shall be implemented by the approved date. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity

- 8 The details submitted in pursuance of Condition 1 shall show adequate land to be reserved for the parking and turning of vehicles, including visitor parking. The dwellings hereby permitted shall not be occupied until these areas have been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking areas.

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

- 9 The details submitted pursuant to Condition 1 shall show details of the location and number electric vehicle charging points across the development for approval by the Local Planning Authority. The charging points shall be installed prior to the first occupation of any dwelling to which they serve, and shall thereafter be maintained and retained in accordance with the approved details.

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

- 10 The details submitted in pursuance of Condition 1 shall show the proposed pedestrian and cycle routes within the site, including all works to the existing Public Right of Way, and demonstrate how the routes will link to the existing public rights of way, particularly links to the south with East Malling and to the north with Ditton. The dwellings hereby permitted shall not be occupied until these routes have been provided, surfaced and drained in accordance with the approved details and shall be retained at all times thereafter.

Reason: To promote healthy lifestyles and social connectivity.

- 11 The details submitted in pursuance of Condition 1 shall show arrangements for the storage and screening of refuse and recycling to be approved by the Local Planning Authority. Prior to the occupation of each dwelling, the approved arrangements shall be implemented in relation to that particular dwelling, and retained at all times thereafter.

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

- 12 The details submitted in pursuance of Condition 1 shall incorporate the mitigation and enhancement measures detailed in the Ecological Assessment received 13 December 2019 and the associated addendum dated September 2020. The measures shall be implemented in accordance with a timetable to be approved by the Local Planning Authority and retained thereafter.

Reason: In the interests of nature conservation and biodiversity.

- 13 The details submitted in pursuance of Condition 1 shall incorporate the mitigation measures detailed in the Air Quality Assessment (and associated addendum) and Framework Travel Plan received 13 December 2018. The measures shall be implemented in accordance with a timetable to be approved by the Local Planning Authority and retained at all times thereafter.

Reason: To ensure suitable levels of air quality

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

Reason: To ensure suitable levels of open space in the interests of health and wellbeing.

- 15 Prior to any above ground works, except ground investigations or site survey works, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
- The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
 - Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
 - Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

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

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

- 15 Prior to any above ground works, except ground investigations or site survey works, the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- 16 Prior to any above ground works, except ground investigations or site survey works, details and samples of all materials to be used externally shall be submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the countryside.

- 17 Prior to any above ground works, except ground investigations or site survey works a detailed sustainable surface water drainage scheme for the site shall be submitted to, and approved in writing by, the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of 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, particularly as the site lies within a Groundwater Protection Zone 3.

- 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.

- 18 The dwellings shall not be occupied until a Verification Report pertaining to the surface water drainage system, prepared by a suitably competent person, has been submitted to, and approved in writing, by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development is appropriately maintained.

- 18 No above ground works, except ground investigations or site survey works shall commence until the following have been submitted to and approved by the Local Planning Authority:
- a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
 - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning

permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health.

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

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

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

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health.

- 20 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health.

- 21 None of the dwellings hereby approved shall be occupied until the access from Kiln Barn Road, the emergency access, new footway and crossing facility, as shown in principle on drawing referenced 182600 – 003 Rev E received 26.02.20, have been substantially completed.

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

- 22 The measures for implementation and monitoring arrangements as set out in the Framework Travel Plan prepared by Ardent, project reference 182600-11 dated December 2018 hereby approved shall be fully adhered to.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site.

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

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within the site during construction and any external storage of materials or plant throughout the construction phase.

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

Reason: In the interests of residential amenity and highway safety in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Informatives

- 1 It is recommended that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

Contact: Emma Keefe