



**Planning, Housing &  
Environmental Health**

**Development Control  
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East Malling Trust  
c/o Savills  
Mr Kieran Wheeler  
33 Margaret Street  
London  
W1G 0JD

Your ref East Malling Trust Site B  
Our ref TM/18/02966/OA  
Contact Emma Keefe  
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Date 15 April 2021

APPLICATION: TM/18/02966/OA

VALIDATED: 20 December 2018

PARISH: Ditton

This was approved in accordance with the following submitted details: Transport Assessment Addendum received 31.01.2020, Drawing 182600-003 REV E received 26.02.2020, Viability Assessment received 17.09.2019, Other Road safety audit response received 13.11.2019, Other traffic data Kiln Barn Rd received 13.11.2019, Other Traffic data Ditton received 13.11.2019, Other Technocal notes received 13.11.2019, Master Plan EMT-B-03 REV\_A Principles received 13.12.2018, Letter viability response received 03.04.2019, Other Technical Note received 09.05.2019, Other updated PPa timescales received 28.02.2019, Flood Risk Assessment REV A 01-19 received 06.02.2019, Location Plan EMT-B-01 REV A received 13.12.2018, Master Plan EMT-B-02 REV A Illustrative received 13.12.2018, Drawing EMT-B-04 REV A Developable area received 13.12.2018, Drawing EMT-B-05 REV A Green infrastructure received 13.12.2018, Drawing EMT-B-06 REV A Movement & circulation received 13.12.2018, Drawing EMT-B-07 REV A Heights & frontages received 13.12.2018, Drawing EMT-B-08 REV A Block structure/density received 13.12.2018, Archaeological Assessment received 13.12.2018, Ecological Assessment received 13.12.2018, Assessment Preliminary Risk received 13.12.2018, Statement Utilities & servicing received 13.12.2018, Air Quality Assessment received 13.12.2018, Report Aboricultural received 13.12.2018, Travel Plan received 13.12.2018, Statement Heritage received 13.12.2018, Landscape Statement received 13.12.2018, Noise Assessment received 13.12.2018, Statement Community involvement received 13.12.2018, Transport Assessment 1 to 5 received 13.12.2018, Letter Cover received 13.12.2018, Planning Statement V2 received 14.12.2018, Design and Access Statement received 31.01.2019

APPLICANT: East Malling Trust  
c/o Savills Mr Kieran Wheeler 33 Margaret Street London W1G 0JD  
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

**Town and Country Planning Act 1990**

## Town and Country Planning (Development Management Procedure) (England) Order 2015

TAKE NOTICE that the TONBRIDGE AND MALLING BOROUGH COUNCIL, the District Planning Authority under the Town and Country Planning Acts has **GRANTED OUTLINE PLANNING PERMISSION** for the proposal specified above , subject to compliance with 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:

- o 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;
- o 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;
- o 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
- o 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.

16. 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.

17. 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.

18. 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):

o 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.

o 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. The details submitted in pursuance of Condition 1 shall show arrangements for the secure storage and screening of bicycles to be approved by the Local Planning Authority. Prior to the occupation of each dwelling shown to be served by such storage, the approved arrangements shall be implemented in relation to that particular dwelling, and retained at all times thereafter.

Reason: To encourage sustainable modes of transport and preserve visual amenity.

26. Prior to the first occupation of the development hereby approved, the planned improvements being delivered by Kent County Council at the junction of A20/Mills Road/ Hall Road must be substantially completed.

Reason: In the interests of highway safety.

27. Prior to the first occupation of the development hereby approved, the improvements to the junction of A20/ Station Road/New Road, Ditton must be completed. These works are to be provided by the developer as shown in principle on Drawing number 182600-017A

Reason; In the interests of highway safety.

**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](mailto: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](mailto: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>

4 The applicant is strongly encouraged in formulating the detailed landscaping strategy for the site to consider the retention of the southern boundary hedge in its entirety and to ensure that landscaping along the route of the public footpath is suitably rural in character and type.

5 In considering the scheme pursuant to Condition 10 of this planning permission, the applicant is requested to fully investigate opportunities for upgrading Public Right of Way MR100 to become a footpath and cycleway in order to further encourage alternative and sustainable modes of transport through and around the site and surrounding locality.

6 In designing the detailed layout of the development as approved, within the scope of the approved parameter plans, the applicant is reminded that the adopted vehicle parking standards

(IGN3: Residential Parking) do not include garages as recognised parking spaces and tandem parking spaces are discouraged.

7 The applicant is strongly encouraged to advise prospective occupants of the approved dwellings of the nearby quarrying activities and the potential for noise and vibration to be experienced as a result of these activities.

8 The applicant is strongly encouraged to liaise with Kent County Council Highways and Transportation to fully explore the possibility of making amendments to the speed restrictions on Kiln Barn Road.

In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraph 38 of the National Planning Policy Framework 2019.

*Louise Reid*

Head of Planning

**IMPORTANT: Your attention is drawn to the Notes attached**

**NOTE REGARDING PLANNING CONDITIONS**

**Please note that if conditions are attached to this permission, some of them may require the submission, pursuant to Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, of details for the formal approval of the Local Planning Authority prior to the development commencing. The Borough Council may consider it appropriate to carry out consultations and other procedures prior to giving a formal decision on these matters and it is unlikely that this will take less than 4 weeks. This should be taken into account when programming the implementation of the permission. Any development that takes place in breach of such conditions is likely to be regarded as unlawful.**



## **TOWN AND COUNTRY PLANNING ACT 1990**

### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months (12 weeks in the case of proposals relating to shopfronts) of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then you must do so within:  
  
28 days of the date of service of the enforcement notice or six months in the case of a householder appeal of the date of this notice, whichever period expires earlier.
- In the event of an appeal being lodged one copy of the completed appeal form should be forwarded to the Chief Solicitor of the Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ.
- The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### **Purchase Notices**

- If either the local planning authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **General Notes**

- Your attention is drawn to the provisions of Section 76 of the Town and Country Planning Act 1990 relating to the need to provide adequate access and other facilities for the disabled.
- Section 53 of the County of Kent Act 1981 applies to an application for the erection/extension of a building.

This requires that adequate access for the fire brigade is provided for buildings. In view of these provisions, **YOU ARE ADVISED TO CONSULT THE KENT FIRE BRIGADE** at an early stage.