PLANNING COMMITTEE

Wednesday, 14 December 2016

Present: Councillor Mrs Soyke (Chairman)
Councillors Noakes (Vice-Chairman), Backhouse, Bland, Hamilton, Heasman, Munn, Podbury, Reilly and Mrs Thomas

Officers in Attendance: Karen Fossett (Head of Planning Services), Stephen Baughen (Building Control & Development Manager), Cheryl Clark (Democratic Services Officer), Lynda Middlemiss (Major Planning Projects Officer), Jo Smith (Lawyer), Vicki Hubert (Strategic Transport Planner), Bronwyn Buntine (Sustainable Drainage Team Leader, KCC) and David Scully (Landscape and Biodiversity Officer). Additionally in attendance on behalf of officers was Peter Waring (Senior Flood Risk Advisor, Environment Agency (Kent & South London)

Other Members in Attendance: Councillors McDermott, Hills and Stewart

APOLOGIES

PLA105/16 Apologies for absence were recorded from Councillors Mrs Cobbold, Dawlings, Mackonochie and Sloan.

DECLARATIONS OF INTEREST

PLA106/16 Applications 14/504140 and 14/506766

Councillor Hamilton declared that as a former member of Paddock Wood Town Council Planning Committee, she had previously voted against these applications and had effectively fettered her discretion. Following reference to the Legal Officer she advised that she would address the Planning Committee on each application and would then withdraw from the meeting for the debate and voting in line with the Borough Council Constitution.

DECLARATIONS OF LOBBYING (IN ACCORDANCE WITH THE PROTOCOL FOR MEMBERS TAKING PART IN THE PLANNING PROCESS, PART 5, SECTION 5.11, PARAGRAPH 6.6)

PLA107/16 Application 14/504140

Councillors Noakes, Heasman, Backhouse, Hamilton, Munn and Podbury declared that they had been lobbied by objectors to the application. All members of the Committee present also declared that they had been lobbied by supporters of the application.

Application 14/506766

Councillors Hamilton, Podbury and Munn declared that they had been lobbied by objectors to the application. Councillor Hamilton declared that she had been lobbied by supporters of the application.

SITE INSPECTIONS

PLA108/16 The Chairman advised that site inspections had been made earlier that day in
respect of applications 14/504140 and 14/506766.

TO APPROVE THE MINUTES OF THE MEETING DATED 30 NOVEMBER 2016

PLA109/16 RESOLVED – That the minutes of the meeting dated 30 November 2016 be noted as a correct record.

REPORTS OF HEAD OF PLANNING SERVICES

PLA110/16 The Chairman advised the running order of applications to be as set out in the agenda report.

APPLICATION FOR CONSIDERATION - 14/504140 - CHURCH FARM AND LAND, CHURCH ROAD, PADDOCK WOOD

PLA111/16 Planning Report and Presentation - The Head of Planning Services submitted a report in respect of application 14/504140 and this was summarised at the meeting by Mrs Middlemiss, Major Planning Projects Officer, and illustrated by means of a visual presentation.

Updates and Additional Representations - Since publication of the agenda report, the presenting officer updated as follows:

i. Page 59 Paragraphs 10.43 and 10.45 referred to Appendix x and that should read Appendix C.
ii. Page 59 Paragraph 10.44 second line delete Church Farm and replace with Mascalls Court Farm
iii. Page 60 Paragraph 10.53 the third sentence should read ‘The illustrative masterplan does not show a final number of parking spaces. This will be resolved through the reserved matters’. In the following sentence insert the word ‘avoid’ so that it reads the intention is to ‘avoid’ vehicles dominating public spaces.
iv. Page 62 Paragraphs 10.62 and 10.63 the appendix referred to was Appendix C.
v. Page 64 Paragraph 10.78 add at the end of the sentence ‘for Mascalls Court Farm’
vi. Page 64 Paragraph 10.79 delete the whole paragraph.
vii. Page 64 Paragraph 10.80 after ‘the outline proposals’ add ‘for Mascalls Court Farm’. In the penultimate sentence delete ‘contrite’ and replace with ‘contribute’.
viii. Page 66 Paragraph 10.96 relating to the tree group G115, after ‘located’ add ‘to the west of the West Rhoden pond’
ix. A further representation had been received from an objector, stating that he had copied his email to all of the members of the Committee.
x. Another representation had been received on the day of the meeting referring to a legal case from 1868. Officers did not consider this material to the planning considerations of this application but would provide further details if required by any member.
xi. Other letters had also been received from objectors who were present and would be speaking at the meeting today.

xii. Mrs Middlemiss pointed out that the main issues were all covered in some detail within the appraisal section of the report but for the benefit of the meeting she read out the conclusions from paragraphs 10.130 to 10.135, which summarised the key matters leading to the officer recommendation. This recommendation together with contributions to be secured by legal agreement and revised conditions and informatives was tabled at the
meeting and made available to attendees.

**Registered Speakers** - There were 8 members of the public, a Parish Councillor and 3 Borough Councillors who had registered to speak in accordance with the Constitution rules. Summaries of their views are provided below:

i. Mr J Corse, a local resident, objected to the application and his main points included the following:
   - Approval of the full application would fix the designated areas of Country Open Space and restrict the site layout at a later stage.
   - He questioned whether Network Rail had been consulted and had agreed to proposals within 15m of their property boundary as no confirmation or informative appeared to have been provided.
   - He indicated that issues raised by the Environment Agency remained unanswered and the applicant had failed to prove that mitigation was possible for overland flow.
   - He did not consider that matching existing runoff rates was good enough and did not meet the requirements of the Council’s Local Plan.
   - He considered that the application should be rejected unless outstanding issues were resolved.

ii. Mr D Corse, a local resident, objected to the application and his main points included the following:
   - The Government Inspector had agreed the site could be developed but only if appropriate flood and drainage mitigation measures complied with the NPPF but the agenda report made no mention of the relevant NPPF no 101 and the sequential test required by the NPPF had not been applied.
   - The proposal did not comply with EA guidance for the location of attenuation ponds to be upstream of development.
   - He raised concerns that the discussions with the statutory bodies relating to the site had been ongoing for 2 years and the applicant’s plans for flood mitigation were unproven.
   - He suggested that not all correspondence was available to view on the Council’s website.
   - He also highlighted that the TWBC website still showed the application to be subject to ongoing consultation until 28 December 2016 and as such this must preclude any decision at this meeting on 14 December.

iii. Mr P Trent, a local resident objected to the application and his main points included the following:
   - Southern Water had advised there was inadequate capacity in the local network to service the development and notwithstanding condition 17, he considered that the applicant had failed to ensure a solution and an offline holding sewer was not good enough.
   - He raised the failure to consult or agree flood mitigation proposals with Network Rail and indicated that if the culverts beneath the railway track were not maintained and kept clear the systems proposed were useless and would increase the risk of flooding to residents.
   - He highlighted the lack of active monitoring to warn of potential overtopping of the attenuation ponds, questioned the suitability of
the proposed system of re-profiling the site and felt there might be implications regarding the Reservoirs Act.
- Delegation of the maintenance of the flood mitigation for perpetuity to a management company who could liquidate following expiry of any warranty period was not acceptable.
- He questioned the long term effectiveness of both alternative schemes for the existing Badsell/Maidstone Road junction, forcing traffic onto local estate roads and consequently reducing safety around the Birch/Oaklea Road junction at school times. Consequent impact assessments on other junctions and nearby emergency service stations had not been considered and he disagreed that the proposals for more lanes on the Colts Hill roundabout would increase capacity.

iv. Mrs S Smith, objected to the application on behalf of the Hunters Chase Residents Association and her main points included the following:
- The concerns already raised by previous speakers were not just limited to this application but also to that for Mascalls Court Farm and Paddock Wood as a whole, necessitating a holistic masterplan for the area as had been suggested by Paddock Wood Town Council.
- It was not acceptable that fundamental services for the wider community and solutions to matters such as the disposal of foul and surface water sewerage were not resolved beforehand and the applications were therefore considered premature.
- There was inadequate provision for protecting the environment for local residents during the construction phase and she therefore also requested the following additional conditions required for 5 years if the application was approved:
  o No construction traffic to use Green Lane or Warrington Road, or to be routed via the centre of Paddock Wood.
  o All roads to be repaired after the development was completed.

v. Mr J Wells, Associate Director of Boyer Planning, spoke in support of the application and his main points included the following:
- The principle of the development had been accepted as part of the Council’s adopted Site Allocations Local Plan, tested and publicly examined for sustainability and suitability.
- Extensive consultation undertaken by Rydon Homes with Statutory Consultees and a team of professional consultants to fully demonstrate both full policy and technical compliance over a range of issues including transport, flood risk, drainage, ecology, air quality, landscape impact and utilities.
- He outlined the benefits of the scheme which would create local jobs, provide high quality housing (including 105 affordable homes), allow easy access to local services, provide approximately 7 hectares of Country Open Space for recreation facilities as well as opportunities for bio-diversity, and result in decreased flood risks and protection of the landscape character of the area. Additionally, the proposal would provide contributions for a new 2 form entry Primary School, an extension to the existing Doctor’s surgery, an overhaul of Putlands Sports Centre, a new community centre and improvements to outdoor playing fields.
vi. Mrs M A’Lee, Associate of RPS Planning & Development spoke in support of the application and her main points included the following:

- The access to the site conformed with relevant highway design standards to ensure efficient operation and would not affect the free flow along Church Road.
- The site was in a sustainable location, within easy walking distance of the town centre, schools, shops, public transport and other local facilities.
- Off site improvements included provision of traffic calming features, white lines, a raised table top ramp and traffic islands along Church Road and an upgrade to the Maidstone Road/Badsell Road and Badsell Road/A228 junctions.

vii. Mr D Thompson of Merebrook Consulting spoke in support of the application and his main points included the following:

- He summarised the existing situation and lack of flood alleviation measures and advised that Merebrook had developed an outline drainage and flood mitigation strategy for the proposed development.
- He described the proposed provision and purpose of the attenuation basins. The 2 outer basins would each deal with the existing East and West Rhoden and the central basin would attenuate runoff arising from the development. As a result of the attenuation the proposed development would offer a significant improvement to the existing flood risk facing local properties. He also advised that modelling demonstrated reduced risks.
- The drainage strategy also included landform modifications to mitigate against overland flows and would be further refined at the detailed design stage.
- Foul drainage would be discharged to the public sewer and Southern Water had provided designs for additional oversized pipework parallel to the existing foul sewer in Church Road to store excess peak flows. This would also be re-consulted with Southern Water at the detailed stage to ensure the proposal was still valid.
- The developer would fund the upgrades to the public foul sewer system which Southern Water deemed necessary so there would be no adverse effect on existing properties from the development.

viii. Mr D McFarlane, Director of SP Broadway spoke in support of the application and his main points included the following:

- There had been consultation with the public, Town Council, County and Borough councillors and extensive collaboration with stakeholders principally Kent County Council, the Environment Agency and the Upper Medway Internal Drainage Board to address the key issues of concern additionally resulting in a degree of betterment to existing properties in Paddock Wood.
- He also referred to the requirement to set up a Management company to maintain the attenuation ponds in perpetuity and submit annual drainage reports to KCC for monitoring purposes.
- He repeated the highway works that would be funded and additionally summarised the enhanced transport measures including the new circular bus service and bus stops, cycle parking and improved pedestrian access at the railway station, and
improvements to footpaths and a pedestrian crossing.
- Finally, he also highlighted the funding for the facilities already mentioned by Mr Wells and additionally mentioned an extension to Mascalls Academy, local library provision and a heritage trail along the Hop Pickers Line.

ix. Councillor Williams spoke on behalf of Paddock Wood Town Council to object to the application and her main points included the following:
- They did not consider that specific concerns relating to surface water and sewage management had been addressed to prevent exacerbation of existing flooding problems.
- Southern Water had stated that the sewage system off Church Road did not have adequate capacity for additional foul sewage disposal and as local residents already experienced problems with sewage overflow, the Town Council thought sufficient facilities should be provided before new housing was approved; a new sewage pipeline direct to the treatment plant was needed to cater for all 3 proposed developments in Paddock Wood.
- They did not consider that the position of attenuation ponds downstream of the proposed development and existing flood areas would deal with the additional surface water at times of heavy rainfall.
- They wanted clear plans for future management and maintenance of the attenuation ponds before approval.
- They also thought there were still unresolved objections from the Environment Agency.
- The impact on traffic volumes along affected roads had not been adequately assessed as traffic surveys were undertaken outside periods of peak use and did not reflect existing traffic congestion.
- They requested assurance that an appropriate agreement would be in place with Network Rail before the development was approved.
- They reiterated an earlier speaker’s point that a master plan was required for the overall expansion of Paddock Wood, in accordance with TWBC’s stated approach in Policy AL/PW1.
- They considered Section 106 contributions, should be discussed with the Town Council prior to final agreement to ensure that they reflected the priorities identified locally.

x. Councillor Stewart, Borough Councillor for the Ward of Paddock Wood West objected to the application on behalf of members of her constituency and her main points included the following:
- She described the concerns in some detail and in summary repeated previous points that both existing provisions to deal with foul water and sewage and Southern Water’s proposals to deal with the additional requirement were both inadequate.
- She questioned what would happen if the management company required to maintain the flood mitigation measures failed or had insufficient funds to satisfactorily carry out the continual and extensive necessary works.
- She considered that the need for such significant maintenance proved the site was therefore inappropriate for development.

xi. Councillor Hills, Borough Councillor for the Ward of Paddock Wood East objected to the application on behalf of the Warrington Road
Action Group and their main points included the following:

- WRAG volunteers had carried out their own traffic survey on roads adjacent to the proposed development between 7am and 7pm, over a number of weeks in October to December 2014 using approved methodology. This found traffic volumes on average 20% higher than those of the developers.
- They also estimated the additional vehicles on local roads would be 30% higher than the developer’s estimates and contrary to the developers’ opinion, they felt drivers would continue to use Warrington Road as a preferred route. The construction of Warrington Road was insufficient to carry heavy traffic.
- Notwithstanding provisions for additional public transport, pedestrian and cycling facilities, they considered the private car would remain the preferred means of transport.
- They questioned the validity of proposed junction improvements and even whether existing roads were fit for purpose.
- They considered there was already insufficient parking in the shopping area and the cost of parking at the railway station had forced commuters to park in local residential streets.

Councillor Hamilton, a Paddock Wood Town Councillor and Borough Councillor for the Ward of Paddock Wood East spoke in her capacity as a TWBC Planning Committee member who had fetter her discretion. She objected to the application and her main points included the following:

- She thanked all those involved for their hard work investigating the issues and concerns of residents.
- She indicated the dilemma the Borough faced in terms of the lack of a 5 year housing supply and that if this were not the case, the situation might have been very different.
- Any refusal and subsequent appeal was a considerable risk to the Borough’s ability to control the amenities of residents and the benefits being offered by the developers.
- She endorsed all the concerns already expressed, including existing flooding, sewerage, safety outside schools and traffic issues. Additionally, she mentioned specifically that Paddock Wood Cemetery was already subject to flooding and questioned how this would be affected as it was located between the two proposed development sites.
- She also asked for clarification about the function and maintenance of the attenuation ponds being suitable for both drainage and wildlife purposes.
- If members of the Committee were minded to approve, she asked that they ensured that the detailed conditions specified exactly what had to be done before development could take place and were suitably enforceable to protect the residents of Paddock Wood.

Matters of Clarification by Officers:

i. In relation to issues raised relative to Network Rail, Mrs Middlemiss referred to paragraph 7.02 of the agenda report, which gave their consultation response and explained Network Rail’s need for an Asset Protection Agreement to consider matters further. The existing developer was fully aware of this requirement but Mrs Middlemiss advised that an informative could be added for future reference.
Concerning the Country Open Space, Mrs Middlemiss clarified that the area was not fixed as such but it would ensure that residential development could not take place within that area. There was no reason why drainage features could not additionally be sited within housing areas and this could be considered at the reserved matters stage.

Planning officers and the Government inspector at the Examination of the Site Allocations Local Plan had regard to the sequential tests of the NPPF in respect of flood risk and drainage and this was referred to in the agenda report at paragraph 10.24.

All consultation responses were on the website and were summarised in the report.

In respect of foul sewage, it had been understood from the start that there would be a need to update the foul drainage infrastructure and all the developer could do was to ask Southern Water to confirm what their requirements would be. This also fell largely outside of the planning process and consequently condition (17) could only require the developer to undertake whatever works were requested by Southern Water to provide capacity for the new development. The developer could not be asked to resolve pre-existing problems with the foul drainage system. Different proposals to those already intimated by Southern Water could still be explored by them and would not be precluded by the conditions to this application.

The junction improvements had been designed to meet the traffic impact of the proposals and both the applicant’s highway engineers and KCC were satisfied with these.

As far as a Masterplan was concerned for all of the sites, this had been effectively provided through the Site Allocations Local Plan policies and through the two applications having been progressed together to meet the joint infrastructure needs and connect with adjacent areas.

Construction would clearly be an issue and condition (7) required a Construction Environmental Management Plan to mitigate the impact of noise and dust and typical problems from the site. Construction traffic routing would be covered within the Section 106 agreement. Concerning the repair of roads, it would be helpful to add a condition for a road condition survey to be carried out before work commenced so that the highway authority would be able to claim back any damage that was attributable to the development.

Concerning surface water drainage, there was no responsibility on Paddock Wood Town Council or the UMIDB to manage and maintain the mitigation measures. There was no reason why this could not be dealt with by the proposed management company and this would be detailed within the Section 106 agreement.

Councillor Hamilton had asked about use of the attenuation ponds for wildlife and Mr Scully, the Council’s Landscape and Biodiversity Officer would be able to answer any further questions in this respect.

In relation to traffic concerns, these matters had also been considered by the Government inspector as part of the Examination of the Site Allocations Local Plan. If members had further queries these could be directed to the highways officer; Mrs Hubert, Strategic Transport Development Planner at KCC.

Mrs Middlemiss referred to Mr Baughen in respect of the query raised by one of the speakers about an ongoing consultation period. Mr Baughen advised that there was currently a quirk in TWBC’s computer
systems which had, in error, created an additional date on the website consequent on letters issued advising of the Planning Committee. He confirmed, however, that all national and local consultation requirements had been completed in accordance with the statutory timescales and that all consultation periods had expired.

Committee Members’ Questions to Officers and Committee Member Discussion:

i. Councillor Backhouse identified that it would be essential for the required agreement to be taken forward with Network Rail before matters could proceed. Mrs Middlemiss explained that it was not a matter for the Council but was for resolution between the adjacent landowners in due course. The applicant had indicated that they were satisfied that a suitable agreement could be reached.

ii. Councillor Podbury asked for reassurance that the development could go ahead without making flooding worse. Mr Waring, Senior Flood Risk Advisor from the Environment Agency was invited to respond. He explained that there were 2 main issues that he needed to consider in relation to a planning application. Firstly, were the proposed dwellings at risk of flooding and he was satisfied they were not. Secondly, would it make the situation worse elsewhere and again he was satisfied for a number of reasons. All the residential dwellings were in flood zone 1, so any works undertaken in that area were not going to give an increased risk to the existing area unless it was via an increase in surface water run off from the development and as with all new planning applications now they were obliged to restrict the run off to the existing green field run off rate so they were maintaining the natural runoff regime and that was dealt with by a detailed planning condition, which would have to be agreed by the EA, KCC and the UMIDB so that they were satisfied that the run off could be managed appropriately. With respect to the 2 outer basins they were there in support of the core strategy requirement for betterment in accordance with flood risk reduction. The EA was satisfied that those basins would reduce flood risk particularly to the Dimmock Close area and the footpath in the NW area of the development site.

iii. Councillor Bland took up the concern over the potential failure of the proposed management company and how it would be funded. Ms Buntine explained that it was common practise for private management companies to be set up by a developer (often landscape management). In this case it would be subject to a contractual arrangement and would exist to serve the entirety of the development. It would be serviced by an annual fee paid to the company by each of the residents. Because of the particular concerns of KCC it had been made the subject of a very specific condition as part of the requirements of the Section 106 agreement.

iv. Councillor Reilly asked if this solution had been tested elsewhere. Mr Waring advised that he had experience of a similar scheme in Rye constructed in about 2009, which had since been successful to an acceptable standard during a couple of flood events.

v. Councillor Reilly also asked who would be responsible for operating weir gates etc in the event of a flood and Mr Waring explained that they were passive structures at a fixed level so that water would automatically flow into the ponds when it reached a preset level.

vi. In relation to the issues over foul water Councillor Munn asked about a potential additional condition that was mentioned in paragraph 10.38
but had not been included. Mrs Middlemiss explained that this related to upgrading the waste water treatment works and was a separate matter to foul sewerage which simply conveyed waste. Treatment works were solely the responsibility of Southern Water to provide to their customers payable by water rates. She confirmed to Councillor Munn that Southern Water, through the current applications were therefore aware of their need to plan ahead for increased treatment capacity.

vii. Councillor Heasman accepted that a legal agreement could ensure the existence of a management company in perpetuity but wondered what inspection arrangements would exist to ensure proper maintenance. Ms Buntine confirmed that KCC had committed to monitoring the situation for the first 10 years firstly to ensure installation as designed and to establish maintenance and good practices. Legislation did not require KCC to monitor but the Section 106 agreement would enable them to enforce through the local planning authority. Additionally, she expected that the effective communication channels established between KCC, UMIDB and Paddock Wood Town Council would continue to highlight and deal with any matters of concern.

viii. Councillor Heasman was concerned that 10 years was a short period but Ms Buntine advised that KCC as an authority had limited resources and this was a matter for negotiation as part of the Section 106 agreement. Mr Baughen added his understanding that use of management companies was an accepted and effective means of managing ongoing maintenance and was specifically tied in with the property purchase. Councillor Heasman noted that the onus would therefore ultimately fall on the residents paying to the management company scheme and it was a shame that similar arrangements had not been in place for previous developments.

ix. Councillor Backhouse asked for reassurance about improvements in the flooding and sewage capacity bearing in mind the existing problems experienced by residents. Mrs Middlemiss explained again the different aspects. Surface water issues as explained by Mr Waring would be subject to an element of betterment as required by the core strategy but otherwise the conditions relating to the application could only address this area of Paddock Wood. In respect of foul sewerage, she repeated explanations that the developer could only be asked to meet the requirements stipulated by Southern Water.

x. Councillor Mrs Thomas asked for a definition of the adequate standard of the solution provided at Rye. Mr Waring explained that the measures designed there were to comply with national guidance, measures to provide protection up to the critical 1 in 100 years fluvial event. He confirmed to Councillor Mrs Thomas that the development at Rye had not as a result yet been flooded.

xi. Councillor Mrs Thomas advised that many of the sewers in Paddock Wood were Victorian. She continued to be concerned about existing residents being flooded with raw sewage and asked if refusing the application would allow more time for improvements to be made. Mrs Middlemiss advised that improvements to old sewers, which were no longer fit for purpose, were beyond the remit of the planning process as far as this application was concerned. Pressure would have to be brought to bear on Southern Water outside this application. In respect of the proposed development, this Committee could only ask the developer to do what was requested by Southern Water as set out in
the conditions. Refusing the application would not make the existing situation better. Mr Baughen additionally highlighted that condition (17) did require details of a scheme to be submitted and agreed by TWBC before any new dwellings could be occupied.

xii. Councillor Bland summarised the situation that to refuse the application on the basis of inadequate sewerage would be counterproductive. He assumed that Southern Water would have to come up with proposals and the developer would have to pay or walk away. Therefore the situation would be no worse and could only improve. Mrs Middlemiss agreed and advised it would not be a valid reason for refusing the application.

xiii. Councillor Backhouse asked for an explanation of the positions of the attenuation ponds. Mr Waring confirmed that the two outer basins took the flows from each of the East and West Rhoden watercourses. Additionally, the basin for the West Rhoden was oversized to take flow from the western side of the catchment area, which already flooded. The central basin would take surface water run off from the development. The two outer basins had to be at the northern end of the site to maximise their potential in taking the flood water from the two watercourses. The central basin had to be at a lower part of the site so that surface water would flow into it by gravity – if it was higher up then it would involve pumping and other risks. In his opinion therefore the attenuation ponds were in the optimum location.

xiv. Councillor Reilly still had concerns about the responsibility for flooding issues to new residents of the development and who would pay in the event of flood water overflowing the attenuation ponds. Mr Waring explained that the basins were designed in accordance with national planning guidance to take the 100 year flow plus 35% to take account of climate change. He repeated that there was an element of betterment from the scheme but if a significantly greater flood event occurred than was planned, the Eastern basin could overtop and flow would continue westwards. That would happen whether the development occurred or not. If flooding did occur, clear up would be down to the individual house owners and their insurance companies. Ms Buntine further identified the concern if the ponds or culverts under the railway failed who would have to act. She advised that the relevant authorities were able to take forward a section 19 obligation which would bring all the relevant parties together to seek a solution and the mechanism to enforce remedial action by the Borough Council via the responsible management company.

xv. Councillor Backhouse acknowledged the strength of concern from the many residents of Paddock Wood present at the meeting. He was minded to support the application as he considered it provided the opportunity through the attenuation ponds and increased capacity to deal with the issues of flooding and sewage. On the basis of the officer’s report, their recommendation and the conditions that he had read, he therefore proposed approval.

xvi. Councillor Heasman seconded the application. He had looked at the application very carefully, read all of the residents’ letters and the common issues all related to flooding, foul water sewerage and road and traffic issues. The fact was however that this site had been given the go ahead by the inspector. The key issue to be sure about for him was the attendance of the technical expertise to provide reassurance that the flood mitigation proposed would work. He was not an expert and relied on the professionals to have completed all due diligence in
their field of work. Through the element of betterment, the conditions and the developer contributions secured through the section 106 agreement he thought there were positives for Paddock Wood. He was not so happy about the road network which he felt could still do with some improvement but that was an existing issue for KCC to resolve in addition to some £15m worth of benefits to Paddock Wood brought to the table by this development.

xvii. The Chairman asked Mr Baughen to remind members of the Committee of the additional condition for the road survey and the informative relating to Network Rail. Confirmation to include both of these was obtained from the proposer and seconder.

xviii. Councillor Munn acknowledged the concerns of the residents but also noted that the inspector had considered that the issues raised could all be managed through technical solutions. He would not personally see all of the detailed final plans in respect of the conditions and nor would most of the residents of Paddock Wood but he was satisfied that all of the major parties and experts would be working together and he accepted that they would all uphold their responsibilities. He was pleased that the development would include the full allocation of affordable housing and provisions for the school and doctor’s surgery. He thanked the officer for her diligence and many hours of work.

xix. Councillor Bland was also minded to approve the application which he considered was largely a win/win situation. It seemed clear to him from the technical advice received that the attenuation ponds would not just cope with most flooding situations but would also provided an element of betterment. Concerning the issues over sewerage, if Southern Water took the opportunity to deal with these at the expense of the developer this would only be to the benefit of residents of Paddock Wood.

**Decision/voting** - A motion having been proposed by Councillor Backhouse and seconded by Councillor Heasman, a vote was taken to approve the application in line with the officer recommendation (with changes to conditions as tabled), an additional condition for a road condition survey and informative relative to Network Rail as discussed. Councillor Mrs Thomas advised that she would abstain from the vote as she would not otherwise feel able to face the residents of Paddock Wood.

**RESOLVED** - That application 14/504140 be approved subject to the completion of a Section 106 agreement, the plans, conditions and informatives as most recently tabled and agreed at the meeting; all as set out below:

**A) THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:**

(i) The payment of the following developer contributions

- £4824 per pupil = £328,032 (estimated total) Primary Education (towards land costs for primary school. Build costs to be funded by central government).
- £78,000 Nursery school (towards provision of nursery facilities at new primary school)
• £11,799 per pupil = £578,151 (estimated total) Secondary Education (towards extension of Mascalls secondary school).
• £48.01 per dwelling = 14,403 (estimated total) Library (towards Paddock Wood library)
• £223,500 Outdoor sports (towards Green Lane Playing fields)
• £273,600 Indoor sport (towards Putlands Sports Centre)
• £307,800 Community centre (towards the construction of a new community centre)
• £210,492 Doctors surgery (towards Woodlands Medical Centre, Paddock Wood and / or Howell Surgery, High Street, Brenchley – estimated sum based on illustrative dwelling mix)).
• £11.000 – Hop Pickers Line (towards way-marking strategy and public art installation for Hop Pickers Heritage Trail)
• £293,917 or £499,629 – Badsell Road / Maidstone Road / Mascalls Court Road junction works (towards minor or major highway works respectively*)
• £355,697 or £341,874 – Colts Hill roundabout junction works – (towards minor or major highway works, respectively*)
• £54,600 or £36,400 – Bus service (towards a new local community bus service for Paddock Wood, minor or major works respectively)
• £20,000 or £13,333 Station cycle parking– (towards cycle parking at Paddock Wood station, minor or major works respectively*)
• £22,500 or 15,000 Station Approach (towards improved access for pedestrians to the station, minor or major works respectively*)
• £23,000 or £20,500 Church Road shared use improvement (towards improved cycle and pedestrian, facilities between the Station Approach and The Cedars minor or major works respectively*)
• £138,333 Public footpath improvement (towards an improved shared pedestrian and cycle route from Church Farm site to the Church Farm / The Cedars junction*)
• £15,000 or £10,000 Church Road bus stop improvements (towards repositioning bus stop on south side of Church Road and providing new bus stop on north side, minor or major works respectively*).
• £30,000 or £20,000 Green Lane bus stop improvements (towards four new bus stops, minor or major works respectively*).
• £25,000 Mascalls Court Road footway and zebra (towards 3m shared use facility on east side of Green Lane and a zebra crossing to Mascalls secondary school)
• £8,095 Mascalls school footpath (towards a new footpath within the school grounds to provide a link from the zebra crossing to the school buildings)
• £7,500 or £5,000 Mascalls Court Road bus stop (towards new bus stop by Putlands sports centre, minor or major works respectively*).
• £7,500 or £5,000 Maidstone Road bus stops (towards new bus...
stop on Maidstone Road, minor or major works respectively).

- £10,000 Surface water drainage monitoring (towards the costs incurred by KCC in reviewing an annual drainage report associated with the Surface Water Drainage Management Plan)

(ii) The provision of:
- Provision of on-site affordable housing, representing 35% of the total number of dwellings
- Provision of on-site children’s play area, accessible by the public, and future management by the developer / management company
- Provision of on-site country open space accessible by the public, community orchard and informal open space within the housing areas: and long term management of this, including through a Landscape and Ecological Management Plan (LEMP)
- Provision of on-site allotments and future management by the developer/management company

(iii) Securing the implementation of a Landscape and Ecological Management Plan (LEMP)

(iv) Securing implementation of a Surface Water Drainage Management Plan

(v) Routing of construction traffic

(vi) The Council's legal fees

* Please Note:
Where ‘minor works’ are referred to this means the costs of these highway works or sustainable transport measures are shared between the developers of the Church Farm and Mascalls Court Farm sites.

Where ‘major works’ are referred to, this means the costs of these highway works or sustainable transport measures are shared between the developers of the Church Farm, Mascalls Court Farm and Mascalls Farm sites (and may not be implemented if the Mascalls Farm site does not come forward for development or is refused permission).

The ‘major works’ would also be implemented if Kent County Council is successful in receiving sufficient central government grant funding towards these works.

CONDITIONS to include:

Time Limit for implementation of full permission

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


Approved plans for detailed permission

(2) The detailed permission shall be carried out in accordance with the plans...
following approved plans:

14-106-003 Rev C - Application Site Plan; and
14-106-915 Rev B Application Fee Plan in respect of area identified as Country Open Space.

Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

Time limit for implementation of outline permission and submission of reserved matters

(3) Details of the appearance, landscaping, layout and scale (the ‘reserved matters’) of any phase of development relating to the area of the site that is the subject of the outline permission, as identified on Application Fee Plan 14.106/915 rev A) shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.


Plans approved for outline permission

(4) The outline planning permission shall be carried out in accordance with the following approved plans:

14-106-003 Rev C - Application Site Plan;

Application Fee Plan 14.106/915 Rev B, in respect of area identified as residential;

WSP drawing 50400521/0521-GA-04/Rev E in respect of proposed layout (Church Road access):

Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

Phasing

(5) No development shall take place until a scheme detailing the phasing of the construction of the development including the on-site drainage works, the means of access, layout of buildings, car parking and
servicing arrangements, and an indicative programme for the development of the entire site, has been submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

Reason: the interests of the proper planning of the development. Such details are fundamental to the application and are therefore required prior to its commencement.

Construction hours

(6) No construction work shall take place before 0800hrs or after 18.30hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To enable the Local Planning Authority to regulate and control the development of the land; preserve the residential and visual amenities of the locality and to secure a satisfactory standard of development.

Construction Environmental Management Plan

(7) Prior to the commencement of the construction works on any phase of the development a Construction Environmental Management Plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:
- An indicative programme for carrying out the works, including phasing
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process
- Details of the piling method
- Details of areas for materials storage
- Details of the site access and parking during construction,
- Management of traffic visiting the site including parking provision for site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway.

Reason: This information is required prior to the commencement of development in order to protect the amenity of local residents and in the interests of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement.

Contamination
(8) The development hereby permitted shall not be commenced on any phase of the development until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority, when item 1 identifies that further investigation is required:

1) A site investigation, based on the desk study report submitted with the initial planning application to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the National Planning Policy Framework (NPPF). Such details are fundamental to the application and are therefore required prior to its commencement.

Verification report

(9) No occupation of any part of the relevant phase of the identified part of the permitted development affected shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a ‘long-term monitoring and maintenance plan’) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
Reason: To protect groundwater and comply with the NPPF.

**Contamination not previously found.**

(10) If, during any phase of development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater and comply with the NPPF.

**Details of surface water drainage system (KCC 1 of 6)**

(11) No development hereby permitted shall take place until the Local Planning Authority, in consultation with the Environment Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council, is satisfied that following requirements are complied with:

a) Any finalised detailed layout for submission of reserved matters for layout shall demonstrate that requirements for surface water drainage strategy can be accommodated within the proposed development layout.

b) A detailed sustainable surface water drainage scheme consistent with principles presented in the proposed Summary of Surface Water Drainage (DWG 17627) SK-003, prepared by Idom Merbrook, November 2016, has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that:
   i. surface water source control opportunities have been maximised within the residential development area prior to connection to the trunk surface water system; these should be preferentially open features located within common areas or public open space
   ii. 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 within the drainage network and proposed attenuation system, replicating existing catchments before being discharged at an agreed rate to the receiving watercourse.
   iii. the flood storage and surface water attenuation basins are to operate via gravity alone without impeding each other’s function in relation to the East and West Rhoden and the surface water generated from the new development. Sufficient volumes are to be demonstrably provided within each basin for its specific primary function.
   iv. surface water overland flow routes have been appropriately
accommodated through suitable ground level profiling to ensure that surface water is safely routed through or around residential areas to be constructed west of the West Rhoden watercourse.

v. all proposed hydraulic structures will operate effectively and be appropriately located and designed for ease of maintenance. An annual review of implementation of the surface water drainage scheme during and post-construction shall be undertaken against the approved plan.

c) Due consideration shall be given to all existing watercourses that traverse the site and any new swales to ensure that the channels are incorporated into landscape design and that all development has been set back to ensure adequate maintenance access. In agreement with the Local Planning Authority, certain lengths of the existing watercourses that require re-profiling to ensure adequate access and functionality for safety and maintenance shall be identified. These existing watercourses will then be remodelled in natural forms and appropriately re-established with landscaping, sensitive to existing habitats with agreement of the Local Planning Authority.

d) A detailed design for the attenuation basins for both flood storage and surface water management has been submitted to (and approved in writing by) the local planning authority. The attenuation ponds shall be designed with appropriate side slopes, such that they may be unfenced for free recreational access within country open space and provide an area of permanent water to provide biodiversity enhancements. The detailed design shall include, but not be limited to details of all outfall structures, cross-sections, and landscaping specifications for within the ponds and surrounds.

e) Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority and which demonstrates the provision of drainage network to serve early phases prior to occupation. The phasing plan shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.

f) An erosion and sediment control plan has been submitted (and approved in writing by) the local planning authority and which demonstrates that measures are designed to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.

Reason: To ensure that the principles of sustainable drainage come forward at reserved matters stage and are incorporated and delivered within this proposal to appropriately manage flood risk. Such details are fundamental to the application and are therefore required prior to its commencement.

Flood storage basin details (KCC 2 of 6)

(12) The development hereby permitted shall not be commenced until such time as complete design details of the flood storage basins and associated structures, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Authority.
Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Notwithstanding details previously submitted, details shall include but not be limited to:

a) Detailed design of all structures including headwalls, outfalls, weirs, hydrobrakes, swales, channels and storage basins.

b) Storage basins should be designed with appropriate side slopes of between 1:4 and 1:12, to maximise biodiversity and provide access for maintenance;

c) Demonstration that the basins will be able to drain by gravity to the permanent retained water level.

Reason: To manage flood risk both on and off-site and demonstrate flood risk will not increase elsewhere. Such details are fundamental to the application and are therefore required prior to its commencement.

Ground modelling for whole site  (KCC 3 of 6)

(13) No development hereby permitted shall take place until ground modelling has been submitted (and approved in writing by the local planning authority, in consultation with the Environment Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council) for the development site including the residential areas, proposed attenuation ponds and overland flow routes to confirm finished floor levels for residential dwellings, ground levels within overland flow routes, and invert levels for all hydraulic controls and conveyance channels directing surface water within the site area to the attenuation basins.

Reason: To manage flood risk both on and off-site and demonstrate flood risk will not increase elsewhere. Such details are fundamental to the application and are therefore required prior to its commencement.

Earthworks for whole site – (KCC 4 of 6)

(14) Earthworks shall be undertaken consistent with the approved ground model for the site. During construction, ground levels, earth movement and construction stockpiles shall be restricted such that flood risk to adjacent residents is not exacerbated including through re-direction of overland flows or obstruction of flow paths. This matter shall be included within the Construction and Environmental management Plan required by another condition of this permission, which will cover all matters of residential and open space construction, stockpile placement, construction site location, phasing and method of implementation.

Reason: To ensure that the site development does not impede flows and ensures that flow paths and hydraulic controls can appropriately manage both surface water flows and overland flows so as to not exacerbate flood risk.

Surface Water Management Plan  (KCC 5 of 6)
No building hereby permitted shall be occupied until a Surface Water Management Plan containing details of the implementation, maintenance and management of the sustainable drainage scheme has been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council.

The Surface Water Management Plan shall include:

a) a timetable for its implementation; and,
b) management and maintenance arrangements for the lifetime of the development including arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system and all flood management structures (ie flood storage basins, inlet weirs, outlet pipes etc) throughout its lifetime. Such management and maintenance arrangements shall include details of the following:
   i. design criteria;
   ii. management techniques
   iii. maintenance schedules and frequency of operations, whether regular, occasional, remedial or monitoring action
   iv. scope of information to be provided in annual reports submitted to the Lead Local Flood Authority during the construction and establishment phase (to allow for independent monitoring as required by the Section 106 agreement attached to this permission)
   v. health and safety matters
   vi. timescales for the replacement of any elements to ensure operation
   vii. public access issues

The Plan shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure ongoing efficacy of the drainage provisions.

Surface Water Drainage Verification Report KCC - 6 of 6

No building on any phase of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved by the Local Planning Authority, in consultation with the Environment Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council. The Report shall contain information and evidence (including photographs) of earthworks; inlets, outlets and control structures; extent of planting; materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of ‘as constructed’ features.

Reason: To ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in compliance with paragraph 103 of the NPPF.

Foul drainage (Southern Water 1 of 2)
No development shall take place until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water and Paddock Wood Town Council. Such works shall be implemented before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to the occupation of the dwellings relating to each phase hereby permitted and thereafter retained.

Reason: To avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

Protection of public sewers (Southern Water 2 of 2)

No excavation or construction works shall take place to any phase of development in any part of the site until details of measures to protect any on-site public sewers present within that part of the site have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water, and those measures shall be implemented in accordance with the approved details.

Reason: To avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

Finished ground floor levels

Prior to the commencement of construction works on each phase of the development, details of the finished ground floor levels, shown in relation to the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

Internal/External Sound Levels for residential properties

Within the area of the site that is the subject of the outline permission (as identified on Application Site Plan 14-106-003 Rev C), prior to the construction works commencing on any phase of the development, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings -
Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise. Such details are fundamental to the application and are therefore required prior to its commencement.

Tree protection

Prior to the commencement of any phase of the development within any part of the site, the following details relating to that phase, shall be submitted for the approval of the Local Planning Authority:

i. A schedule of all proposed tree works;

ii. A Tree Protection Plan; and

iii. An Arboricultural Method Statement, detailing all suitable methods required to ensure the effective protection of trees to be retained, including but not limited to proposed methods for:

- Changes in level
- Construction of the service area and parking to the south west of the Pavilion and depot
- The location of site facilities
- The location of all drains and other services

iv. The contact details of the arboriculturalist to be appointed by the developer or his agents to oversee or his agents to oversee tree protection on the site, including the frequency of visits, and the reporting of findings.

The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction

(b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Areas of the trees or other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root
Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

(f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: To protect and enhance the appearance and character of the site and locality. Such details are fundamental to the application and are therefore required prior to its commencement.

Implementation of tree protection measures

(22) For each phase of development within any part of the site, no equipment, machinery or materials shall be brought onto that part of the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

External materials

(23) Prior to the commencement of construction of any phase of the development on any part of the site, details shall be submitted to the Local Planning Authority, and sample panels of all materials to be used in the external construction shall be made available on site, and shall be approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the characteristics of the locality. Such details are fundamental to the application and are therefore required prior to its commencement.

Landscaping details and implementation

(24) Prior to the commencement of construction works on any phase of the
development and on any part of the site, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; street furniture and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

Boundary treatments

Prior to the commencement of construction on any phase of the development on any part of the site, details of boundary treatments (including walls, fences and railings) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed in accordance with a timetable previously agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be permanently maintained.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to safeguard the privacy and amenities of the occupiers of the existing neighbouring dwellings area and future occupiers. Such details are fundamental to the application and are therefore required prior to its commencement.

Biodiversity

No construction works shall take place within any phase of the development on any part of the site until a scheme for the enhancement of biodiversity on that phase of the development site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall
have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development in order to protect and enhance existing species and habitat on the site in the future. Such details are fundamental to the application and are therefore required prior to its commencement.

LEMP

A Landscape and Ecological Management Plan (LEMP) that relates to the LEMP area identified in the Section 106 agreement, shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development. The LEMP shall include the following.

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management, to include a plan of community engagement and support.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five – year period).

g) Ongoing monitoring and remedial measures.

h) Details of the body or organisation responsible for implementation of the plan, which is to be overseen by a Steering Group.

i) The composition and organisation of the Steering Group which, unless otherwise agreed should comprise 1 representative from each of the Borough Council, landowner, Town Council and Kent Wildlife Trust.

j) where monitoring indicates that the conservation aims and objectives of the LEMP are nor being met, the LEMP shall set out how contingencies and / or remedial action will be identified, agreed and implemented to ensure the development delivers the biodiversity objectives of the originally approved scheme

k) Details of the legal and funding mechanism (s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall be implemented in accordance with the approved details. Such details are fundamental to the application and are therefore required prior to its commencement.

Protected and notable species and habitats

No construction works shall take place within any phase of the development on any part of the site until a Scheme of Ecological Mitigation for protected and notable species and habitats, identified in the ecological site surveys, setting out proposals for avoidance,
mitigation and monitoring and future long-term site management has been submitted to and approved in writing by the Local Planning Authority. The Scheme of Ecological Mitigation shall be implemented in accordance with the approved proposals within it unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development in order to protect and enhance existing species and habitat on the site in the future. Such details are fundamental to the application and are therefore required prior to its commencement.

**External lighting**

(29) Prior to the commencement of construction works on each phase of the development on any part of the site, details of external lighting shall be submitted to, and approved in writing by the Local Planning. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme shall be designed so as to reduce potential negative impacts on bats. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the appearance of the area and neighbouring residents from light pollution. Such details are fundamental to the application and are therefore required prior to its commencement.

**On site play area details**

(30) Prior to first occupation of any dwelling within each phase of the development, details of the play areas and informal outdoor recreation facilities to be provided within each phase, together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details and finished levels or contours, means of enclosure, surfacing materials, play equipment and/or structures, seating, litter bins, signs and lighting. The facilities shall be provided in accordance with the approved details and the approved timetable for implementation.

Reason: To ensure adequate on site facilities are provided for children’s play and informal outdoor recreation. Such details are fundamental to the application and are therefore required prior to its commencement.

**Allotments**

(31) Prior to first occupation of any dwelling on the site, details of the on-
site allotments, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location, extent, boundary treatments, services and ground preparation and a scheme of rules and regulations relating to use and any structures/buildings associated with the allotments. The facilities shall be provided in accordance with the approved details and the approved timetable for implementation.

Reason: To ensure the proposed allotments are located and designed in an acceptable manner.

Site Access (construction stage)

(32) Before preparation of any groundworks or foundations for the dwellings, the new access carriageway off Church Road shall be completed to base course level, together with the associated drainage facilities and visibility splays (as indicated on drawing ref WSP drawing 50400521/0521-GA-04/Rev E – or subsequent agreed revisions thereof), in accordance with details submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In the interests of highway safety and to reduce the risk of flooding.

Site access - visibility

(33) The visibility splays indicated on drawing ref WSP drawing 50400521/0521-GA-04/Rev E shall be implemented before the commencement of construction works and the sightlines maintained free of all obstruction to visibility above 1.0 metres.

Reason: In the interests of highway safety.

Highway layout – residential areas

(34) Before the first occupation of any dwelling on any phase of the development, the following works between the dwellings on that phase and the adopted highway shall be completed as follows:

i. Footways and/or footpaths shall be completed, with the exception of the wearing course; and

ii. Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

1) Highway drainage, including off-site works,
2) Junction visibility splays,
3) Street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety and ensuring provision of an acceptable road layout.
Emergency vehicle access

(35) The only access to the site for vehicles shall be from the main access on Church Road, as indicated on drawing ref WSP drawing 50400521/0521-GA-04/Rev E. Any other access shall be for emergency purposes only.

Reason: In the interests of highway safety and ensuring provision of an acceptable road layout.

Parking and Servicing

(36) Within the area of the site that is the subject of the outline permission (as identified on Application Fee Plan 14.106/915 Rev B), the submission of reserved matters for any phase of the development shall include details of facilities for the parking, turning and servicing arrangements relating to the buildings to be constructed within that phase. Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended, shall be carried out on that area of land so shown or in such a position as to preclude the use of these facilities for their intended purpose.

Reason: To ensure the provision and retention of adequate off-street parking, turning and servicing facilities for vehicles in the interests of highway safety. Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users.

Off site highway works: Church Road / The Cedars / The Ridings / Old Kent Road junction

(37) Prior to the commencement of development, details of the raised table encompassing the entire junction and approaches to reduce traffic speeds and facilitate safe pedestrian and cycle movements through this area, shall be submitted to and approved by the Local Planning Authority, in consultation with the Local Highway Authority, and any scheme for this facility that is agreed shall be implemented in accordance with the approved details and to a timescale to be agreed with the Local Planning Authority. Such details are fundamental to the application and are therefore required prior to its commencement.

Reason: This information is required prior to the commencement of development in order to ensure the proposal provides adequate sustainable transport measures and in the interests of highway safety. Such details are fundamental to the application and are therefore
required prior to its commencement.

(38) Off site highway works: Church Road (between junctions with The Ridings and Green Lane)

Prior to the commencement of development, details of the kerb build outs and/or central islands where appropriate to create consistent carriageway and footway widths and reduce traffic speeds, and any necessary parking restrictions to facilitate safe on-carriageway cycling, shall be submitted to and approved by the Local Planning Authority, in consultation with the Local Highway Authority, and any scheme for this facility that is agreed shall be implemented in accordance with the approved details and to a timescale to be agreed with the Local Planning Authority.

Reason: This information is required prior to the commencement of development in order to ensure the proposal provides adequate sustainable transport measures and in the interests of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement.

Off site highway works: Church Road (south of junction with Green Lane)

(39) Prior to the commencement of development, details of measures to extend the 30mph speed limit and install a system of priority working on Church Road to provide a safer crossing point to the Mascalls Court Farm site for pedestrians and cyclists shall be submitted to and approved by the Local Planning Authority, in consultation with the Local Highway Authority, and any scheme for this facility that is agreed shall be implemented in accordance with the approved details and to a timescale to be agreed with the Local Planning Authority.

Reason: This information is required prior to the commencement of development in order to ensure the proposal provides adequate sustainable transport measures and in the interests of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement.

Pedestrian and cycle routes

(40) Prior to the commencement of development a strategy for the provision of proposed pedestrian and cycle routes within the site to connect with routes leading to main destinations in the locality of the site shall be submitted to and approved by the Local Planning Authority. The strategy shall identify the location of each of the routes, the phases of development during which the route will be completed, and provide an outline of the type, width, surfacing and lighting of the route, together with a maintenance strategy for each of the routes including its future long term status.
(b) Prior to the commencement of development on any phase of the development that contains a cycle or pedestrian route, details of proposed pedestrian and cycle routes within that part of the site (to connect with routes provided in any adjoining phases) shall be submitted for approval. The submitted details shall include surfacing, drainage, lighting, the accommodation of any levels changes, connections to the public highway and signage, together with a maintenance strategy, including its future long term status (eg adopted or private) and the timescale for implementation. The route(s) shall be provided in accordance with the agreed timescale for implementation and thereafter maintained.

Reason: To ensure connectivity with adjacent development and local facilities and provides adequate sustainable transport measures. Such details are fundamental to the application and are therefore required prior to its commencement.

Residential Travel Plan

Residential Travel Plan

(41) No residential dwelling on any phase of the development shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted.

The Travel Plan should include some or all of the following:
   a) Setting objectives and targets.
   b) Measures to promote and facilitate public transport use, walking and cycling.
   c) Measures to reduce car usage
   d) Monitoring and review mechanisms.
   e) Provision of travel information.
   f) Marketing of environmentally sensitive forms of travel. Together with a timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area.

Cycle storage for flats

(42) No flats within any phase of the residential development shall be occupied until details of secure, covered bicycle storage facilities to serve them have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the flats on any phase of the development and shall thereafter be retained.

Reason: To ensure the proposal provides adequate sustainable transport measures.
Electric vehicle charging points

Prior to the commencement of construction works on each phase of the development on any part of the site, details of the provision of electric vehicle-charging points, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. (In order to facilitate the use of plug-in vehicles, cabling to side walls, garages, and communal bays should be provided). The charging points shall be provided in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In order to realise a sustainable pattern of development in the area. Such details are fundamental to the application and are therefore required prior to its commencement.

Refuse storage

Prior to the commencement of construction works on each phase of the development on any part of the site, details of the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out to each phase in accordance with the approved details and the refuse facilities shall thereafter be retained.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests. Such details are fundamental to the application and are therefore required prior to its commencement.

Renewable energy / energy efficiency

No development shall take place on any phase of the residential development until full details for the incorporation of energy efficiency measures and / or the promotion of renewable energy and sustainable construction within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations. Such details are fundamental to the application and are therefore required prior to its commencement.

Crime prevention

The development hereby permitted shall incorporate measures to minimise the risk of crime. No phase shall be occupied until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design
(CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety. Such details are fundamental to the application and are therefore required prior to its commencement.

KCC archaeology

(47) No development shall take place until the following details have been submitted to and approved in writing by the Local planning Authority:

i a specification and timetable for archaeological field evaluation works; and

ii following on from the evaluation, a specification and timetable for any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record. Such details are fundamental to the application and are therefore required prior to its commencement.

Informative:

1) Your attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.

2) Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety. The contact details of the Kent Police CPDAs are: John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234

3) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.

4) KCC Public Rights of Way officer advises as follows:
   • No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
• There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
• No hedging or shrubs should be planted within 1 metre of the edge of the Public Right of Way.
• There should not be a need for any temporary traffic regulation order whilst development works are undertaken.

5) You are advised of the need to enter into an Agreement under S278 and/or S38 of the Highways Act 1980 with Kent County Council for the approval of works to the highway before commencement of any works on the land. The Agreements Team can be contacted on 03000 41 81 81.

6) Regarding broadband connections the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

7) The applicant’s attention is drawn to the comments of Scotia Gas Networks, and the need to ensure safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” are used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicants responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

8) The applicant/developer is advised that it is likely that a formal agreement with Southern Water will be required to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure. Also, under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

9) A Section 106 agreement relates to this permission.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE AGREEMENT IS NOT COMPLETED BY 31 JANUARY 2017 OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING SERVICES

1) The proposal fails to make an adequate contribution towards measures to address the highway and sustainable transport needs of the development and would therefore conflict with Site Allocations Local Plan Policy AL/PW 3A, 2016; Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; and Policy TP4 of the Tunbridge Wells
2) The proposal would not provide affordable housing and would therefore conflict with Core Policy 6 of the Tunbridge Wells Borough Local Plan 2006.

3) The proposal would not provide developer contributions towards primary education, secondary education, nursery provision or libraries, as requested by Kent County Council, and would therefore conflict with Site Allocations Local Plan Policy AL/PW 3A, 2016; Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; and Policy CS4 of the Tunbridge Wells Borough Local Plan 2006.

4) The proposal would not provide developer contributions towards youth and adult outdoor recreation facilities and would therefore conflict with Core Policy CP1 and Policy R2 of the Tunbridge Wells Borough Local Plan 2006.

5) The proposal would not provide developer contributions towards indoor recreation facilities and would therefore conflict with Core Policy CP1 of the Core Strategy, 2010 and Site Allocations Local Plan Policy ALPW 3A.

6) The proposal would not provide developer contributions towards community facilities and would therefore conflict with Core Policy CP1 of the Core strategy and Site Allocations Local Plan Policy AL/PW 3A.

7) The proposal would not provide developer contributions towards improving GP facilities and would therefore conflict with Core Policy CP1 of the Core strategy and Site Allocations Local Plan Policy AL/PW 3A.

8) The proposal would not provide developer contributions towards community facilities and would therefore conflict with Core Policy CP1 of the Core strategy and Site Allocations Local Plan Policy AL/PW 3A.

9) The proposal would not provide developer contributions towards Hop Pickers Heritage Trail and would therefore conflict with Core Policy CP4 of the Core Strategy and Site Allocations Local Plan Policy AL/PW 3A.

10) The proposal would not provide developer contributions towards the monitoring of the Surface Water Management Plan and would
therefore conflict with Core Policy CP1 of the Core Strategy and Site
Allocations Local Plan Policy AL/PW 3A.

11) The proposal would not provide for the long term management of the
on-site children’s play area and would therefore conflict with Site
Allocations Local Plan Policy AL/PW 3A, 2016; Policy CP1 of the
Tunbridge Wells Borough Core Strategy, 2010; and Policy R2 of the
Tunbridge Wells Borough Local Plan 2006.

12) The proposals would not provide for the long term management on-
site country open space, community orchard, allotments and informal
open space within the housing areas and would therefore conflict with
the Site Allocations Local Plan Policy AL/PW 3A, 2016 and Policies
CP1 and CP4 of the Tunbridge Wells Borough Core Strategy, 2010.

13) The proposals would not secure the implementation of a Landscape
and Ecological Management Plan (LEMP) and would therefore fail to
mitigate the impact of the proposed development on the landscape
and biodiversity of the site and would conflict with conflict with Core
Policy CP4 and Policy EN1 of the Tunbridge Wells Borough Local
Plan 2006.

14) The proposals would not secure the implementation of a Surface
Water Drainage Management Plan and would therefore fail mitigate
flood risk and would conflict with conflict with Site Allocations Local

15) The proposals would not secure the implementation of a plan
confirming the routing of construction traffic and would therefore fail to
mitigate the impact of the proposals on adjacent residential areas of
the site and on highway safety, and would conflict with conflict with
Core Policy CP3 and Policy EN1 of the Tunbridge Wells Borough
Local Plan 2006.

16) The proposal would not provide developer contributions towards
woodland management and would therefore fail to mitigate the impact
of the proposed development on the adjoining woodland conflict with
Core Policy CP4 and Policy EN13 of the Tunbridge Wells Borough
Local Plan 2006.

**Additional Condition 48**

**(48) Road condition survey condition**
Prior to any works commencing on site, a pre-construction highway condition
survey shall be undertaken in consultation with the Highway Authority and
details shall be submitted to the Local Planning Authority for approval. A post-completion highway condition survey shall be undertaken at completion and details submitted to the Local Planning Authority for approval. Any necessary consequential remedial measures shall be carried out as agreed in writing with the Highway Authority.

Reason: In the interests of highway safety. Such pre-construction details are fundamental to the application and are therefore required prior to its commencement.

Additional Informative 10

(10) The proposals have the potential to affect adjacent railway infrastructure. The applicant is advised to contact Network Rail Asset Protection London South East at assetprotectionkent@networkrail.co.uk with regard to entering into an Asset Protection Agreement with Network Rail prior to the commencement of development.

APPLICATION FOR CONSIDERATION - 14/506766 - MASCALLS COURT FARM, MASCALLS COURT ROAD, PADDOCK WOOD

PLA112/16 Planning Report and Presentation - The Head of Planning Services submitted a report in respect of application 14/506766 and this was summarised at the meeting by Mrs Middlemiss, Major Planning Projects Officer, and illustrated by means of a visual presentation.

Updates and Additional Representations - Since publication of the agenda report, the presenting officer updated as follows:

i. Most importantly, there was a need to correct references in the report to Policy AL/PW3B referring to the allocation of this site for approximately 375 dwellings when in fact Policy AL/PW3B stated that the allocation was for approximately 350 dwellings. Paragraph 10.11 was therefore amended in respect of the correct policy allocation of 350, but additionally explained that it was considered that up to 375 dwellings could in fact be accommodated on the site. The first reason for recommending approval on page 87, was therefore replaced by the following: ‘There is no objection in principle to the proposed development as the site is allocated for residential development in the adopted Site Allocations Local Plan through Policy AL/PW3B, which states that the site has the capacity to provide approximately 350 dwellings. The proposal for up to 375 can be provided in a sustainable manner that does not conflict with important environmental considerations, including flood risk, landscape character and ecology, as set out at paragraph 10.11.’

ii. Further references to 375 dwellings to be corrected include Page 94 Planning Constraints, Page 95 5.01 – list of policies, Page 123, Paragraph 10.05 and 10.06 (delete 975 and replace with 950), Page 123 Paragraph 10.06, Page 124, Paragraph 10.11, Page 140 Paragraph 10.117, Page 123, Paragraph 10.05 (delete 975 and replace with 950).

iii. Also in a number of paragraphs reference was made to Policy
AL/PW3A when it should state Policy AL/PW3B as follows: Page 123 paragraph 10.20, Page 125 para 10.20, Page 130 paragraph 10.52, Page 135 paragraph 10.83 refers to Policy AL/PW4B and it should read 3B

iv. Page 90 paragraph 1.04 the power line was a 132kv line, not 137kv.
v. Page 92, paragraph 2.09 – delete ‘drainage management’
vi. Page 94, Table 3, Phase 1 Table – refers to No. of Residential Units as 114 which were private residential units with the balance of 175 as affordable units.
vii. A further representation had also been received from an objector, which he advised had been sent to all members of the committee.
viii. The main issues were all covered in some detail within the appraisal section of the report and Mrs Middlemiss highlighted the headlines from the conclusion commencing at paragraph 10.115. This site would contain the Primary School and for this to be delivered, planning permission would have to be granted and implemented before the land would be transferred to KCC to allow the school to be built. Surface water drainage schemes applied to this site also, and due to the relative location of the site upstream it might also reduce the flooding issues relating to the cemetery.
ix. The revised recommendation together with contributions to be secured by legal agreement and revised conditions and informatives was tabled at the meeting and made available to attendees. Overall the officer view was that the proposal accorded with national and where appropriate local plan policy requirements.

Registered Speakers - There were 5 members of the public, a Parish Councillor, and 3 Borough Councillors who had registered to speak in accordance with the Constitution rules. Summaries of their views are provided below:

i. Mrs A Smith objected to the application on behalf of the Hunters Chase Residents Association and her main points included the following:
   • They considered the road entrance layout to the site was inadequate for 375 or even 350 dwellings and a primary school and suggested there should be 2 permanent entrances.
   • There was a lack of detail on safety features such as a ghost island, pedestrian refuge and uncertainty of the length of visibility spays. They questioned how permission could be granted if the entrance layout was still subject to change.
   • Concern over congestion along Green Lane particularly due to the need for safe pick up/drop off points for the Primary School whilst maintaining traffic flow. A crossing was also required by the entrance.
   • Extra traffic on Mascalls Court Road necessitated widening of road and footpath and enforcement of parking restrictions to prevent stopping.
   • All changes proposed ought to be implemented as mandatory conditions and paid for by the developer rather than through Section 106 funds. All should be finalised before permission granted.
   • Overhead high voltage powerlines should not be located over or next to residential areas or the school.
ii. Mr P Trent, a local resident objected to the application and his main points included the following:

- Southern Water had advised there was inadequate capacity in the local network to service the development and notwithstanding condition 17, he considered that the applicant had failed to ensure a solution and an offline holding sewer was not good enough.
- The plans for surface water attenuation were flawed. He raised the failure to consult or agree flood mitigation proposals with Network Rail and considered there would be a higher level of runoff through the culverts beneath the railway track than anticipated. If the culverts were not maintained and kept clear the systems proposed were useless and would increase the risk of flooding to residents.
- He highlighted the lack of active monitoring to warn of potential overtopping of the attenuation ponds and considered delegation of the maintenance of the flood mitigation for perpetuity to a management company was not acceptable.
- He questioned the long term effectiveness of both alternative schemes for the existing Badsell/Maidstone Road junction. If flawed data was used for modelling then the results would not perform as expected.
- Impact assessments on other junctions and nearby emergency service stations had not been considered.
- He disagreed that the proposals for more lanes on the Colts Hill roundabout would increase capacity and considered the scheme proposed would be obsolete by 2024. The result would be that access in and out of Paddock Wood would become impossible at peak times.

iii. Mr B Knapp, of Tenax Schools Trust had been registered to speak but was unable to attend.

iv. A Neve, Associate Director of Peter Brett Associates spoke in support of the application and his main points included the following:

- Reiterated that the proposed development site and attenuation works were located largely in Flood Zone 1, which was only a 1 in 1000 event area and not in the functional flood plain.
- There would actually be a betterment in the greenfield discharge rate which would help prevent flooding downstream.
- The proposal had been through comprehensive impact assessments, local engagement and discussion with TWBC and KCC highways officers resulting in a satisfactory package of mitigation measures and schemes in conjunction also with the Church Farm development.
- He confirmed that modelling relating to the entrance to the site demonstrated it was fit for purpose and matters raised by the safety audit had been addressed. He considered that some of the proposals suggested by objectors would actually be detrimental to the operation of the junction.
- He also confirmed that the proposals for the Mascalls Court junction and Badsell Road/ A28 junctions had also been fully assessed and were fit for purpose.

v. Mr A Meader, Regional Director of Pegasus Group spoke in support of the application and his main points included the following:

- He summarised the considerable amount of work that had taken
place over the previous 2 years; the resulting infrastructure improvements and enhancements, and the significant financial contributions and benefits that would be delivered through this application in conjunction with the other schemes for Paddock Wood. These were all comprehensively covered in the agenda report and were as agreed as part of the previously approved application for Church Farm.

- He responded to the most recent representation received which objected to the 3 storey element proposed. He referred to the cross sections displayed as part of the officer presentation and pointed out that this was considered acceptable being located at the centre and lowest part of the site.
- He also responded to concerns that footpaths and cycle ways had not been properly considered and advised this was not the case as internal links had been created within the site and to Mascalls School with a zebra crossing on Macalls Court Road.

vi. Councillor Williams spoke on behalf of Paddock Wood Town Council to object to the application and her main points included the following:

- The boundary of the site access remained a matter of dispute between the developer and the Town Council
- If all 3 proposed sites were approved in Paddock Wood this represented considerable expansion beyond that proposed in the original Core Strategy. She disagreed that the Site Allocations Local Plan of 2016 could be considered a Masterplan and continued to require that both this and the Section 106 contributions should first be discussed and agreed with Paddock Wood Town Council.
- Contrary to the previous speaker, she considered the 3 storey building to be on high ground and out of keeping in the area.
- The NPPF called for high quality design and inclusion of low carbon features and these did not appear to have been included within the proposals.
- She indicated that significant cost had recently been incurred by Paddock Wood to dredge a pond and therefore clear plans relating to the proposed attenuation ponds were vital.
- She also stressed the need for new sewerage in addition to the existing infrastructure and potentially additional separate treatment facilities as the capacity of the existing treatment plant was unclear.

vii. Councillor Stewart, Borough Councillor for the Ward of Paddock Wood West objected to the application on behalf of members of her constituency. Her main points relating to foul water capacity were the same as had been made under application 14/504140, but she did not repeat the details. Her additional points included the following:

- She was concerned that there would only be one entrance to the site especially as it included a Primary School. She considered it would result in unacceptable congestion on adjacent roads.
- She also remained concerned about the SUDS features because at the end of the 10 year period when dredging was likely to be required, it appeared there would no longer be any enforcement control over the management company.

viii. Councillor Hills, Borough Councillor for the Ward of Paddock Wood
East objected to the application on behalf of the Warrington Road Action Group. Their main points were the same as had been made under application 14/504140, but for completeness he repeated their key points included the following:

- They were unhappy that the developers had underestimated levels of traffic, future growth in traffic and the preference for use of personal cars rather than other more sustainable methods of transport by foot or by cycle.
- The Town Centre already had existing parking problems, the results of which together with parking restrictions had not been addressed within the development proposals.

ix. Councillor Hamilton, a Paddock Wood Town Councillor and Borough Councillor for the Ward of Paddock Wood East spoke in her capacity as a TWBC Planning Committee member who had fettered her discretion. She stood by her previous statement made in respect of application 14/504140 and her additional points included the following:

- Historically since it was planned in 1940, it had been said that Paddock Wood had always needed an extra road.
- The safety of children was paramount and she endorsed the views of Hunters Chase residents in this respect.
- If members of the Committee were minded to approve, she asked that they ensured that the detailed conditions were exceptionally robust to protect the interests and wellbeing of the residents of Paddock Wood, including the cemetery, the safety of roads, the power lines and the attenuation ponds.

Matters of Clarification by Officers:

i. Mrs Middlemiss advised that she considered Mr Neve had addressed the issues raised by the speakers in respect of highways and the design of the access road in accordance with required standards.

ii. In relation to conflict over land ownership between Paddock Wood Town Council and the developer, she had understood that the matter had already been resolved but if not she suggested that if the application was approved, an amended plan would need to be submitted.

iii. Concerning masterplanning, each of the policies in respect of the site allocations required a masterplan to be prepared and the proposals included masterplan drawings, which had been displayed as part of the presentations to this meeting. These masterplans had been prepared in consultation with Paddock Wood Town Council at the pre-application stage.

iv. In relation to concerns over the management of the drainage basins, she clarified that the condition requiring the surface water management plan very clearly stipulated that details of the implementation maintenance and management had to be submitted and approved by the local planning authority in consultation with the EA, KCC, UMIDB and Paddock Wood Town Council before any building commenced. The Section 106 agreement would then legally enforce matters in relation to the working of the management company. The 10 year monitoring fee to KCC was simply to ensure everything was initially set up and working properly. The agreement would be worded as tightly as it could be.

Committee Members' Questions to Officers and Committee Member
Discussion:

i. Councillor Heasman checked regarding paragraph 7.47 and the continuous nature of the cycle path. Mrs Middlemiss confirmed it would be a 3m wide tarmac surface shared by cyclists and pedestrians, relevant details to comply with the requirements of condition (37).

ii. Councillor Backhouse asked whether a drop off point was proposed in respect of the school along the lines of that provided at Knights Park and Mrs Middlemiss confirmed that was the case.

iii. Councillor Mrs Thomas asked about the design of the apartments mentioned in paragraph 7.92 of the agenda report and Mrs Middlemiss confirmed that this had been redesigned and was acceptable to the Council’s Urban Designer.

iv. Councillor Bland asked if this site would be water neutral compared to agricultural land as was Church Farm and Ms Buntine responded that it would probably be better. The ground conditions were such that water shed from the topsoil as it did not easily soak into the soil which became quite saturated. The rate of water coming from the site would be 2 litres per second per hectare which was probably less than the rainfall runoff rate. It was to be expected that any development proposal would increase the volume of run off to some degree as you would be completely covering certain areas of the site with impermeable surfacing but that was the point of having attenuation ponds to hold water and releasing it at a very slow rate. In her opinion, the proposals relative to this development would have a positive impact on peak flows in the system downstream and would therefore be exceedingly beneficial.

v. Councillor Bland asked if the proposal would benefit the cemetery but Ms Buntine was unable to comment in this respect.

vi. Councillor Reilly asked why KCC had not taken on the management of the schemes instead of separate management companies but Ms Buntine explained that they had wanted to but were not permitted to do so by Government. Ms Buntine also confirmed that it was considered preferable for there to be separate management companies for each site for reasons of accountability.

vii. Councillor Mrs Thomas took up the query raised about ‘green energy’ and Mrs Middlemiss confirmed that the applicant intended to comply with the relative requirement of condition (42).

viii. Councillor Mrs Thomas also took up the issue raised about the cost and problems recently experienced at Putlands. Ms Buntine explained that the issue at Putlands was one of excess vegetation which had been allowed to build up. Management of the ponds in relation to the new development would be key but comprised a wetland scheme and was completely different to that of the pond at Putlands. The condition for the proposed scheme would provide both wildlife biodiversity and the necessary attenuation features for the development site.

ix. Councillor Podbury asked for comments about the concerns raised by WRAG and also about parking restrictions outside the new school. Mrs Hubert advised that concerns of the residents in Warrington Road had been considered from a very early stage. Although there would be an increase in traffic Warrington Road it would still be within its design capacity. They anticipated that the drop off area within the school would be effective but details could be considered further as part of the reserved matters application. Mrs Middlemiss added that
within the Section 106 agreement there was a payment of £5k to the Borough Council to allow waiting restrictions to be provided on the roads near to the school.

x. Councillor Heasman asked for confirmation about re-siting the power lines underground. Mrs Middlemiss confirmed that it had always been the applicant’s intention to pursue this course of action with the UK Power networks and the necessary legal negotiations were ongoing. If these were not successful the layout of Phase 2 of the proposals might have to change.

xi. Councillor Munn asked for clarification about the change of responsibility from the Environment Agency to KCC for surface water drainage as mentioned in paragraph 7.09 of the agenda report. Ms Buntine explained that after the Flood and Water Management Act, the Government sought to look at surface water management through the planning process. With effect from April 2015 the lead local flood authority (KCC) was also made the statutory consultee for surface water management (previously the EA). For development that occurred in Flood Zones 2 or 3, the EA would provide comment on flood risk but if it was a site of major development KCC would provide statutory consultation on surface water management. When KCC became statutory consultees they liaised with the EA for a transition period and it was agreed that the EA would continue to comment on any applications prior to April 2015. In this case, the application was first submitted in 2014 and therefore historically there had been representations from both the EA and KCC. At the point of decision on this application the statutory consultee was KCC and on the previous application for Church Farm the EA would comment with respect to Flood Risk Zone 2 and 3, KCC with respect to surface water management.

xii. Councillor Munn asked for clarification about there being only one access road from Green Lane, which he understood had been agreed at the site allocations stage. Mrs Middlemiss confirmed that this was the case. Technically Green Lane was considered to have sufficient capacity to carry the anticipated levels of traffic. Additionally, it would help to protect the Country Lane status of Mascalls Court Road. Mrs Hubert added that regulation used to be stricter on requiring 2 access roads, but having an emergency access was now considered sufficient to meet the required standards.

xiii. Councillor Reilly queried that there would be no additional capacity from Southeastern for the potential additional influx of commuters but Mrs Middlemiss advised that this was a wider issue across the whole of the South East and could not be addressed through this application. Mrs Hubert added that, although KCC had no direct influence, they did continue to lobby for greater capacity on the rail network.

xiv. Councillor Heasman accepted that nothing could be done about the rail network through this forum but still had serious concerns about the potential numbers of private cars and the future traffic capacity and structural capability of the local roads. In response Mrs Middlemiss referred to the additional paper published with the agenda (Paddock Wood Transport Infrastructure Delivery Plan) which summarised in the region of £1m of works to mitigate local transport issues and reduce the reliance on the private car.

xv. Councillor Mrs Thomas referred to the proposed bus service and asked when the 4 year period would start. Mrs Middlemiss advised that the Section 106 agreement was still to be finalised in this respect.
but there was no point in implementing it too soon and anticipated the trigger point at the stage when around the first 100 dwellings were occupied on the first site.

xvi. Mrs Middlemiss suggested for consistency with the previous application that if members were minded to approve this application that a similar condition be added to provide for road condition surveys which would allow any consequential remedial measures to be carried out.

Decision/voting - A motion was proposed by Councillor Backhouse, seconded by Councillor Podbury and a vote was taken to approve the application in line with the officer recommendation with changes to conditions as tabled and the additional condition for a road condition survey.

RESOLVED - That application 14/506766 be approved subject to the completion of a Section 106 agreement, the plans, conditions and informatives as most recently tabled and agreed at the meeting; all as set out below:

A) THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

(i) The payment of the following developer contributions:

- £11,799 per pupil = £814,131 (estimated total) Secondary Education (towards extension of Mascalls secondary school).
- £97,246.15 Nursery school (towards provision of nursery facilities at new primary school)
- £48.01 per dwelling = £18,005 (estimated total) Library (towards Paddock Wood library)
- £278,375 Outdoor sports (towards Green Lane Playing fields)
- £342,000 Indoor sport (towards Putlands Sports Centre)
- £384,750 Community centre (towards the construction of a new community centre)
- £123,156 for phase 1 plus indicative amount of £117,094 for phase 2 – Doctors surgery (towards Woodlands Medical Centre, Paddock Wood and / or Howell Surgery, High Street, Brenchley).
- £5,000 Public footpath works (towards way-marking, stiles etc on the public footpaths to Brenchley and Castle Hill
- £3,000 woodland management (towards mitigating increased recreational pressure on The Strikes woodland)
- £794,666 or £1,362,652 - Badsell Road / Maidstone Road / Mascalls Court Road junction works (towards minor or major highway works respectively*)
- £511,857 or £498,567 - Colts Hill roundabout junction works – (towards minor or major highway works respectively*)
- £127,400 – Bus service (towards a new local community bus service for Paddock Wood*)
- £20,000 or £13,333 Station cycle parking– (towards cycle parking at Paddock Wood station, minor or major works respectively*)
- £22,500 or 15,000 Station Approach (towards improved access for pedestrians to the station, minor or major works respectively*)
- £23,000 Church Road shared use improvement (towards improved cycle and pedestrian facilities between the Station
Approach and The Cedars)

- £15,000 or £10,000 Church Road bus stop improvements (towards repositioning bus stop on south side of Church Road and providing new bus stop on north side, minor or major works respectively*).
- £30,000 or £20,000 Green Lane bus stop improvements (towards four new bus stops, minor or major works respectively*).
- £25,000 Mascalls Court Road footway and zebra (towards 3m shared use facility on east side of Green Lane and a zebra crossing to Mascalls secondary school)
- £8,095 Mascalls school footpath (towards a new footpath within the school grounds to provide a link from the zebra crossing to the school buildings)
- £5,000 – primary school parking restrictions (including road markings / signs on Green Lane and Mascalls Court Road in vicinity of Primary school and zebra crossing link into Mascalls school grounds.
- £7,500 or £5,000 Mascalls Court Road bus stop (towards new bus stop by Putlands sports centre, minor or major works respectively*).
- £7,500 or £5,000 Maidstone Road bus stops (towards new bus stop on Maidstone Road, minor or major works respectively).
- £10,000 Surface water drainage monitoring (towards the costs incurred by KCC in reviewing an annual drainage report associated with the Surface Water Drainage Management Plan)

(ii) The provision of:
  - provision of on-site affordable housing, representing 35% of the total number of dwellings
  - Provision of on-site children’s play area, accessible by the public, and future management by the developer / management company
  - Provision of on-site country open space accessible by the public, community orchard and informal open space within the housing areas: and long term management of this, including through a Landscape and Ecological Management Plan (LEMP)
  - Provision of on-site allotments and future management by the developer/management company

(iii) Securing the implementation of a Landscape and Ecological Management Plan (LEMP)

(iv) Securing implementation of a Surface Water Drainage Management Plan

(v) Routing of construction traffic

(vi) The Council’s legal fees

* Please Note:

Where 'minor works' are referred to this means the costs of these highway works or sustainable transport measures are shared between
the developers of the Church Farm and Mascalls Court Farm sites.

Where ‘major works’ are referred to, this means the costs of these highway works or sustainable transport measures are shared between the developers of the Church Farm, Mascalls Court Farm and Mascalls Farm sites (and may not be implemented if the Mascalls Farm site does not come forward for development or is refused permission).

The ‘major works’ would also be implemented if Kent County Council is successful in receiving sufficient central government grant funding towards these works.

**CONDITIONS** to include:

**Time Limit for implementation of detailed permission**

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


**Approved plans for detailed permission**

(2) The detailed permission shall be carried out in accordance with the following approved plans:

(to be confirmed)

Reason: To clarify which plans are approved.

**Time limit for implementation of outline permission and submission of reserved matters**

(3) Details of the appearance, landscaping, layout and scale (the ‘reserved matters’) of any phase of development relating to the area of the site that is the subject of the outline permission shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Plans approved for outline permission

(4) The outline planning permission shall be carried out in accordance with the following approved plans:

(to be confirmed)

Phasing

(5) No development shall take place until a scheme detailing the phasing of the construction of the development including the on-site drainage works, the means of access, layout of buildings, car parking and servicing arrangements, and an indicative programme for the development of the entire site, has been submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

Reason: the interests of the proper planning of the development.

Construction hours

(6) No construction work shall take place before 0800hrs or after 1830hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To enable the Local Planning Authority to regulate and control the development of the land; preserve the residential and visual amenities of the locality and to secure a satisfactory standard of development.

Construction Environmental Management Plan

(7) Prior to the commencement of the construction works on any phase of the development a Construction Environmental Management Plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:
- An indicative programme for carrying out the works, including phasing
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process
- Details of the piling method
- Details of areas for materials storage
- Details of the site access and parking during construction,
- Management of traffic visiting the site including parking provision for site operatives including an undertaking that HGVs must not reverse into or out of the site unless under the
supervision of a banksman.

- Measures to prevent the transfer of mud and extraneous material onto the public highway.

Reason: This information is required prior to the commencement of development in order to protect the amenity of local residents and in the interests of highway safety.

Remediation Strategy (Environment Agency)

Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To protect controlled waters and comply with the NPPF. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph
Verification Report (Environment Agency)

(9) No occupation of any part of the relevant phase of the identified part of the permitted development affected shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect controlled waters and comply with the NPPF.

Unexpected contamination (Environment Agency)

(10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters and comply with the NPPF.

Details of surface water drainage system (pre-commencement)

(11) No development hereby permitted shall take place until the Local Planning Authority, in consultation with the Environment Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council, is satisfied that following requirements are complied with:

a) A detailed sustainable surface water drainage scheme consistent with principles presented in the Flood Risk Assessment (PBA 27196-003 Doc ref. 4270 Rev 4, December 2014) and Flood Risk Assessment Addendum, June 2016 (PBA 27196 Doc ref: 6395), has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that:

i. surface water source control opportunities have been maximised within the residential development area prior to connection to the trunk surface water system; these should be preferentially open features located within common areas or public open space;
ii. 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 within the drainage network and proposed attenuation system, replicating existing catchments before being discharged at an agreed rate to the receiving watercourse.

iii. surface water overland flow routes have been appropriately accommodated through suitable ground level profiling to ensure that surface water is safely routed through or around residential areas to be constructed west of the West Rhoden watercourse.

iv. all proposed hydraulic structures will operate effectively and be appropriately located and designed for ease of maintenance. An annual review of implementation of the surface water drainage scheme during and post-construction shall be undertaken against the approved plan.

b) Due consideration shall be given to all existing watercourses that traverse the site and any new swales to ensure that the channels are incorporated into landscape design and that all development has been set back to ensure adequate maintenance access. In agreement with the Local Planning Authority, certain lengths of the existing watercourses that require re-profiling to ensure adequate access and functionality for safety and maintenance shall be identified. These existing watercourses will then be remodelled in natural forms and appropriately re-established with landscaping, sensitive to existing habitats with agreement of the Local Planning Authority.

c) A detailed design for the wetland and attenuation basins has been submitted to (and approved in writing by) the local planning authority. Both the wetland and attenuation pond(s) shall be designed with appropriate side slopes, such that they may be unfenced for free recreational access within country open space and provide an area of permanent water to provide biodiversity enhancements. The detailed design shall include, but not be limited to details of all outfall structures, cross-sections, and landscaping specifications for within the ponds and surrounds.

d) Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority and which demonstrates the provision of drainage network to serve early phases prior to occupation. The phasing plan shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.

e) An erosion and sediment control plan has been submitted (and approved in writing by) the local planning authority and which demonstrates that measures are designed to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.

Reason: To ensure that the principles of sustainable drainage come forward at reserved matters stage and are incorporated and delivered within this proposal to appropriately manage flood risk.

Surface Water Management Plan (KCC 2 of 3)
No building hereby permitted shall be occupied until a Surface Water Management Plan containing details of the implementation, maintenance and management of the sustainable drainage scheme has been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council. The Surface Water Management Plan shall include:

The Surface Water Management Plan shall include:

a) a timetable for its implementation; and, 
b) management and maintenance arrangements for the lifetime of the development including arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system and all flood management structures (ie flood storage basins, inlet weirs, outlet pipes etc) throughout its lifetime. Such management and maintenance arrangements shall include details of the following:

i. design criteria;

ii. management techniques

iii. maintenance schedules and frequency of operations, whether regular, occasional, remedial or monitoring action

iv. scope of information to be provided in annual reports submitted to the Lead Local Flood Authority during the construction and establishment phase (to allow for independent monitoring as required by the Section 106 agreement attached to this permission)

v. health and safety matters

vi. timescales for the replacement of any elements to ensure operation

vii. public access issues

The Plan shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure ongoing efficacy of the drainage provisions

Surface Water Drainage Verification Report (KCC 3 of 3)

No building on any phase of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved by the Local Planning Authority, in consultation with the Environment Agency, Kent County Council, the Upper Medway Internal Drainage Board and Paddock Wood Town Council. The Report shall contain information and evidence (including photographs) of earthworks; inlets, outlets and control structures; extent of planting; materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of ‘as constructed’ features.

Reason: To ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite.
or elsewhere in compliance with paragraph 103 of the NPPF.

**Groundwater protection**

(14) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

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

**Foul drainage (Southern Water 1 of 2)**

(15) No development shall take place on any phase of the development until a scheme for the provision and implementation of foul drainage works relating to that phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water and Paddock Wood Town Council. Such works shall be implemented before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to the occupation of the dwellings relating to each phase hereby permitted and thereafter retained.

Reason: To avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

**Protection of public sewers (Southern Water 2 of 2)**

(16) No excavation or construction works shall take place to any phase of development in any part of the site until details of measures to protect any on-site public sewers present within that part of the site have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water, and those measures shall be implemented in accordance with the approved details.

Reason: To avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

**Finished ground floor levels**

(17) Prior to the commencement of construction works on each phase of the development, details of the finished ground floor levels, shown in relation to the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details.
unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

**Internal/External Sound Levels for residential properties**

(18) Prior to the construction works commencing on Phase 1, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

**Tree protection**

(19) Prior to the commencement of any phase of the development within any part of the site, the following details relating to that phase, shall be submitted for the approval of the Local Planning Authority:

i. A schedule of all proposed tree works;

ii. A Tree Protection Plan; and

iii. An Arboricultural Method Statement, detailing all suitable methods required to ensure the effective protection of trees to be retained, including but not limited to proposed methods for:

   • Changes in level
   • Construction of the service area and parking to the south west of the Pavilion and depot
   • The location of site facilities
   • The location of all drains and other services

iv. The contact details of the arboriculturalist to be appointed by the developer or his agents to oversee or his agents to oversee tree protection on the site, including the frequency of visits, and the reporting of findings.

The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the
period of construction

(b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Areas of the trees or other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

(f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: To protect and enhance the appearance and character of the site and locality. Such details are fundamental to the application and are therefore required prior to its commencement.

Implementation of tree protection measures

(20) For each phase of development within any part of the site, no equipment, machinery or materials shall be brought onto that part of the site prior to the erection of approved barriers and/or ground protection except to carry out pre-commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

Arboricultural Method Statement

(21) Prior to the construction of development on any part of the outline a
site area that adjoins Ancient Semi Natural Woodland (ASNW), an Arboricultural Method Statement to cover arboricultural supervision and works in proximity to the ASNW shall be submitted to and approved by the Local Planning Authority and the development on that phase shall be implemented in accordance with the approved Statement.

Reason: To ensure the proposals do not have an adverse impact on the area of ASNW that adjoins the site. Such details are fundamental to the application and are therefore required prior to its commencement.

External materials
(22) Prior to the commencement of construction of any phase of the development on any part of the application site, details shall be submitted to the Local Planning Authority, and sample panels of all materials to be used in the external construction shall be made available on site, and shall be approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the characteristics of the locality. Such details are fundamental to the application and are therefore required prior to its commencement.

Landscaping details
(23) Prior to the commencement of construction works on any phase of the development and on any part of the site, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; street furniture and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area. Such details are fundamental to the application and are therefore
Boundary treatments

Prior to the commencement of construction on any phase of the development on any part of the site, details of boundary treatments (including walls, fences and railings) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed in accordance with a timetable previously agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be permanently maintained.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to safeguard the privacy and amenities of the occupiers of the existing neighbouring dwellings area and future occupiers. Such details are fundamental to the application and are therefore required prior to its commencement.

Biodiversity

No construction works shall take place within any phase of the development on any part of the site until a scheme for the enhancement of biodiversity on that phase of the development site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development in order to protect and enhance existing species and habitat on the site in the future. Such details are fundamental to the application and are therefore required prior to its commencement.

LEMP

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development. The LEMP shall include the following.

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management, to include a plan of community engagement and support.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Ongoing monitoring and remedial measures.
h) Details of the body or organisation responsible for implementation of the plan, which is to be overseen by a Steering Group.
i) The composition and organisation of the Steering Group which, unless otherwise agreed should comprise 1 representative from each of the Borough Council, landowner, Town Council and Kent Wildlife Trust.
j) where monitoring indicates that the conservation aims and objectives of the LEMP are nor being met, the LEMP shall set out how contingencies and/or remedial action will be identified, agreed and implemented to ensure the development delivers the biodiversity objectives of the originally approved scheme.
k) Details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall be implemented in accordance with the approved details. Such details are fundamental to the application and are therefore required prior to its commencement.

Protected and notable species and habitats

(27) No construction works shall take place within any phase of the development on any part of the site until a Scheme of Ecological Mitigation for protected and notable species and habitats, identified in the ecological site surveys, setting out proposals for avoidance, mitigation and monitoring and future long-term site management has been submitted to and approved in writing by the Local Planning Authority. The Scheme of Ecological Mitigation shall be implemented in accordance with the approved proposals within it unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development in order to protect and enhance existing species and habitat on the site in the future. Such details are fundamental to the application and are therefore required prior to its commencement.

External lighting

(28) Prior to the commencement of construction works on each phase of the development on any part of the site, details of external lighting shall be submitted to, and approved in writing by the Local Planning. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme
of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the appearance of the area and neighbouring residents from light pollution. Such details are fundamental to the application and are therefore required prior to its commencement

On site play area details

(29) Prior to first occupation of any dwelling within each phase of the development, details of the play areas and informal outdoor recreation facilities to be provided within each phase, together with a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details and finished levels or contours, means of enclosure, surfacing materials, play equipment and/or structures, seating, litter bins, signs and lighting. The facilities shall be provided in accordance with the approved details and the approved timetable for implementation.

Reason: To ensure adequate on site facilities are provided for children’s play and informal outdoor recreation. Such details are fundamental to the application and are therefore required prior to its commencement.

Allotments

(30) Prior to first occupation of any dwelling on the site, details of the on-site allotments, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location, extent, boundary treatments, services and ground preparation and a scheme of rules and regulations relating to use and any structures / buildings associated with the allotments. The facilities shall be provided in accordance with the approved details and the approved timetable for implementation.

Reason: To ensure the proposed allotments are located and designed in an acceptable manner.

Site Access (construction stage)

(31) Before preparation of any groundworks or foundations for the dwellings, the new access off Green Lane shall be completed to base course level, together with the associated drainage facilities and visibility splays (as indicated on Peter Brett Associates LLP drawing ref 27196-5501-003 Revision E – or subsequent agreed revisions thereof), in accordance with details submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority.
Reason: In the interests of highway safety and to reduce the risk of flooding.

Site access - visibility

(32) The visibility splays indicated on Peter Brett Associates LLP drawing ref27196-5501-003 Revision E – or subsequent agreed revisions thereof shall be implemented before the commencement of construction works and the sightlines maintained free of all obstruction to visibility above 1.0 metres.

Reason: In the interests of highway safety.

Highway layout – residential areas

(33) Before the first occupation of any dwelling on any phase of the development, the following works between the dwellings on that phase and the adopted highway shall be completed as follows:
  i. Footways and/or footpaths shall be completed, with the exception of the wearing course; and
  ii. Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
      4) Highway drainage, including off-site works,
      5) Junction visibility splays,
      6) Street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety and ensuring provision of an acceptable road layout.

Emergency vehicle access

(34) The only access to the site for vehicles shall be from the main access on Green Lane, as indicated on drawing ref Peter Brett Associates LLP drawing ref 27196-5501-003 Revision E – or subsequent agreed revisions thereof. Any other access shall be for emergency purposes only.

Reason: In the interests of highway safety and ensuring provision of an acceptable road layout.

Parking and Servicing phase 1

(35) The area shown on the approved site layout plan for the part of the site that is the subject of the detailed permission as vehicle parking, servicing and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the buildings they serve are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development in accordance with the details approved in the preceding planning condition, and no permanent development, whether or not permitted by the Town and Country Planning (General
Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude the use of such facilities.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users.

Parking and servicing outline

(36) The submission of reserved matters for any phase of the development shall include details of facilities for the parking, turning and servicing arrangements relating to the buildings to be constructed within that phase. Such facilities shall be provided in accordance with the approved details before the buildings they serve are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended, shall be carried out on that area of land so shown or in such a position as to preclude the use of these facilities for their intended purpose.

Reason: To ensure the provision and retention of adequate off-street parking, turning and servicing facilities for vehicles in the interests of highway safety. Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users.

Pedestrian and cycle routes

(37) Prior to the commencement of development on any phase of the development on any part of the site, details of proposed pedestrian and cycle routes within that part of the site (to connect with routes provided in any adjoining phase) shall be submitted for approval. The submitted details shall include surfacing, drainage, lighting, the accommodation of any levels changes, connections to the public highway and signing, together with a maintenance strategy, including its future long term status (eg adopted or private) and the timescale for implementation. The route(s) shall be provided in accordance with the agreed timescale for implementation and thereafter maintained.

Reason: To ensure connectivity with adjacent development and local facilities and provides adequate sustainable transport measures.

Residential Travel Plan

(38) No residential dwelling on any phase of the development shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority. The agreed Travel Plan measures
shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted.

The Travel Plan should include some or all of the following:

a) Setting objectives and targets.
b) Measures to promote and facilitate public transport use, walking and cycling.
c) Measures to reduce car usage
d) Monitoring and review mechanisms.
e) Provision of travel information.
f) Marketing of environmentally sensitive forms of travel.
Together with a timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area.

**Cycle storage for flats**

(39) No flats within any phase of the residential development shall be occupied until details of secure, covered bicycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the flats on any phase of the development and shall thereafter be retained.

Reason: To ensure the proposal provides adequate sustainable transport measures.

**Electric vehicle charging points**

(40) Prior to the commencement of construction works on each phase of the development on any part of the site, details of the provision of electric vehicle-charging points, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. (In order to facilitate the use of plug-in vehicles, cabling to side walls, garages, and communal bays should be provided). The charging points shall be provided in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In order to realise a sustainable pattern of development in the area.

**Refuse storage**

(41) Prior to the commencement of construction works on each phase of the development on any part of the site, details of the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out to each phase in accordance with the approved details and the refuse facilities shall thereafter be retained.
Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

Renewable energy / energy efficiency

No development shall take place on any phase of the residential development until full details for the incorporation of energy efficiency measures and/or the promotion of renewable energy and sustainable construction within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations.

Crime prevention

The development hereby permitted shall incorporate measures to minimise the risk of crime. No phase shall be occupied until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

Drop off facilities for primary school

As part of the reserved matters submissions relating to the Primary School site, details of drop-off and turning facilities within the school site shall be submitted to and approved by the Local Planning Authority. Such facilities shall be provided before the school site is first brought into use and shall thereafter be retained.

Reason: In the interests of highway safety.

School travel plan

The school hereby approved shall not be brought into use until a detailed Travel Plan and has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted.

The Travel Plan should include some or all of the following:

a) Setting objectives and targets.

b) Measures to promote and facilitate public transport use, walking
and cycling.

c) Measures to reduce car usage
d) Monitoring and review mechanisms.
e) Provision of travel information.
f) Marketing.

Together with a timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area.

Informatives:

10) Your attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.

11) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

12) Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety. The contact details of the Kent Police CPDAs are; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No 01622 653209/3234

13) This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.

14) Landfill Informatove (Environment Agency) Government guidance recommends that there should be no residential development constructed within 50 metres of a gassing landfill and no rear gardens should extend to within 10 metres. This distance is a minimum advisory guideline and the risk for a specific site should be assessed on an individual site basis. We
recommend that further clarification should be sought from the Local Authority’s Environmental Health Officer with respect to issues related to harm to human health.

15) Water Resources (Environment Agency)

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance “PPG1 – General guide to prevention of pollution”, which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf. Water is one of our most precious natural resources, and the South East of England is “Water Stressed”, so we are keen to ensure water is used wisely. As such, water conservation techniques should be incorporated into the design of all new development. If domestic appliances are to be provided in the new property(ies), the applicant is asked to consider installing water and energy efficient models/devices. All new homes should be designed to achieve a minimum water efficiency of 105 litres per person per day (equivalent to Code for Sustainable Homes Levels 3/4). To achieve level 3/4 for water use will only cost around an additional £189 per property (over and above baseline cost for standard appliances). We recommend early discussions with water and sewage undertakers. You can find more information on water conservation at this link: http://www.netregs.gov.uk/netregs/275207/275517/1737030/?version=1&lang=_. Please note that this response is based on the information provided at this time and if this changes in the future, we would need to consider our position again.

16) Waste (Environment Agency)

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:
Duty of Care Regulations 1991
The Waste (England and Wales) Regulations 2011
Hazardous Waste (England and Wales) Regulations 2005
Pollution Prevention and Control Regulations (England and Wales) 2000
Environmental Permitting (England and Wales) Regulations 2010
Groundwater protection (Environment Agency)

17) The applicant’s attention is drawn to the EA’s Groundwater Protection: Policy and Practice (GP3) which is a report that highlights the importance of groundwater and its protection. This can be found at: https://www.gov.uk/government/publications/groundwater-
18) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

19) Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

20) A Section 106 agreement relates to this permission.

21) Regarding broadband connections the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE AGREEMENT IS NOT COMPLETED BY 31 JANUARY 2017 OR SUCH EXTENDED TIME AS AGREED BY THE HEAD OF PLANNING SERVICES

(1) The proposal fails to make an adequate contribution towards measures to address the highway and sustainable transport needs of the development and would therefore conflict with the NPPF, Site Allocations Local Plan Policy AL/PW 3B, 2016; Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; and Policy TP4 of the Tunbridge Wells Borough Local Plan 2006.

(2) The proposal would not provide affordable housing and would
therefore conflict with the NPPF, Core Policy 6 of the Tunbridge Wells Borough Local Plan 2006.

(3) The proposal would not provide developer contributions towards primary education, secondary education, nursery provision or libraries, as requested by Kent County Council, and would therefore conflict with the NPPF, Site Allocations Local Plan Policy AL/PW 3B, 2016; Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; and Policy CS4 of the Tunbridge Wells Borough Local Plan 2006.

(4) The proposal would not provide developer contributions towards youth and adult outdoor recreation facilities and would therefore conflict with the NPPF, Site Allocations Local Plan Policy AL/PW 3B, Core Policy CP1 and Policy R2 of the Tunbridge Wells Borough Local Plan 2006.

(5) The proposal would not provide developer contributions towards indoor recreation facilities and would therefore conflict with the NPPF, Core Policy CP1 of the Core Strategy, 2010 and Site Allocations Local Plan Policy AL/PW 3B.

(6) The proposal would not provide developer contributions towards community facilities and would therefore conflict with Core Policy CP1 of the Core Strategy and Site Allocations Local Plan Policy AL/PW 3B.

(7) The proposal would not provide developer contributions towards improving GP facilities and would therefore conflict with the NPPF, Core Policy CP1 of the Core Strategy and Site Allocations Local Plan Policy AL/PW 3B.

(8) The proposal would not provide developer contributions towards community facilities and would therefore conflict with the NPPF, Core Policy CP1 of the Core Strategy and Site Allocations Local Plan Policy AL/PW 3B.

(9) The proposal would not provide developer contributions towards the management of the adjacent area of ancient woodland and would therefore conflict with the NPPF, Core Policy CP4 of the Core Strategy and Site Allocations Local Plan Policy AL/PW 3B.

(10) The proposal would not provide developer contributions towards the monitoring of the Surface Water Management Plan and would therefore conflict with the NPPF, Core Policy CP1 of the Core Strategy and Site Allocations Local Plan Policy AL/PW 3B.
(11) The proposal would not provide for the long term management of the on-site children’s play area and would therefore conflict with the NPPF, Site Allocations Local Plan Policy AL/PW 3B, 2016; Policy CP1 of the Tunbridge Wells Borough Core Strategy, 2010; and Policy R2 of the Tunbridge Wells Borough Local Plan 2006.

(12) The proposals would not provide for the long term management on-site country open space, community orchard, allotments and informal open space within the housing areas and would therefore conflict with the NPPF, Site Allocations Local Plan Policy AL/PW 3B, 2016 and Policies CP1 and CP4 of the Tunbridge Wells Borough Core Strategy, 2010.

(13) The proposals would not secure the implementation of a Landscape and Ecological Management Plan (LEMP) and would therefore fail to mitigate the impact of the proposed development on the landscape and biodiversity of the site and would conflict with conflict with the NPPF, Core Policy CP4 and Policy EN1 of the Tunbridge Wells Borough Local Plan 2006.

(14) The proposals would not secure the implementation of a Surface Water Drainage Management Plan and would therefore fail mitigate flood risk and would conflict with conflict with the NPPF, Site Allocations Local Plan Policy AL/PW 3B, 2016.

(15) The proposals would not secure the implementation of a plan confirming the routing of construction traffic and would therefore fail to mitigate the impact of the proposals on adjacent residential areas of the site and on highway safety, and would conflict with conflict with the NPPF, Core Policy CP3 and Policy EN1 of the Tunbridge Wells Borough Local Plan 2006.

Additional Condition 46

(46) Road condition survey condition

Prior to any works commencing on site, a pre-construction highway condition survey shall be undertaken in consultation with the Highway Authority and details shall be submitted to the Local Planning Authority for approval. A post-completion highway condition survey shall be undertaken at completion and details submitted to the Local Planning Authority for approval. Any necessary consequential remedial measures shall be carried out as agreed in writing with the Highway Authority.

Reason: In the interests of highway safety. Such pre-construction details are fundamental to the application and are therefore required prior to its commencement.
RESOLVED - That in accordance with paragraph 4.2 Duration of Meetings of the Council’s Constitution, Part 4 Rules of Procedure, it was agreed that the meeting should continue (4 hours having elapsed after the commencement of the meeting).

APPLICATION FOR CONSIDERATION - 16/07099 - UNIT 10 AND 11 KINGSTANDING BUSINESS PARK, KINGSTANDING WAY, ROYAL TUNBRIDGE WELLS

Planning Report and Presentation - The Head of Planning Services submitted a report in respect of application 16/07099 and this was summarised at the meeting by Mr Baughen, Building Control & Development Manager, and illustrated by means of a visual presentation.

Updates and Additional Representations – None

Registered Speakers - There was one member of the public who had registered to speak in accordance with the Constitution rules.

i. Mr G Mickelborough of Bloomfields, spoke in support of the application and on behalf of the applicant and his main points included the following:
   • The site sat within the economic development area and was clearly commercial in character.
   • He reiterated the background to the proposal, the change of use and previous use of the site as set out in more detail in the agenda report.
   • The proposal was entirely consistent with the Council’s objectives to sustain and stimulate economic growth.
   • There were no objections from KCC, Highways; there was adequate parking and turning space on the site.
   • Finally, there were no adverse impacts and the proposal would serve to benefit the town.

Matters of Clarification by Officers, Committee Members’ Questions to Officers and Committee Member Discussion: No matters were raised.

Decision/voting - A motion was proposed by Councillor Podbury, seconded by Councillor Bland and a vote was taken to approve the application in line with the officer recommendation.

RESOLVED - That application 16/07099 be approved subject to the plans, conditions and informatives as set out in the agenda report.

DATE OF NEXT MEETING

RESOLVED – That the next Planning Committee meeting take place on Wednesday 18 January 2017, at 5pm.
URGENT BUSINESS

PLA116/16 **RESOLVED** – That there was no urgent business for consideration.

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NOTES:
1. Councillor Hamilton left the chamber during the debate and voting on applications 14/504140 and 14/506766.
2. The meeting concluded at 9.10 pm.