

**LAND NORTH OF FORGE LANE,
UPCHURCH, KENT.**

**OUTLINE APPLICATION (WITH ALL MATTERS RESERVED EXCEPT ACCESS) FOR
FORMATION OF A NEW VEHICULAR ACCESS FROM FORGE LANE AND THE
ERECTION OF UP TO 101 No DWELLINGS, INCLUDING AFFORDABLE HOUSING,
CAR PARKING, PUBLIC OPEN SPACE, LANDSCAPE PLANTING, SURFACE WATER
DRAINAGE FACILITIES, PUMPING STATION, HIGHWAY IMPROVEMENTS AND
ANCILARY DEVELOPMENT.**

SWALE BOROUGH COUNCIL REF No 26/500852/OUT

**TRANSPORTATION OBJECTIONS - REPRESENTATIONS ON BEHALF OF
UPCHURCH PARISH COUNCIL**

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1 Introduction

- 1.1 L Brown Associates have been instructed by Upchurch Parish Council to review the proposed development, the current highway network and the proposed HGV construction routes and to provide a Transportation Statement (TS) assessing the proposed development for up to 101 new homes on a greenfield site, within the village of Upchurch, on land off Forge Lane in the Borough Swale.
- 1.2 This Transportation Report will: consider the highway and transportation issues regarding the proposed development; review the Transport Assessments submitted; consider the highway mitigation measures; and review how the proposal integrates with the overall development of the area including linkages to community centres, local schools, including bus and public transport provision and access to railway services, local transport hubs.
- 1.3 Section 2 addresses the site and local highway network. Section 3 describes developments approved nearby or under consideration. Section 4 refers to national and local plan policies. Section 5 describes the proposed development and objections put forward, vehicle trips and traffic impact which are likely to be produced because of the development. Section 6 refers to KCC pre app consultations. Section 7 deals with construction traffic, section 8 summarises the conclusions of the assessment.
- 1.4 The transportation representations are linked to objections already raised by our client in respect of traffic generation, construction traffic operational issues, means of access, car parking and outlook.
- 1.5 To set the background there are several road links that provide means of access to the site, local schools and the village centre. They include the A2 London Road, that has traffic flows in excess of 1500 two-way movements, then Oak Lane, then onwards to Forge Lane.
- 1.6 Forge Lane is a classified road as set out in KCC's Gazetteer and an extract is shown below.

STREET NAME	(C115) FORGE LANE
USRN	39000470
TOWN	UPCHURCH
DISTRICT	SWALE
STATUS	PUBLICLY MAINTAINABLE HIGHWAY

- 1.7 Approaching the site from the eastern side, via Breach Lane (C94) and The Street (C115) from the Lower Halstow junction it extends a distance of just over a kilometre. The site is shown below, which is an extract from the site location plan submitted in the planning statement. There is also an extract from Google maps that shows the area overall.



- 1.8 The highway, Forge Lane, is subject to a 30mph speed limit and has some street lighting, some on telegraph poles and a sign close to the Wallbridge Lane junction is solar powered. The carriageway through the village is approximately 5.5m in width, with narrow sections, and there is still signs of hazard warning lines in the centre of the carriageway. They have all but been worn out. Recent re-white lining of Give Way junction lines has however been carried out. When carriageway widths are less than 5.5m in width centre line hazard lines are not introduced. In this case edge of carriageway road markings are provided along Forge lane.

2 The Site and Surrounding Area

- 2.1 Drawings, SK01 and SK02, in **Appendix 1 & 2** include various scaled drawings showing the overall northern part of the village and section fronting the application site.
- 2.2 The section of Forge Lane fronting the site is included in SK03, to a scale of 1:1250 and is in **Appendix 3**. It shows traffic calming by means of raised tables, only a few streetlights that do not accord with highway standards as the separation distances are too great. Junction Give Way road markings and highway street furniture and school signs are also shown.

Road Widths – Current Widths/Proposed Widths

- 2.3 The current road width fronting Holywell Primary School is 5.5m in width. As it moves south eastwards it narrows down to less than 5.5m and between the edge of carriageway white lines down closer to 4.8m. There are only a few streetlights as there is limited widths and no verges to the highway. Drawing SK04 in **Appendix 4**, which also has photographs shows these details. Some photographs are also provided below.
- 2.4



Photo 1 West side of school.



Photo 2 At School access.



Photo 3 Local bus service.



Photo 4 Looking south eastbound.



Photo 5 Carriageway edge lines.



Photo 6 Hedge tight to road.



Photo 7 Level difference in site.



Photo 8 Southern site – sight lines.

2.5



Photo 9 Narrow road no verges.



Photo 10 car stopped for van.

- 2.6 The following photo is of an HGV that serves housing and commercial construction sites when it was travelling along Forge Lane this month. It was one of the HGV's monitored on various site visits to the area and Lower Halstow. All the local roads between villages are narrow. The photograph shows traffic queued, platooned, behind the HGV plus other drivers approaching the HGV had to stop to give way.



- 2.7 The conclusion overall is that the carriageway widths are below 5.5m. 5.5m is the minimum acceptable standard for new major housing developments otherwise the free flow of traffic is materially affected.
- 2.8 Standard widths in MfS is set out below that reinforces the above analysis and conclusions.

Geometrical Road Widths

- 2.9 Typical geometrical carriageway widths are shown below, which are taken from Manual for Streets (MfS). Car widths are now 2.2m in width based on reviewing over 160 vehicles reviewed in What Car and Autocar magazines reviewed since January 2019. The 95th percentile car width is 2.2m based on research by L Brown Associates Ltd. Design Bulletin 32 (published in 1977) used a dimension of 1.7m and only a width of 2m is shown in MfS below. MfS No 3 was due to be published in 2020 but will be published later this year as the IHT are progressing with its future publication.
- 2.10 The above publications indicate that design guides can readily become outdated as the car industry influences the marketplace in respect of specification such as size, body types, engine power, acceleration, and braking capabilities. Vehicle sizes are currently greater than the details in design guides used by highway engineers and in parking standard guides.

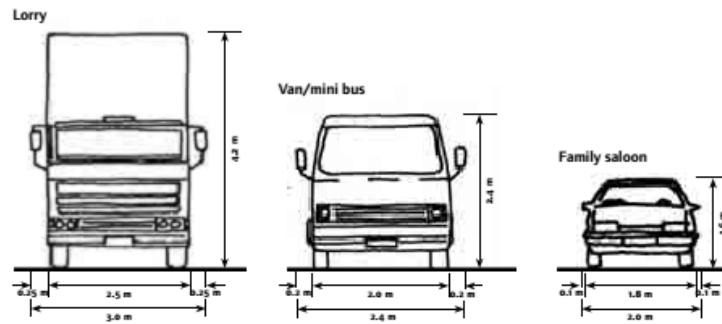


Figure 6.18 Private and commercial motor-vehicles – typical dimensions.

- 2.11 Carriageway widths and typical design standards are also shown below from MfS2, based on car widths below 2m. Therefore, carriageway widths of 5.5m is the very minimum to accommodate 2-way flows for HGV's, moving very slower or one is stopped. A width of 6m is required for the free flow of traffic. MfS3 may very well amend by increasing the widths however no information has been published to date.
- 2.12 For cars and SUV's a width more akin to 5.5m would be more appropriate which would avoid drivers driving very close to or on the adjoining kerbing or brushing the hedgerows during the summer months. Whilst undertaking a number of site visits along Forge Lane before and after the local school was operational Forge Lane must be driven as a one-way road, using junctions as passing opportunities and also drivers giving way to oncoming vehicles.
- 2.13 Drivers in larger SUV's must stop whilst smaller vehicles pass each other at a few miles per hour. As there are no verge vehicles may have to stop. Having visited the network on a school day some drivers used the footway close to the school to park up before the school opened.

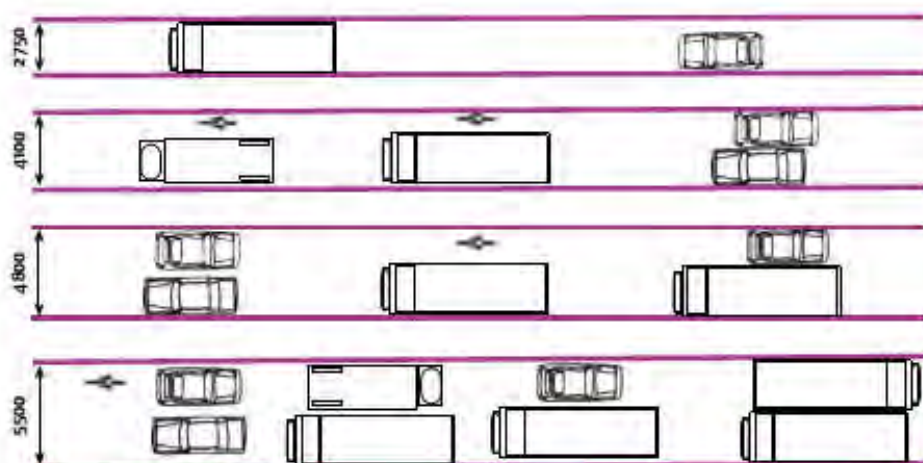


Figure 7.1 illustrates what various carriageway widths can accommodate. They are not necessarily recommendations.

- 2.14 Based on the above review of access to the site from the western and eastern approach, the development served off Forge Lane will increase conflicts due to approaching vehicles travelling along effectively one-way sections of highway with no continuous footways and no verges.

Local School – Class numbers and capacity

- 2.15 This review originally did not consider the operation of the school and parents visiting site as the school was on holiday. Following the opening of the school a site visit at 0745-0840hrs was undertaken. Drawing SK05 in **Appendix 5**, shows the general parking that takes place on road. On road double parking alongside the pedestrian barriers results in one way traffic on Forge Lane due to the narrow carriageway that results.
- 2.16 Drivers giving way from both directions dependent upon which driver gives way. There also two pupils on electric scooters, only legal for 14-year-olds and upwards. They may have been speeding at more than the maximum 15.5mph permitted on a scooter. Drivers did not appear to be permitted to enter the school car park. Many parents arrived at 0815hrs and parked in an orderly fashion. There is also a nursery nearby as on road parking occurred earlier than the school opening time.
- 2.17 KCC as education authority will take funds per property in accordance with their requirements. Based on a 7-year entry of 30 per class then the school only has the capacity of 210 pupils. If capacity is an issue, suggested in the planning statement by the applicant's consultant, parents on the new estate will commute to the next available school. We are unsure if school buses operate nearby serving senior schools.
- 2.18 A site visit was undertaken after the end of the school holiday. The reason behind this was to determine on street parking and how the parents and guardians dropped off their children. Many arrived on foot, a few by cycle and many by car. Drawing SK05 in the appendices is a snapshot of how vehicle drivers park up before dropping off their children at the school gates. It was not reviewed in the pm but it may be assumed similar parking arrangements takes place.

3 Developments Approved/Rejected and or Under Consideration

The Site.

- 3.1 The development of the site has a chequered history all of which resulted in a rejection by Members and on appeal. A list from the applicant's planning statement is shown below.
- SW/81/0397 - Outline application for residential development (refused June 1981)
 - SW/90/0389 - Outline application for residential development of 40no. dwellings (refused April 1990)
 - 16/505738/OUT - Outline application for up to 110 dwellings (refused October 2016).
- 3.2 The 2016 application by Gladman Developments Ltd, for 110 dwellings also offered a car park for the local school for 40 spaces, which was refused for a number of

reasons including the following: -

- Being adjacent to the Conservation area.
- Being located outside the defined urban boundaries of Upchurch.
- The planning balance was not used as the adverse impacts were considered to outweigh the benefits of the scheme.

3.3 An outline application 24/504410/OUT (access and layout sought) was submitted in October 2024 to the south of Forge Lane and on the eastern side of the local school. The development for 16 dwellings and car parking has been appealed against non-determination.

3.4 The development extends the footways plus is assumed to remove the hedgerows on either side as they are greater than 0.6m. Sight lines annotated on the drawings to the junctions are shown. An extract from the access plan is shown below. Carriageway widening has not been put forward in the submission.



3.5 The application was submitted in outline with all matters reserved apart from access.

3.6 There is an appeal statement in **Appendix 6**. The site is the former Broke Hill Golf Course, Sevenoaks, 3273188. The development was for up to 800 dwellings. The inspector referred to active travel modes and in para 73 and 82 stated: -

73. The proposed investment in cycleways included in the S106 Agreement would have only a localised impact being unconnected to routes which connect to settlements which include a broader range of services. Many of the roads in the local area do not have footways on each side and/or are unlit. This situation will not change markedly despite the capital investment included in the S106 agreement.

82. The large amount of traffic generated results reflects the site's location away from existing settlements contrary to Policy L01. Furthermore, the additional traffic generated by the appeal scheme would be in conflict with Policy L08 which seeks to protect openness as defined by the Guidance.

4 Planning Policy

Current Development Plan

4.1 The Local Plan "Bearing Fruits" was adopted in July 2017 and covers the period to

2031. This was followed by a Regulation 18 that took place in January to February 2026. A pre-submission consultation (Regulation 19) is scheduled from July to September this year. The public examination may take place from October to December 2026.

The relevant transportation policies from the 2017 Local Plan are as follows:-

- CP2 – Delivering sustainable transport.
- DM6 – Managing transport demand and impact.
- DM7 – Vehicle parking.

4.2 There are also supplementary Planning Documents (SPD's). They include the Kent Design Guide, published in 1997 and updated on a regular basis. There is also the Parking Standards SPD adopted in June 2020.

Bearing Fruits 2031: The Swale Borough Local Plan, 2017

4.3 Swale Borough Council's Local Plan covers the period to 2031. The vision is for Swale to be known by "the fruits of its endeavours". In terms of transport, the Plan aims to improve prosperity and environmental quality through efficient and sustainable transport networks.

4.4 Policy DM 6 considers development proposals generating a significant amount of transport movements are required to support proposals with the preparation of a Transport Assessment and Travel Plan (TP). Policy DM 6 also requires the layout of development proposals to demonstrate that access to public transport have been integrated into the site design and layout where appropriate. The development is for 101 dwellings which therefore has required a Transport Assessment and Travel Plan to be undertaken. In section 2 section c. the following is set out: -

c. avoid the formation of a new direct access onto the strategic or primary distributor route network where possible, or unless identified by the Local Plan. Other proposals for new access onto the networks will need to demonstrate that they can be created in a location acceptable to the Borough Council and appropriate Highway Authority. Proposals involving intensification of any existing access onto a strategic, primary or other route will need to demonstrate that it is of a suitable capacity and safety standard or can be improved to achieve such a standard;

4.5 Based on this policy safe means of access including an emergency access plus sight lines on both sides of the junction are required. Currently the sight lines have been drawn incorrectly. The Guidance document in **Appendix 7**, prepared by L Brown Associates, which is an evidence base that clarifies what should be provided. The details submitted to date show that a topographical survey has been undertaken to show levels, hedgerows and highway street furniture but inadequate sight lines plus no highway design levels for the new access has been provided. The topographical details have only been used for the drainage strategy and not the highway design. This is surprising as the planning application is for consent for the access only.

4.6 Policy CP 2 focuses on promoting sustainable development, improving the highway network, improving road safety and providing integrated walking and cycling routes. The improvements and safety audit suggests that it is unsafe.

4.7 The proposal does show a new footway on the western side of the junction, it also shows a zebra crossing. There is reference to the provision of a bus gate on the southern side of the carriageway, presumably using only yellow box road markings. There is no reference to providing a shelter. There is no reference to providing

improved lighting for pedestrians although KCC normally require improved lighting on the approach to a zebra crossing and to new junctions.

4.8 Policy DM 7 states that: -

Policy DM 7

Vehicle parking

Until such time as a local Swale Borough Supplementary Planning Document (SPD) can be adopted, the Council will continue to apply extant Kent County Council vehicle parking standards to new development proposals. When prepared, the Swale Vehicle Parking SPD will provide guidelines for:

1. Car parking standards for residential development, which will:
 - a. take into account the type, size and mix of dwellings and the need for visitor parking; and
 - b. provide design advice to ensure efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.

4.9 The parking standards were adopted May 2020.

On-street parking controls	On-street controls prevent all parking	On-street controls prevent all parking	On-street controls absent or limited	None or very limited	None or very limited
Nature of Guidance	Advisory	Advisory	Recommended	Recommended	Recommended
Location	Town Centre ^{1,2,3,4}	Edge of Centre ¹	Edge of Centre ¹	Suburban ¹	Rural ¹
1 & 2 Bed Flats	1 space per unit	1 space per unit	1 space per unit	1 space per unit	1 space per unit
1 & 2 Bed Houses	1 space per unit	1 space per unit	1 to 2 spaces per unit	1 to 2 spaces per unit	2 spaces per unit
3 Bed Houses	1 space per unit	1 to 2 spaces per unit	2 to 3 spaces per unit	2 to 3 spaces per unit	3+ spaces per unit
4+ Bed Houses	2 spaces per unit	2 spaces per unit	2 to 3 spaces per unit	3+ spaces per unit	3+ spaces per unit
Visitor Parking	None	0.2 per unit	0.2 per unit	0.2 per unit	0.2 per unit

4.10 Electric vehicle charging points for new dwellings is set out in the building regulations Part S. Hence it need not be conditioned. Planning inspectors also reiterate this on appeals. However, the KCC & Swale details are set out below.

Table 3: Electric Vehicle Parking Standards

Residential Uses	
Dwellings with On-Plot Parking	1 Active Charging Point per dwelling minimum output rating 7kW*
Dwellings with unallocated communal parking	10% Active Charging Spaces and 100% Passive Charging Spaces**

4.11 Cycle Parking provision is set out below.

	Short to Medium Term (collection/delivery/shopping)	Medium to Long Term (meetings/workplace)
C3 Residential Uses		
1. Cycle parking provision should normally be provided within the curtilage of the residential dwelling. Where a garage is provided it should be of a suitable size to accommodate the required cycle parking provision. 2. Parking provision should be provided as a secure communal facility where a suitable alternative is not available.		

4.12 Swale also have standard (dated May 2020) in which current car parking provision/ownership is set out.

Other Policies/Guidelines Reviewed

4.13 Various walk distances are quoted in the Institution of Highways and Transportation’s (IHT’s) “Guidelines for Providing for Journeys on Foot”. The Table (3.2 from the document) is set out below:

Table 4.1 – Suggested Acceptable Walking Distances

	Town Centre (m)	School / Commuters (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Maximum	800	2000	1200

4.2 From the simple analysis of the NTS data we have shown that the average walking distance for All Regions excluding London is 1,150m and the 85th percentile distance is 1,950m, which corresponds to the PPG13 2km value. We suggest that for planning purposes the 85th percentile distance should be used to establish the walking catchment for sites outside London.

4.14 The above table is now out of date by the publication of the Whyte Young and Green research paper. The Whyte Young and Green data was presented to PTRC Education and Research Services Ltd (PTRC), annual seminar in 2015 which is in the public domain. The results were as follows: -

	Mean (m)	85th Percentile (m)
Walk – As main mode of travel		
UK (Excluding London)	1,150	1,950
London	1,000	1,600
Walk to a Bus Stop		
UK (Excluding London)	580	800
London	490	800
Walk to a Railway Station		
UK (Excluding London)	1,010	1,610
London	740	1,290

4.15 The document also goes on to say that little or no information about how far people walk, to help underpin the policy and guidance which has been used for many years.

4.16 The development site location currently does have a relatively short walk to bus stops or linkages to the local shops including co-op. Opportunities to cross the road is still

in doubt. The local stations are Newington (3.2miles and 5.1km) to the southeast and Rainham (2.4 miles and 3.8km away) to the southwest. The distances are obtained from the AA route map.

- 4.17 Walk distances of 400m and 800m is assumed to take 5 and 10 minutes to travel based on 3mph walking speeds. There is no cycle network close-by but reliance on using the carriageway is the norm. Cycle distances of 2km to 5km takes only 10-minute and 25-minutes respectively.
- 4.18 A recent application for housing development went to the March Swale Planning Committee for over 2,000 houses near Iwade. Should this be approved after the signing of a Section 106 Agreement then the 5-year housing target may be met. Several planning appeals with many hundreds of dwellings are also progressing in Swale. Currently the planning balance is applicable with a presumption in favour of the development.

Other Design Guidance Documents

- 4.19 The Kent Design Guide - An extract from the Kent Design Guide, "creating the design" is shown below. A major access road serving over 50 dwellings is set out below. It generally serves more than 50 dwellings.

Major Access Road

- 1 a road type applicable to all sites on the outskirts of main towns or in fill sites within existing suburban areas
- 2 gives direct vehicle and pedestrian access to dwellings and often links several residential areas to a local distributor road
- 3 generally serves between 50 and 300 dwellings (or equivalent mixed uses) including those located on other access roads feeding onto it. In some cases it could serve as a bus route.
- 4 preferably has two points of access or is a loop with a short connection to a single point of access and a secondary emergency access link
- 5 discourages non-essential through traffic but only where a more desirable alternative through-route exists
- 6 provides an opportunity for boulevard or avenue planting.

Alternative Means of Access for Emergency Road Closures.

The needs of the emergency services must be taken into account in the layout design. If the number of dwellings served by a cul-de-sac exceeds 50 or where a major access road is designed as a circuit road, an alternative means of access is required.

	Typical parameter	Notes	Recommended parameter range (required min or max standard shown in bold)
Carriageway width	5.5m	carriageway width not necessarily constant	4.8m / 10.5m
Anticipated vehicle types	low pantechicon, possibly bus, fire tender, car	passing places for larger vehicles may be appropriate where their frequency is likely to be high	pantechicon

- 4.20 Reference to the emergency access or lack of one is dealt with later in this report.

Planning Policy December 2024

- 4.21 The NPPF does not refer specifically to emergency access arrangements. The reference is to Highway Safety, not personal safety that is dealt with via the Building Regulations.
- 4.22 In para 55 LPA's should consider planning conditions to ensure development comes forward promptly. Extracts are shown below; -
- 4.23
55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²⁵.
57. Planning obligations must only be sought where they meet all of the following tests²⁶:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 4.24 Para 115 relates to development proposals in respect of sites and include applications should make/provide: -
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 4.25 Para 116. Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. The development is not a brownfield site and is also not in the SHLA. Development impacts above 10% is normally taken as severe.
- 4.26 A recent application went to the March Swale Planning Committee for over 2,000 houses near Iwade. Should this be approved after the signing of a Section 106

Agreement then the 5-year housing target may be met. A number of planning appeals with many hundreds of dwellings are also progressing in Swale. Currently the planning balance is applicable with a presumption in favour of the development however it could change in the next few weeks.

5 Objections to the Development Proposal.

5.1 Objections from residents has included some of the following reasons:-

- The increase in traffic will affect the safety of pedestrians using the network.
- The increase in traffic will affect the safety of cyclists using the local routes.
- The proposed means of access is unsafe.
- The outlook will be affected to the detriment of the area.
- The removal of the hedgerows will affect the eco climate.
- The risk of flooding may be increased due to the increase in impermeable surfaces.
- The HGV traffic over a period of some 2 to 3 years will affect road safety.
- The access cannot accommodate HGV's and long low loader transporter traffic delivering tracked vehicles and bricks, blocks and roof trusses especially near the end of the construction period when the cul-de-sac links and turning heads have all been built up. The low loaders will park up on the highway and obstruct the free flow of traffic and obstruct sight lines.
- Car parking for site staff will result in local roads being affected.
- Road gulleys will become blocked by the mud tracking onto the highway.

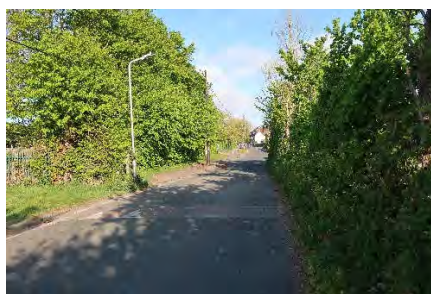
5.2 The operational hours over the construction period will affect residents with dust and smells.

5.3 The site is bounded on the southern side by a high hedge that abuts the public highway, Forge Lane. The width is less than 5.5m but closer to 4.8m due to kerbs on the southern side and edge of carriageway white lines on both sides of the carriageway. This measure assists drivers traveling during dusk as street lighting does not accord with highway street lighting standards.

5.4 The pictures below provide some clarity in this respect.



Eastern side – Road alignment.



Proposed access -high Hedges.

5.5 The site levels based on the topographical survey mapping, provided in the Transport Assessment, shows the site varies in height by more than 1m from the

road to the field. There are only contours at 0.5m level changes which show them very close to each other close to the hedgerow. An extract from drawing 5026808 RDG XX XX DR H 0005 Rev P03, is in **Appendix 8**. This information suggests that a material amount of engineering works is required to provide access into the site.

- 5.6 Based on the above a fully engineered layout drawing with longitudinal and cross sections to provide cut and fill data is required. In the very least a contoured layout, before and after is required to obtain consent from the planning and highway authority via a Section 106 Agreement. Until these details are submitted and approved by KCC, it is concluded that the current design creates a danger to road users and therefore should be refused.

Site Access

- 5.7 Currently there is no access to the field although there are timber potato storage boxes provided on the eastern side where the hedgerow has been removed. A photograph is shown below.



Proposed Development – Internal Access Road

- 5.8 As the planning submission is to obtain permission for means of access to serve up to 101 new dwellings, major development, the internal estate road alignment and levels have not been provided in any detail. For example, the indicative design showing a link between the main access and an emergency access is not provided.
- 5.9 The road safety audit, undertaken by two road safety engineers, highlighted an emergency access was not safe for a variety of reasons. The highway designer accepted this response, and the access was then removed. The site access no longer accords with the Kent Design Guide as the development has not been reduced from 101 to 50 dwellings.
- 5.10 The emergency link must be an adoptable highway link. A private road link could be closed, or fences put up to narrow the road by owners of the road. Based on the above assessment the network to accord with the Kent Design Guide and MfS; can only accommodate up to 50 dwellings.
- 5.11 The layout shown in paragraph 1.7 shows many cul-de-sacs. The layout also shows rear parking courts that are never parked within resulting in on road parking. The best practice document "Car Parking What works where" published in March 2006 by the then English partnership, merged into Homes England in 2008 is still relevant.
- 5.12 Based on the above review of details in the public domain, the level differences at the new junction with Forge Lane requires a detailed road design not a sketch layout. The road layout and levels would then be subject to another Stage 1 Road

Safety Audit prior to the proposal being determined by the planning and highway authority. Road levels on adopted highways in Kent are generally up to 1 in 16 (6%). However, if an emergency access is provided in a safe location if steep gradients are provided then it would not be accessed during frost winter and wet months.

- 5.13 Photographs of the site are shown below from the highway. They confirm visually the level differences involved.



- 5.14 The details in the submission do not clarify the heavy plant and machinery associated with the earthworks and possible raft foundations concrete/steel reinforcement volumes involved. Low loaders would have to use the new junction/access to serve the site or park on road. A low loader and grab lorry tracking exercise has been undertaken and is in **Appendix 9**. Drawing SK07 has been based on 4.8m wide roads.
- 5.15 The details are also sparse in respect of hedgerow to be removed. The removal of the hedgerow on both sides of the access, which have not been annotated on drawings, is required so as to provide sight lines. The sight lines also have to be maintained in perpetuity. Based on the current assessment the development presents a highway safety risk, hence it should be refused.

Arboricultural Report

- 5.16 A review of Barton Hyett's report has been reviewed to determine the extent of hedgerow to be removed as the TA nor the planning statement clarifies. The conclusions are copied below.

9. CONCLUSIONS AND RECOMMENDATIONS

- 9.1. In conclusion, overall the arboricultural impacts of the development proposal on trees at the site are minimal.
- 9.2. Two sections of a low quality hedgerow are proposed for removal.
- 9.3. The minor incursions into RPAs are highly unlikely to cause any negative arboricultural impact.
- 9.4. The loss of hedgerow can be mitigated by landscape planting and the scheme will deliver a 10% biodiversity net gain.
- 9.5. A detailed AMS and finalised Tree Protection Plan will need to be produced. Where the feasibility of a scheme has been agreed upon by the Local Planning Authority, this detail can be agreed upon and submitted later as part of a reserved matters application or pre-commencement planning condition (by agreement with the applicant).

- 5.17 The hedgerow along the fontage in the report is shown below.



- 5.18 It shows only a limited extent to the west but no removal to the east hence road widening, the provision of streetlights and sight lines can't be provided. Therefore, a safe access has not been demonstrated hence in planning policy terms an objection can be raised.

Applicant's Planning Statement - Review

- 5.19 This statement by tor&co provides the planning history to the site, this includes planning appeals allowed in Swale. The 5-year housing supply and planning balance is set out and repeated many times.
- 5.20 There is reference to a Section 106 Agreement in order to provide financial contributions. Planning conditions requiring financial contributions would be ultra vires. There are high court decisions in this regard. The list in the planning statement includes highway improvements but is lacking in technical details. There is no reference to widening the carriageway to 5.5m. An extract is shown below from the document.
- 4.34 The section 106 legal agreement will also set out how and when a policy compliant level of affordable housing will be provided on site, as well as how and when the proposed highway improvements and children's play areas are to be provided.
- 5.21 L Brown Associates have noted recent developments in Swale where high walls and hedgerows close to new junctions serving development have not been removed. They have also not been maintained respectively yet they serve over 100 dwellings. Both sites observed recently serve developments off private roads. KCC have not adopted them.

Local Speed Limit.

- 5.22 The road is subject to a 30mph speed limit and surveys have been undertaken by the transportation consultant Ridge. They included Automatic Traffic Counts (ATC's)
- 5.23 The 85%ile speeds were below 30mph, presumably due to the traffic calming that already takes place. During the peak hours in the morning 96 and 229 vehicles were counted travelling eastbound and westbound respectively. During the evening time it was 160 and 118 respectively. During the 7-day survey the survey data does not confirm weather conditions such as on wet days, traffic speeds may be lower, and amendments have to be made in accordance with Design Manual for Roads and Bridges (DMRB) CA 185 Vehicle speed measurement guidance note. The surveys were undertaken in the locations below. They were comprehensive and were undertaken in April a neutral month.



5.24 The survey data is in 15 minute intervals but the generic average week is summarised in an hourly table, in the applicant’s appendices, for northbound and southbound travel. The summary table from their appendix showing daily flows are shown below.

COMBINED EAST & WESTBOUND	
Total recorded volume	18,218
Total recorded HGVs	266
% of vehicles that are HGVs	1.5%
Avg daily volume (based on 7 days)	2,602.6
Average daily speed (7 days)	23.3mph
Average daily 85thile (7 days)	27.4mph
AAWT (annual average daily traffic)	2,420.4
AAWT (annual average weekday traffic)	2,726.9
Avg weekday volume (Mon-Fri, 24hrs)	2,943.6
Avg weekday speed (Mon-Fri, 24hrs)	23.4mph
Avg 12hr weekday volume (Mon-Fri, 0700-1900)	2,487.0
Avg 12hr weekday speed (Mon-Fri, 0700-1900)	23.2mph



5-DAY AVERAGE CLASSES

EASTBOUND WEEKDAY AVG

TIME	MOTOR CYCLES	CAR	LGV	OGV1	OGV2	TOTAL
0000	0.2	4.0	0.2	0.0	0.0	4.4
0100	0.0	1.8	0.0	0.2	0.0	2.0
0200	0.0	1.2	0.2	0.2	0.0	1.6
0300	0.0	1.2	0.8	0.0	0.0	2.0
0400	0.0	2.4	0.0	0.0	0.0	2.4
0500	0.2	6.2	1.2	0.0	0.0	7.6
0600	3.0	15.8	1.2	0.0	0.0	20.0
0700	0.4	43.0	6.0	0.2	0.2	49.8
0800	1.6	84.0	10.0	0.6	0.2	96.4
0900	3.2	49.2	9.6	1.8	0.2	64.0
1000	2.6	56.0	9.6	0.6	0.6	69.4
1100	2.4	66.0	9.0	0.8	0.0	78.2
1200	3.8	62.6	9.4	1.4	0.2	77.4
1300	2.6	66.6	9.6	1.2	0.0	80.0
1400	2.4	81.4	11.0	1.2	0.2	96.2
1500	3.0	107.4	12.8	2.4	0.0	125.6
1600	5.8	120.2	12.0	2.6	0.2	140.8
1700	6.6	138.8	13.2	1.4	0.2	160.2
1800	3.6	88.2	7.0	1.2	0.2	100.2
1900	1.8	57.4	3.8	0.0	0.0	63.0
2000	1.6	44.0	4.6	0.4	0.0	50.6
2100	1.0	24.4	1.8	0.0	0.2	27.4
2200	0.0	14.8	0.2	0.0	0.0	15.0
2300	0.0	7.4	0.6	0.0	0.0	8.0
12hr TTL	38.0	963.4	119.2	15.4	2.2	1138.2
24hr TTL	45.8	1144.0	133.8	16.2	2.4	1342.2
	3%	85%	10%	1%	0%	

WESTBOUND WEEKDAY AVG

TIME	MOTOR CYCLES	CAR	LGV	OGV1	OGV2	TOTAL
0000	0.0	1.6	0.2	0.0	0.0	1.8
0100	0.2	1.8	0.2	0.0	0.0	2.2
0200	0.0	0.6	0.4	0.0	0.0	1.0
0300	0.4	1.6	0.4	0.0	0.0	2.4
0400	0.4	8.0	2.2	0.0	0.0	10.6
0500	0.6	25.0	6.2	0.0	0.0	31.8
0600	3.6	54.4	13.6	1.6	0.0	73.2
0700	2.0	191.4	26.8	2.4	0.2	222.8
0800	2.8	177.2	24.4	2.4	0.8	207.6
0900	3.4	81.4	13.0	3.0	0.6	101.4
1000	4.0	65.6	9.6	2.2	0.4	81.8
1100	1.8	62.2	9.6	0.8	0.0	74.4
1200	3.0	61.6	10.8	3.2	0.6	79.2
1300	2.2	57.6	12.6	1.4	0.0	73.8
1400	1.6	71.4	11.6	1.0	0.2	85.8
1500	4.2	100.0	11.6	2.0	0.2	118.0
1600	2.6	97.0	15.0	1.0	0.2	115.8
1700	3.2	85.2	8.4	0.2	0.4	97.4
1800	5.4	70.4	7.0	0.6	0.2	83.6
1900	1.8	50.0	4.2	0.0	0.2	56.2
2000	1.0	30.0	2.6	0.2	0.0	33.8
2100	0.8	17.6	2.4	0.2	0.2	21.2
2200	0.0	10.0	0.6	0.0	0.0	10.6
2300	1.0	5.0	0.8	0.0	0.2	7.0
12hr TTL	36.2	1121.0	160.4	20.2	3.8	1341.6
24hr TTL	46.0	1326.6	194.2	22.2	4.4	1593.4
	3%	83%	12%	1%	0%	

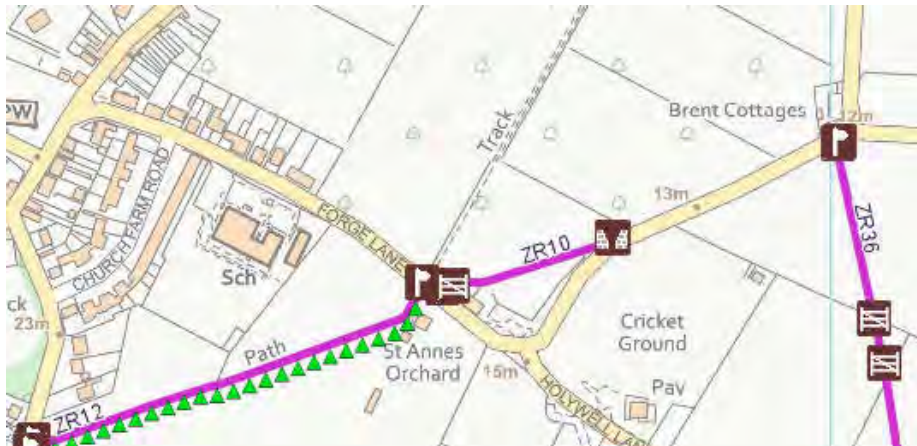
Accident Data

5.25 Accidents close to the site have been reviewed by using the crashmap.co.uk data for the past 5 years. The details in the transport assessment have been checked

and they are agreed.

Public Footpath/Footway and Cycle Network

- 5.26 There are footpaths in the area to the eastern side of the site and an extract is shown from KCC's PROW map below.



- 5.27 The eastern footpath ZR10 is not within the application site as land ownership does not extend thus far. The TA makes no reference to improving the footpath surface but also fails to provide a footpath extending eastwards to assist safe access from between a section of high hedgerow.
- 5.28 The footway improvements do not include the provision of a footway to the eastern side of the junction which would also require streetlighting.

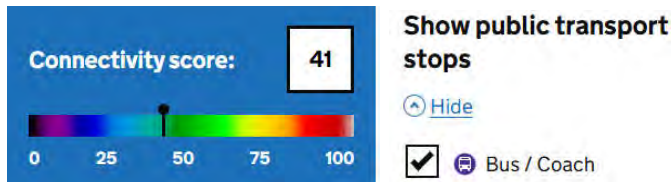
Bus Services

- 5.29 The accessibility to local shops, post office schools plus bus services has been set out in the TA. Local services by Chalkwell are shown on the map below.



There is also a service to local senior schools.

- 5.30 The DfT connectivity tool was not included in the TA however we have interrogated it and set out the more up to date results below. It is less than 50. The mapping shows the bus stops nearby. Based on this plus monitoring the bus services on the site visits the small minibuses may have limited capacity to also serve a much larger 101 house development, with an up-to-date travel plan. Funding to improve services may be required but is not included in the TA. Financial incentives, in the TP should also be provided to local residents to use the bus services.

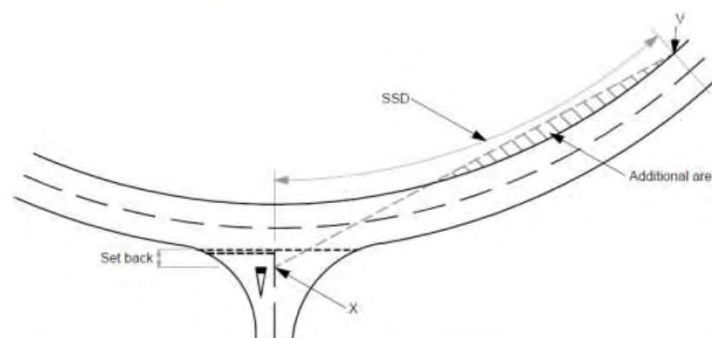


- 5.31 During one of our site visits the 327 service passed the school in both directions at 9.32am and 9.45am respectively.

Sight Lines -Nearby Junctions

- 5.32 The sight line geometric descriptions are referred to as X and Y distances. The diagram below is from CD 123, formerly TD 42/95 plus is similar in geometry, to sight lines as set out in Manual for Streets.
- 5.33 MfS1 was published in 2007 and MfS2 in September 2010. Both these documents, plus associated research, provide guidance on the provision of sight lines onto roads primarily based on speed.
- 5.34 Figure 3.10 from CD123 is shown below.

Figure 3.10 Additional area of visibility on the inside of a curved major road



NOTE 1 The additional area of visibility on the inside of the curve (as illustrated in Figure 3.10) applies to both the left and right of a priority junction/direct access.

- 5.35 Based on the monitored 85th percentile speeds set out in the Transport Assessment, sight lines of 43m x 2.4m x 43m is recommended.
- 5.36 The above sight lines have apparently been shown on drawings, however they are not clear. Based on site measurements they currently are not achievable for several reasons.

1. The current vegetation and hedgerows on the eastern side are shown

to remain. This prohibits access into the verge by 2.4m. Any topo surveys would therefore have to be a matter of judgement.

2. The sight lines have not been shown/drawn correctly. A L Brown Associates guidance document is included in Appendix 7 for clarification.

- 5.37 Should the provision of sight line splays not be provided the proposal would fail on road safety aspects alone. There are several planning appeal decisions that have dealt with this aspect. An extract from a 2019 judgement is quoted below: -

Mr Lockhart-Mummery submitted that the prospect that an owner of land, which was the subject matter of a planning application, would not agree to its development, should not be a reason in general for refusing permission. A *Grampian* condition, a condition preventing the start of development, or particular parts, until for example crucial infrastructure is begun or completed, is the commonplace means whereby a local planning authority can prevent development proceeding where there is uncertainty about the prospect of necessary infrastructure being provided. The lawful approach to an application where the applicant does not control all or part of the application site was stated by Lord Keith in *British Railways Board v Secretary of State for the Environment* [1994] JPL 32, HoL, at [38]:

6 KCC Pre-Application Consultation

Review of the Pre-Application Response from KCC 12th May 2025.

- 6.1 The February 2025 meeting was online and dealt with a number of items listed below.
- Personal Injury Collision Data.
 - Offsite highway works.
 - Enhancing the bus shelter outside the school.
 - A road safety audit required for the Zebra Crossing.
 - Restricted visibility due to the hedgerows.
 - Adoption Standards
 - A minimum road width of 4.8m in accordance with the Kent Design Guide.
 - A refuse vehicle to be 11.34m in length.
 - Servicing strategy.
 - TRICS assessment – traffic generation.
 - Traffic assignments.

KCC's letter is in **Appendix 10**.

Transport Assessment Response to the Pre-App

Traffic Surveys

- 6.2 Current traffic flows were obtained, by the applicant, using Automatic Traffic Counters (ATC's) located at various junctions including opposite the site frontage. The 85thile speeds were below 30mph, presumably due to the traffic calming that already takes place. During the peak hours in the morning 96 and 229 vehicles were counted travelling eastbound and westbound respectively along Forge Lane.

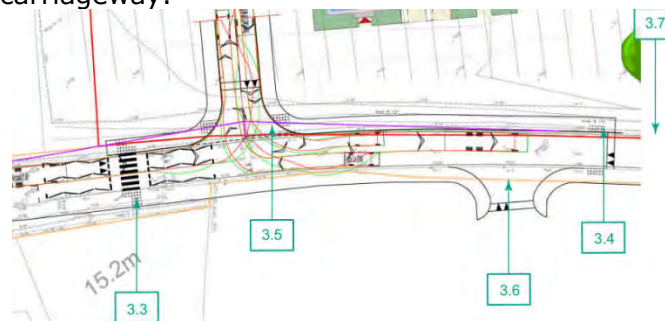
6.3 During the evening time it was 160 and 118 respectively. During the 7-day survey the survey data does not confirm weather conditions such as on wet days, traffic speeds may be lower and amendments have to be made in accordance with Design Manual for Roads and Bridges (DMRB) CA 185 Vehicle speed measurement guidance note.

6.4 Sight line speed survey
 Based on the analysis of their report 85th% ile speeds are below 30mph. Hence as set out in the TA plus within a 30mph speed limit sight lines having a Y distance of 43m is recommended in Manual for Streets. The X distance is 2.4m. The table below is an extract from MfS.

Table 7.1 Derived SSDs for streets (figures rounded).

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48
	Miles per hour	10	12	15	16	19	20	25	28	30
SSD (metres)		9	12	15	16	20	22	31	36	40
SSD adjusted for bonnet length. See 7.6.4		11	14	17	18	23	25	33	39	43

6.5 Stage 1 Road safety Audit
 The audit raises a number of issues mainly restrictive sight lines due to the hedgerows along the frontage on both sides of the access and highway, that encroach into the highway. There is no highway verge on the northern or southern sides of the carriageway.



6.6 Items 3.3 and 3.4 in the audit raised sight line issues and the designer’s response is that the drawings confirmed sight lines are provided within highway boundaries.

6.7 Based on the site visits plus reviewing the submitted drawings, we are not assured that this is the case as no cross sections, longitudinal sections have been provided to assure the Parish and highway authority. Unless the hedgerows are removed on both sides of the access plus being regularly maintained, sight lines will be restricted. Furthermore drawing 5026808 RDG XX XX DR H 0009 P02 may not be to a scale of 1:250 and raises further concerns.

6.8 The issue concerning tactile paving, Item 3.5 in the safety audit, being so close to the main traffic flow has been resolved as the pedestrian crossing point has been moved further into the site.

6.9 The audit highlighted inadequate access for pedestrians to the public footpath. A footway has been provided extending eastwards as far as the land ownership exists.

The footpath is set back behind the hedgerow in the current design with limited sight lines as you emerge from the site.

Traffic modelling work.

6.10 The TA includes traffic modelling work based on the base year of 2025 and the design year of 2028, an increase in 3 years. Junction modelling is normally undertaken from a base year (current plus year so accord with when the housing may be occupied) to a design year 5 years after the base year. The modelling junction capacity assessment work shows there will be no queuing at junctions over the pre and peak hour period.

6.11 The modelled years and description are shown below. They have used 2028 as the opening year.

- 2025 Baseline: includes baseline traffic from the MCTC surveys in April 2025.
- 2028 Reference Case: includes the 2025 baseline traffic with a percentage uplift to account for background traffic growth to 2028 (the expected opening year of the development). The percentage uplift has been determined using TEMPro V8.1 for the area. These are as follows:
 - AM: +1.026
 - PM: +1.027
- 2028 + Development: the above scenario plus the estimated traffic flows for 101 dwellings, calculated through the travel demand assessment.

Crash Data

6.12 The report includes an assessment of crashes nearby. None have occurred over the past 5 years. I have rechecked the data and it is correct.

Junction access.

6.13 The TA sets out that the junction accords with Manual for Streets (MfS) and the Kent Design Guide Step 3 "designing for movement". It also provides a 15 space car park for the school. A car park is shown but its ownership, maintenance and future control has not been clarified. I question whether a Section 106 Agreement T&C Planning Act 1990, will be agreed and signed by the applicant and the education authority? Does this suggest the developer may be buying a planning permission? Planning conditions and agreements must be reasonable by passing the NPPF planning tests.

6.14 The tactile road crossing points are positioned at a point for pedestrians to cross over a short distance. Previously in the safety audit it was on the radii on the junction. The junction extract is shown below. Sight lines are not shown nor are hedgerows shown.



- 6.15 Hence, I conclude that they have not demonstrated that the proposed junction is safe.
- 6.16 With level differences between the carriageway and the field over circa 1m again any topographical design data and /or cut and fill calculations have not been added. The red line on this plan does not appear to include any land to the south for road widening. Again, I have concluded the applicant has not demonstrated that a safe junction can be provided even though they have a topographical survey of the area.
- 6.17 The road widths have not been annotated on the drawings, nor stated in the Transport Statement. Onto a classified road KCC have always stated they require 5.5m road widths. The width is to enable vehicles that turn in and out of the junction to not obstruct access or the free flow of traffic on the main road. L Brown Associates have two examples in Swale in which KCC required it serving less than 25 units. The two letters are in **Appendix 11**.
- Bus improvements
- 6.18 A bus stop cage comprising of yellow lines is to be provided as opposed to providing a bus shelter. There is no mention of Kassel kerbing or raising the footway to provide level access.
- 6.19 It is early days in the planning process as and when the developer consults with Chalkwell the bus service provider concerning the type of bus gate, shelter provision. KCC would require these aspects to be in a Section 106 Agreement (T&C Planning Act 1990) as opposed to a planning condition.
- 6.20 Planning conditions can be changed upon obtaining approval, but Section 106 Agreements are legal agreements by both or more parties before permission is granted. To change an agreement pursuant to obtaining permission can be more problematical.
- Development quantum.
- 6.21 The Kent Design Guide recommends that an emergency access be provided if the cul-de-sac provides access serving more than 50 dwellings. There was to be one off The Street however the safety audit resulted in it being removed.

Alternative Means of Access for Emergency Road Closures.

The needs of the emergency services must be taken into account in the layout design. If the number of dwellings served by a cul-de-sac exceeds 50 or where a major access road is designed as a circuit road, an alternative means of access is required.

Where suitable access arrangements cannot be guaranteed, the Divisional Manager may refuse to adopt the scheme.

6.22 The development and access for 101 dwellings therefore does not accord with the Kent Design Guide "making-it-Happen". I therefore conclude that the development and lack of an emergency means of access is contrary to the recommendations set out in the Kent Design Guide. There is a highway policy objection that comes from this aspect based on the current design.

Service access

6.23 The TA states that all service, emergency, residents' access will use the Forge Lane junction.

Trip rate Information Computer System TRICS)

6.24 The TA sets out the following table in respect of using the data base to determine the likely trip rates and flows.

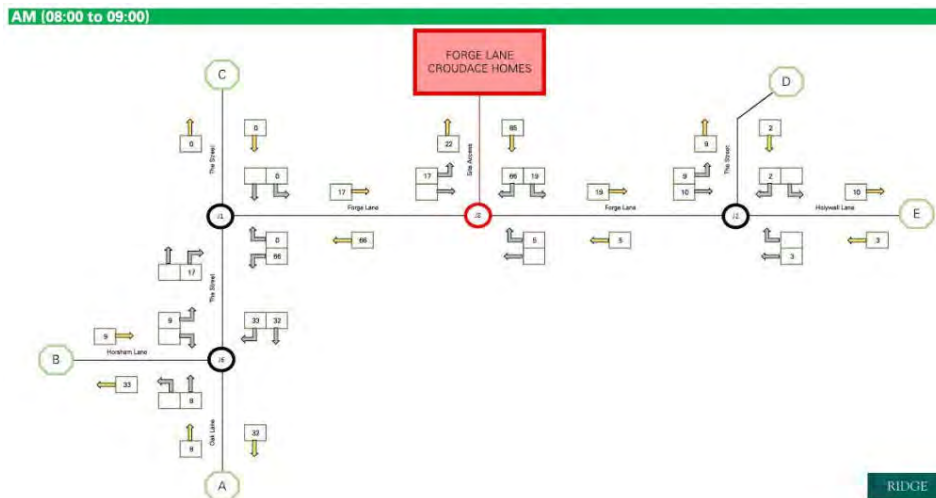
Table 6-4: Total Estimated Vehicle Trips

TIME PERIOD	ARRIVALS	DEPARTURES	TWO-WAY
Total Vehicle Trip Generation (101 dwellings) - Core			
AM Peak (08:00 – 09:00)	22	85	107
PM Peak (17:00 – 18:00)	54	24	78

6.25 The assignment onto the network used Census 2011 data as Covid was ongoing when the 2021 Census was undertaken. The majority of the residents are predicted to travel to Maidstone and Medway.

AREA	Maidstone				Medway			
	ACTIVE TRAVEL	PUBLIC TRANSPORT	CAR DRIVER	OTHER	ACTIVE TRAVEL	PUBLIC TRANSPORT	CAR DRIVER	OTHER
Maidstone*	0	0	10	0	0	0	7	0
Medway*	1	2	42	2	1	2	31	2

6.26 The traffic has then been assigned onto the network. An example for the AM is taken from their modelling work. 85 vehicles are shown to leave site and 22 to arrive. The development impact onto Forge lane **is therefore 33% in the am and 28% in the pm**. These are significant material increases in traffic onto a narrow road. The TA refers to junction analysis having been undertaken and capacity but does not highlight impacts onto the highway.



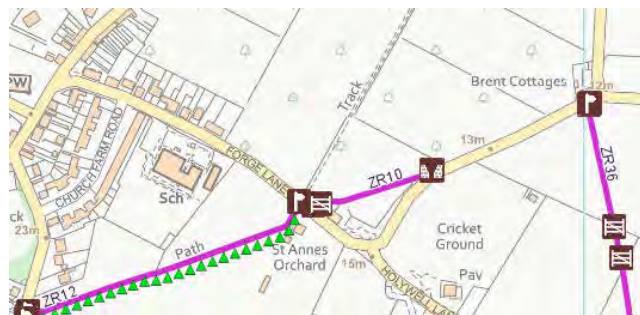
Accessibility

6.27 The TA deals with accessibility to local shops, post office and two schools. Bus services are also set out.

6.28 The DfT connectivity tool and results are included in para 5.27 and are not repeated below.

Pedestrian access

6.29 There are footpaths in the area to the eastern side of the site and an extract is shown from KCC's PROW map below.

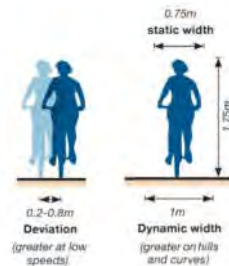


6.30 The eastern footpath ZR10 is not within the application site as land ownership does not extend thus far. On the site visit the footpath appeared to be blocked up but has been reported to KCC. The TA makes no reference to improving the footpath surface but does provide a footpath extending eastwards to assist safe access.

6.31 There are no cycle links in the area and the lack of public footpath/footways along the narrow highway is dangerous. The current on street parking during school opening and closure times thereby reduces visibility for pedestrians crossing from the new development.

6.32 The Stage 1 Road Safety Audit (RSA) has confirmed the inadequacies of the emergency access plus tactile road crossing position and visibility approaching the zebra crossing. The Highway Code generally does not deal with narrow and single

track; one-way roads that cyclists use. Typical widths of the road used by cyclists is shown below.

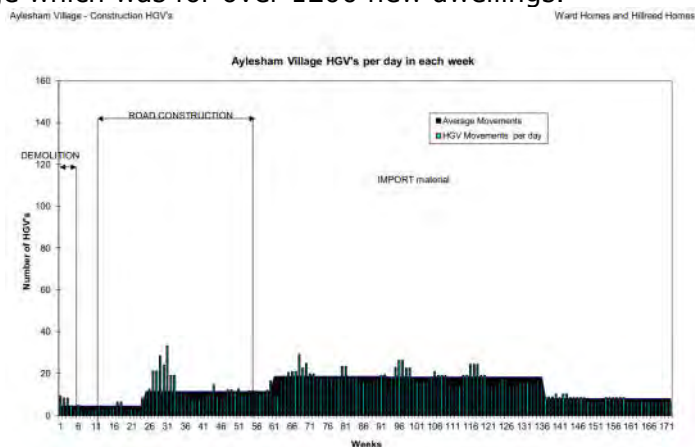


- 6.33 The engineering works associated with the new vehicle and pedestrian access points including road gradients will have an impact upon the footways but again the details are scant. It is sufficient to state that pedestrian safety, walk to school initiatives have not been addressed. A pedestrian zebra crossing point, by means of dropper kerbs and tactile paving, but longitudinal sections are required to confirm sight lines would be adequate.
- 6.34 Construction traffic – Assuming 50 dwellings per year. The majority of developments by volume builders results in only 50 dwellings per year being built and sold. Currently in Minster, Persimmon are offering extra funds in the purchase of old properties for new purchases of their properties. The housing market is currently slow. The development may take 3 years to be completed.
- 6.35 Construction traffic on the network. The numbers of HGV's has not been calculated. The TA does not include a section on construction impacts. Normally an environmental construction management plan is provided. In conjunction with this KCC would undertake a Highway Condition Survey. Then at the end of the project funds would be sought from the developer. This should be written into the Section 106 Agreement.
- 6.36 The above concludes what has been requested by KCC during the pre-app and what has been provided. The next section deals with sight lines and road widths reviewed by L Brown Associates Ltd.
- 6.37 Planning permission was refused on the 31st January 2022 for the development of up to 800 dwellings including affordable homes on the former Broke Hill Golf Course, Sevenoaks Road, Sevenoaks, TN14 7HR. The application was submitted in outline with all matters reserved apart from access. The travel plan, extent of footway improvements plus contributions in the 106 Agreement were not sufficient to address the transportation impact issues.
- 6.38 The inspector referred to active travel modes and in para 73 and 82 stated: -
73. The proposed investment in cycleways included in the S106 Agreement would have only a localised impact being unconnected to routes which connect to settlements which include a broader range of services. Many of the roads in the local area do not have footways on each side and/or are unlit. This situation will not change markedly despite the capital investment included in the S106 agreement.

82. The large amount of traffic generated results reflects the site's location away from existing settlements contrary to Policy L01. Furthermore, the additional traffic generated by the appeal scheme would be in conflict with Policy L08 which seeks to protect openness as defined by the Guidance.

7 Construction traffic

- 7.1 There is no information in respect of the build program, phasing, topographical data setting out the before and after the build details, but in particular the volume of material; to be exported from the site. There are also no volumes stated relating to the new accesses that have to be built which involves engineering works that requires a detailed permission. Longitudinal sections have also not been provided. The latest Civils 3D/Revit software can provide such details in less than a day.
- 7.2 Details re construction techniques, materials, HGV routes, utility services, types of excavators taken to and from site, plus site staff has not yet been provided. However, volume house builders typically build up to 50 dwellings per year. With self-build units on the site the program is likely to be extended to more than 2 years.
- 7.3 In order to provide some guidance to the planning authority we have provided some information based on timber frames and brickwork required for housing. Reference should also be made to the TRICS publication "Construction Traffic" a research report published in 2008. A graph is also shown below of the development in Aylesham village which was for over 1200 new dwellings.



- 7.4 The graph was requested by the local authority. It was prepared based on construction materials to site, removal of materials for foundation work and especially the new road network. The phasing of the development was also important so that KCC and Dover District Council planners could assess and approve the major development that is still under construction.
- 7.5 From first principles the site will generate significant HGV movements. Based on the commencement on site the access will have to be constructed, and a section of the new road link provided so that site offices can be brought onto site. There will be machinery brought to site required to remove the topsoil, plus excavators to construction the new road, plus drainage runs at a material larger depth.
- 7.6 The new road will require various materials, and an example specification is shown below. They would be delivered in 15 tonne; 4 axle grab lorries.

BLACKTOP CARRIAGEWAY CONSTRUCTION

SURFACE	40mm THICK SMA surf 40/60 PSV 65 TO HIGHWAYS AGENCY SPECIFICATION FOR HIGHWAY WORKS CLAUSE 942.
BINDER	50mm THICK AC20 HDM BIN 40/60 ASPHALT CONCRETE TO BS EN 13108-1 AND TO HIGHWAYS AGENCY SPECIFICATION FOR HIGHWAY WORKS CLAUSE 906
BASE (ROADBASE)	240mm THICK AC32 HDM BASE 40/60 ASPHALT CONCRETE TO BS EN 13108-1 AND TO HIGHWAYS AGENCY SPECIFICATION FOR HIGHWAY WORKS CLAUSE 906
SUB-BASE	410mm THICK TYPE 1 GRANULAR MATERIAL TO CLAUSE 803. ALTERNATIVELY WITHOUT GEOGRID (BASED ON A 3% CBR) SEE TABLE 'A', C.B.R. VALUES TO BE DETERMINED BY INSITU TESTING AT FORMATION LEVEL, ACTUAL SUB-BASE THICKNESS TO BE DETERMINED FROM ADJACENT TABLE AND AGREED IN WRITING WITH THE HIGHWAY AUTHORITY.

- 7.7 Standard trenching works for the housing at circa 32cum per dwelling, which require two eight wheelers grab lorries to muck-away. During wet weather three lorries may be required.
- 7.8 Brick deliveries normally 24 packs per delivery and timber frame deliveries will generate further movements. Staffing numbers and the provision of an on site car park for them or staff travel plan to curtail vehicle movements are also a consideration.
- 7.9 The ground profile works removing the soil may last for many months from late spring to early autumn during clement weather. This may result in over 200 HGV tipper truck movements travelling to and from the site using the already narrow network.
- 7.10 Typical construction activities are listed below:
- Excavators (delivered by low loaders). They require access to site or on road parking
 - Sub base and asphalt hydraulic road rolling machines.
 - Road sub base.
 - Road drainage.
 - Road asphalt paver machines.
 - Road asphalt tandem vibrating road roller compacters.
 - Road asphalt 20 tonne deliveries to the paving machines.
 - Street lighting deliveries,
 - Utility services to the site.
 - 6 cum concrete lorries or ready-mix lorries.
 - Brick deliveries.
 - Mobile cranes to site.
 - Blockwork deliveries.
 - Block & Beam flooring deliveries or concrete slab floor bases.
 - Timber truss deliveries.
 - Timber house deliveries (as an option).
 - SIP frame units for the new build, deliveries.
 - Roof tile deliveries.
 - Electrical white goods, drainage, fit outs.
 - Utility service provision, gas main provision, electrical services, internet services etc to the properties.
 - Site staff in vehicles for first and second fixings.
 - Street cleaners when wheel wash facilities do not work efficiently.
- 7.11 Details should include articulated HGV movements, plus smaller HGV's delivering bricks, roof trusses, beam and block flooring, plus most sites require low loaders

used for the delivery and collection of large excavators. The pictures below include an articulated HGV delivering floor beams for new housing development in Kent. This site has also had significant ground reinforcement work undertaken.

- 7.12 Access into the site for construction traffic will be restricted until the fully constructed junction with sight lines, onto Forge Lane is provided. It will require road works provided under a Section 278 Agreement (Highways Act 1980) for footway, street lighting and other works subject to various road safety audits. A Section 38 Agreement for works within the site will be for the internal infrastructure works assuming it is included in a Section 106 Agreement.
- 7.13 Many development sites with inadequate construction accesses create problems like those shown below. The pictures are from a residential site for over 130 dwellings, that has an approved Construction Environmental Management Plan (CEMP) serving a cul-de-sac. It has taken almost 3 years to progress towards completion. The site also uses water jets at the exit and does not use wheel cleaning bespoke cleaning aids. As a consequence, they have to use street sweepers to daily, hourly clean and remove clay and detritus from the roads and gullies, including down the steep hill past vehicles parked on road. Should one or any of these situations occur including the use of a street sweeper then Forge Lane would be obstructed on an hourly if not more regular basis plus highway gullies would block up with detritus. These operations near to a school would put pressure on current road safety issues.
- 7.14 Highway condition surveys, which KCC would require; before and after the build is not a solution. Access for construction traffic has to be best practice. The situation below has arisen due to the late construction of the internal access roads that are cul-de-sacs. The Forge Lane development proposal is a cul-de-sac.
- 7.15 The pictures below show concrete flooring on articulated lorries, for the new houses and four-storey flats, and the HGV 15cum lorries are importing material.
- 7.16 When blacktop arrives to site they are normally sheeted to retain heat and as many as 10 to 15 line up to feed the asphalt paving machine. They can lay material at up to 450 tons per hour. It is dependant however upon the blacktop matt thickness.



- 7.17 Additional pictures are provided that show traffic issues are severe.



Construction Traffic Numbers

- 7.18 The Transport submission excludes reference to any numbers or a draft CEMP. Therefore, the submission is deficient without a CEMP including an employee travel plan, site personnel will all travel to site and park in nearby estate roads and cross to site via local footpaths. Construction staff numbers and onsite parking during the build will also be visible from afar.
- 7.19 The photos above again cover a site that has a CEMP with site personnel parking across a 700-household estate and causing a nuisance and road safety aspects to local school children walking to school in Medway.
- 7.20 Based on the above aspects the following policies are reasons for objecting to the proposal. Policy DM6(transport),
- b. ensure that where the residual cumulative impact of development on traffic generation would be in excess of the capacity of the highway network and/or lead to a decrease in safety, environmentally acceptable improvements to the network are agreed by the Borough Council and the Highway Authority and provided. Such works will be carried out by the developer or a contribution made towards them in accordance with Policy CP 6. If such works cannot be carried out and the residual cumulative impacts of development are severe, then the development will be refused.
- 7.21 In NPPF terms the 36% increase in peak hour traffic with substantial construction works over a 3-year period would be a material impact on highway safety close to a school.
- 7.22 In para 116 of the NPPF the development should be refused as set out below. low.
116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

8 Summary and Conclusions

- 8.1 This Transport Report has been prepared to accompany and support objections raised by our clients, to the proposed development of the site accessed from Forge Lane, with high hedges on either side of the proposed new access onto a narrow carriageway.
- 8.2 The local road network has been reviewed and driven several times; measurements have been taken plus a review of the topographical survey plans and PROW network clearly show the site has many level differences within the site and accessed from the highway.

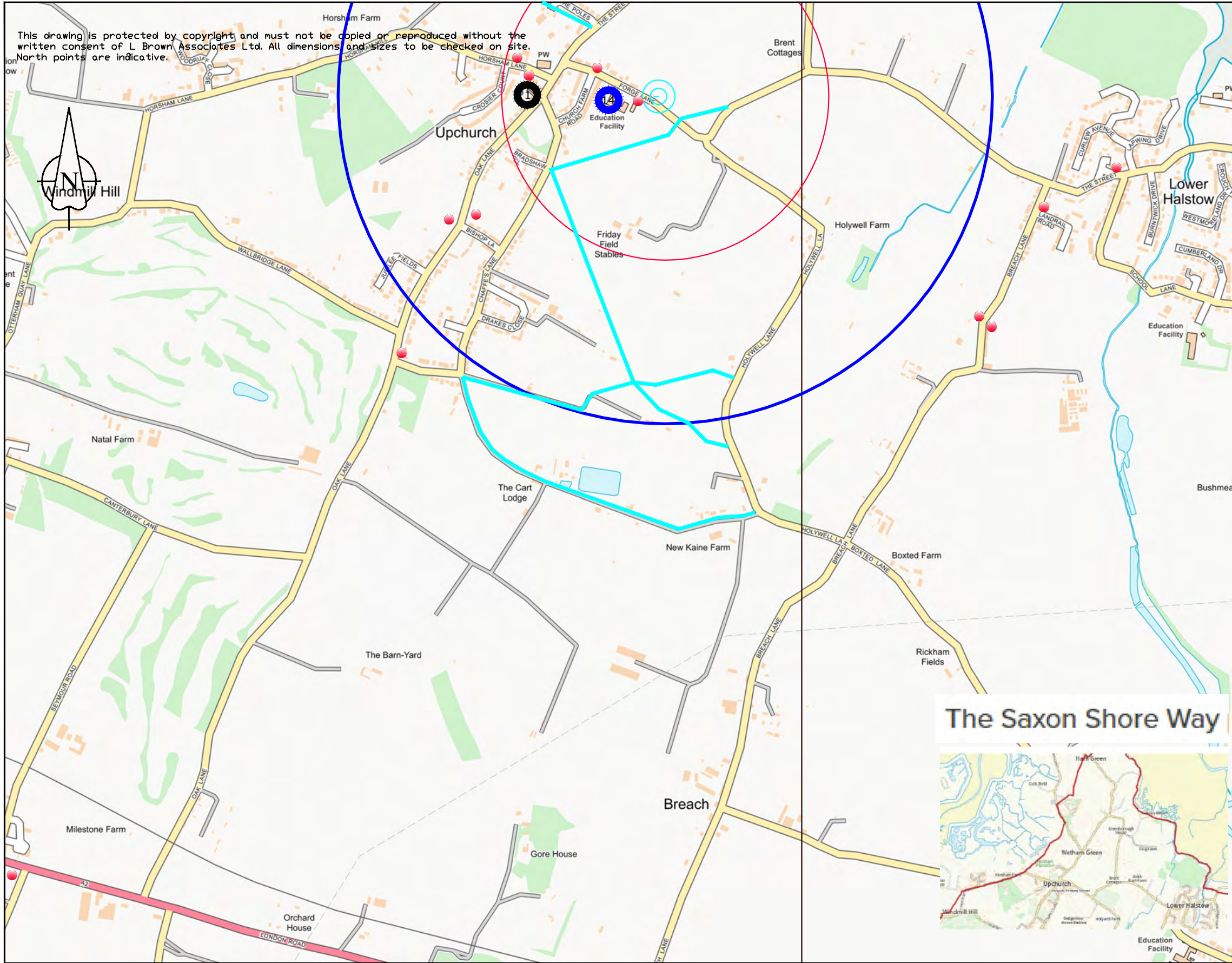
- 8.3 From the above evidence base referring to: -
- Manual for Streets 1.
 - Manual for Streets2 – Road widths
 - Reviewing the red line boundary.
 - Reviewing the ATC traffic flows, plus am and pm traffic flows, plus current dash cam evidence.
 - Traffic counts submitted by the applicant with no queue length surveys to validate traffic models.
 - Development traffic generation flows and vehicle types likely to visit site.
 - Traffic flows based on ATC data along local roads.
 - Providing no information on construction traffic, volumes, haul routes to and from site. Although Construction Environmental Management Plans (CEMP)
 - Providing an access serving over 100 dwellings with no credible adopted link between the new and emergency access.
 - Providing no auto tracking for a low loader, articulated lorries and HGV tippers servicing the site, which would therefore damage the highway plus may be dangerous during a construction period of up to 3 years.
 - The limited width of Forge Lane, especially to the eastern side of the new access and local school.
 - No information on the predicted traffic generation associated with the removal of spoil whether over 1,000cum of material or much more resulting in many 15cum HGV tipper lorries.
 - Providing no design levels for the new road and footways, yet a topographical survey has been undertaken. This is required for a Section 106 Agreement.
 - Provided no information on how the sight lines to the east will be maintained in perpetuity.
 - The lack of information on how the new junction will be provided with street lighting in accordance with the relevant standards.
- 8.4 Providing a new pedestrian crossing point using dropper kerbs and tactile paving requires a longitudinal section to confirm sight lines for pedestrians and drivers accord with MfS and DMRB Highway Link Design standards. This is required for the pedestrian crossing point on Forge Lane. The stage 1 safety audit has highlighted these issues.
- 8.5 The assessment does not include or address all of the issues flagged in the Pre app with KCC.
- 8.6 The walk to the local school route has been addressed but likely impacts upon local bus services has not been assessed. The Travel Plan initiatives are therefore unlikely to have any effect on reducing car use. The development is therefore unsustainable and will increase dangers to cyclists and pedestrians in the area. This can only result in an increase in car use compared to the projected multi modal split and will also increase car traffic even with a travel plan in place. The highway traffic flow impacts are severe.
- 8.7 Providing an access that cannot accommodate two-way flows for HGV's including low loaders for large excavators, concrete flooring and roof trusses may only lead to damage to the highway, may cause damage to hedgerows and neighbouring timber boundary fences and walls along Oak Lane and Forge Lane. With contractors

and HGV deliveries and staff parking on the highway, it will affect the free flow of traffic. Construction staff numbers and onsite parking during the build will also be visible from afar.

- 8.8 Based on the limited information submitted to date for a new access; the development is premature and will result in a major impact upon highway capacity, the safe and free flow of pedestrians and traffic in the area and consequential impact upon highway safety.
- 8.9 The development traffic impacts are severe, by the new housing and construction traffic, and associated site operational traffic including post occupation of the dwellings. The development is not sustainable as it will encourage the use of the car compared to bus, walking and cycling modes of travel.
- 8.10 Travel plan initiatives are unlikely to achieve material benefits especially whilst the footway network is not continuous. The development will therefore not accord with Local Plan and NPPF policies.
- 8.11 Without a comprehensive highway design, it cannot be incorporated into a Section 106 Agreement. A Grampian condition would not reassure KCC that the roads will be adopted nor the junction layout can be provided. The full adoption, if proposed, requires a Section 106 Agreement not a condition. No draft agreement has been provided.
- 8.12 In Local Plan and December 2024 NPPF terms there are valid reasons to object in highway terms based on current evidence-based submissions. In NPPF terms policy 116 (Transport) the development, internal arrangements, lack of an emergency access, and subsequent impacts are a material danger as set out in the road safety audit. Hence, the development should be refused.

APPENDIX 1
LOCATION PLAN- SK01














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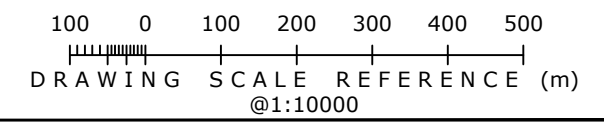
NOTES

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2. FOR PLANNING ONLY.
3. ALL SIGNS AND LINES ACCORD WITH THE TRAFFIC SIGNS MANUAL.
4. CYCLE/WALK DISTANCES TO NEWINGTON STATION 3.2 MILES AND TO RAINHAM STATION 2.4 MILES FROM THE SITE.

KEY

-  Site.
-  BUS STOP.
-  STATION.
-  400M WALK DISTANCE.
-  800M WALK DISTANCE.
-  PUBLIC RIGHTS OF WAY.
-  CYCLE ON ROAD ROUTE.
-  CYCLE ON FOOTWAY SHARED ROUTE.
-  NATIONAL CYCLE ON ROAD ROUTE.
-  NATIONAL CYCLE OFF ROAD ROUTE.
-  EDUCATION.
-  RETAIL.
-  HEALTHCARE.

The Saxon Shore Way



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INFORMATION

Drawing Status: **INFORMATION**

Client: **UPCHURCH PARISH COUNCIL**

Project: **LAND NORTH OF FORGE LANE, UPCHURCH.**

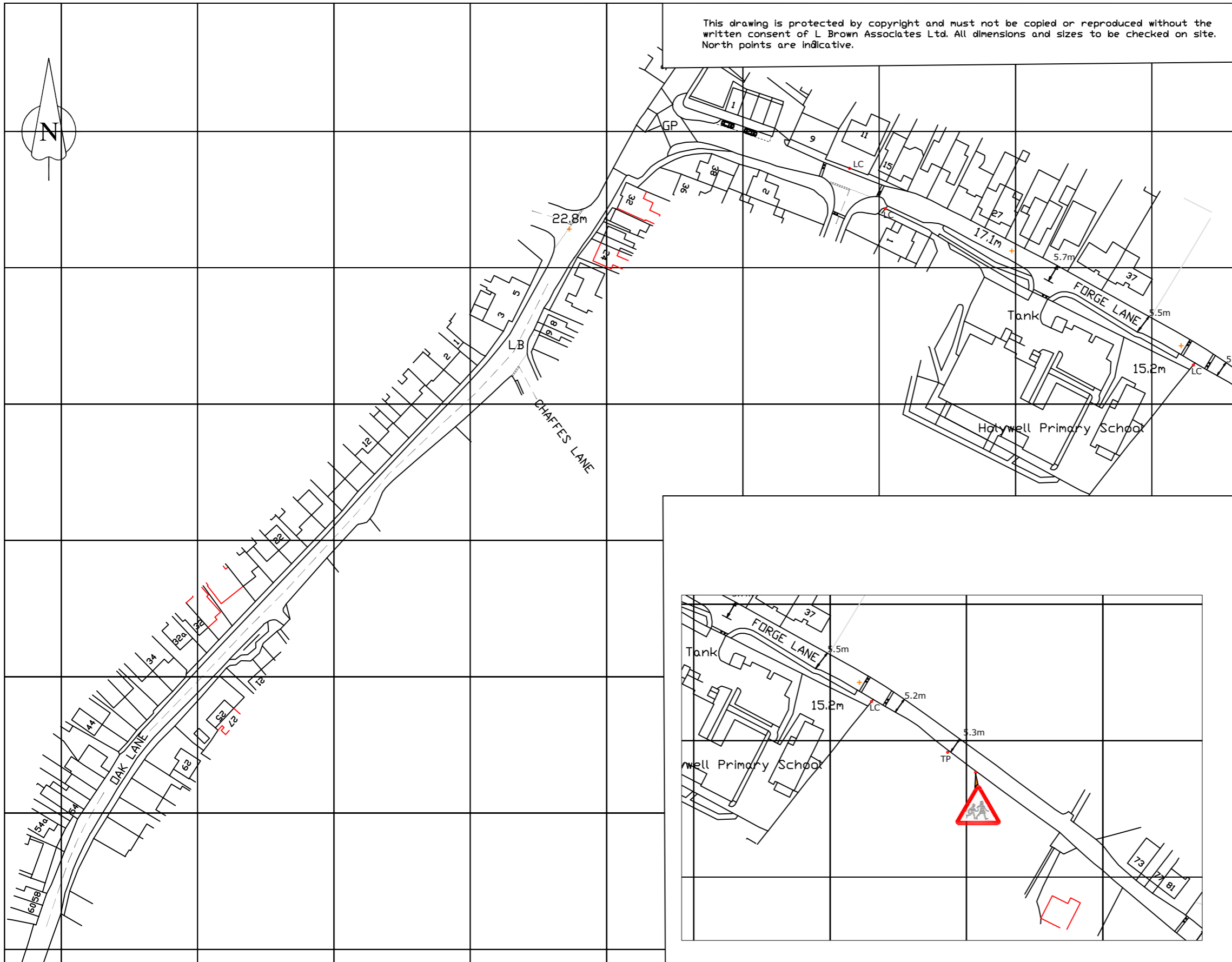
LOCATION PLAN

Drawn/Design LAB	Checked LAB	Approved LAB	Date 25.04.2026
Scales 1:10000 @ A3	Drg No. 1478 - SK01		Rev

A				
Rev	Date	Description	Made	Ckd

APPENDIX 2
LOCATION PLAN SK02


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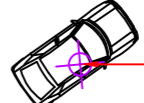
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4. THE HAZARD WARNING LINES CENTRE LINES ARE WORN OUT.


KEY


 Site not shown, refer to Croudace location plan.


X distance based on 2.4m

 Position of driver in vehicle

 Existing x- over and access

 Existing x- over widened.


 Double yellow lines

 Some provision on site for turning facilities.

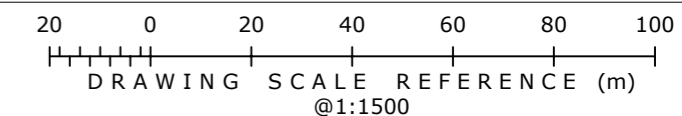
 LC Lamp Column (some 150m apart).

 TP Telegraph Pole

 Photographs.

 Tabletop ramp.

 Public rights of way



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Drawing Status:

INFORMATION

Client

UPCHURCH PARISH COUNCIL.

Project

LAND NORTH OF FORGE LANE, UPCHURCH.

Drg Title

LOCATION - HIGHWAY NETWORK

Drawn/Design

LAB

Checked

LAB

Approved

LAB

Date

12.04.2026

Scales

1:1500 @ A3

Drg No.

1478 - SK02

Rev

.

Rev	Date	Description	Made	Ckd
A				

APPENDIX 3

SK03 OS MAPPING – SITE FRONTAGE

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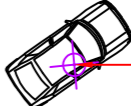
2. FOR PLANNING ONLY.


3. ALL SIGNS AND LINES ACCORD WITH THE TRAFFIC SIGNS MANUAL.


KEY


 Site - Refer to Croudace submission.


Sight line X distance 2.4m.

 Position of driver in vehicle


 Existing x- over and access

 Existing x- over widened.

 Some provision on site for turning facilities.

 Existing footway.

 Tactile paving.

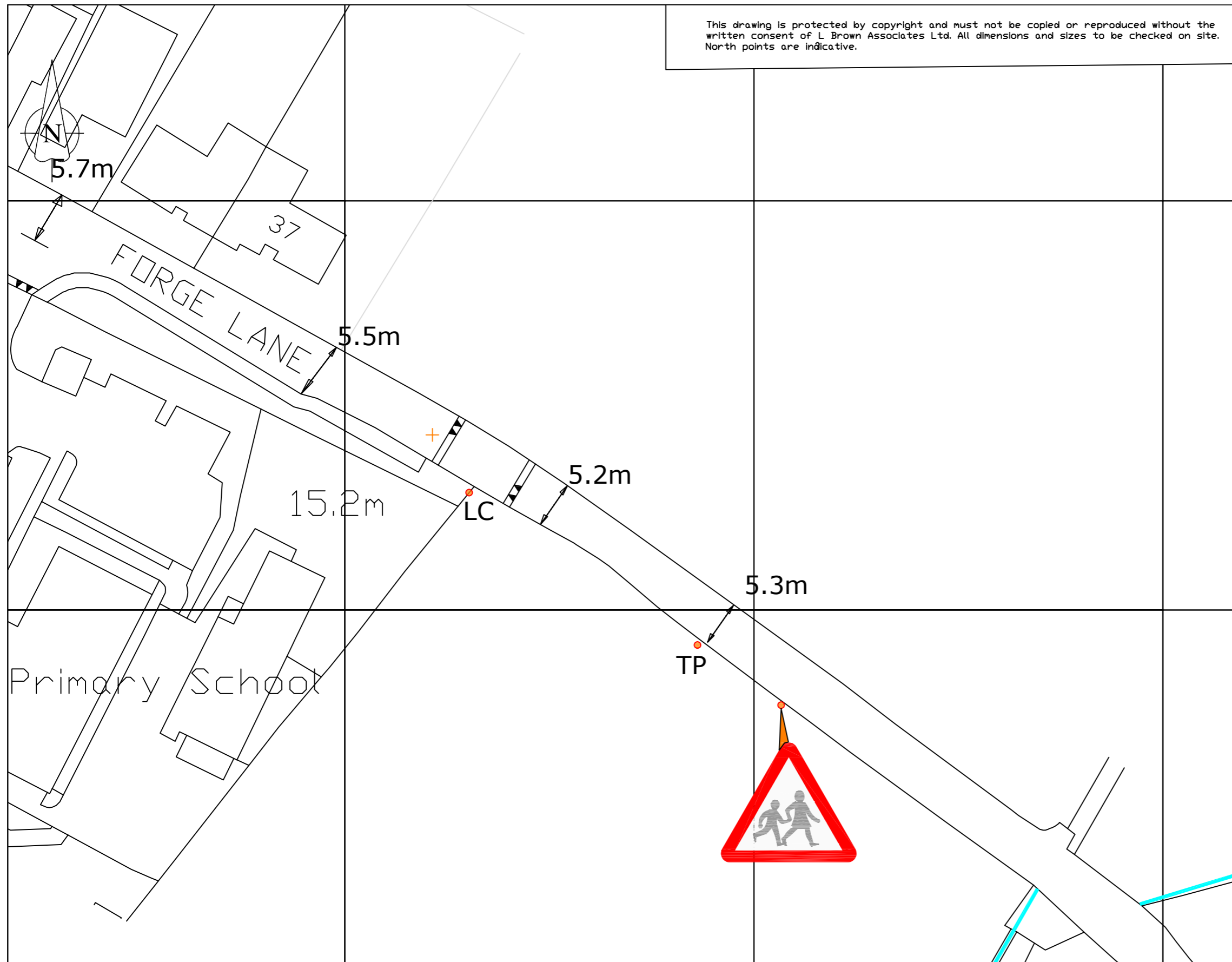
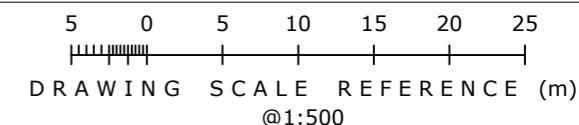
 LC Lamp Column (some 150m apart).

 TP Telegraph Pole

 Photographs.

 Tabletop ramp.

 Public rights of way



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Drawing Status: **INFORMATION**
Client: **UPCHURCH PARISH COUNCIL.**
Project: **LAND NORTH OF FORGE LANE, UPCHURCH.**

Drg Title LOCATION - HIGHWAY NETWORK			
Drawn/Design LAB	Checked LAB	Approved LAB	Date 12.04.2026
Scales 1:500 @ A3	Drg No. 1478 - SK03		Rev .

APPENDIX 4

SK04 – SITE FRONTAGE WITH PHOTOGRAPHS

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3. ALL SIGNS AND LINES ACCORD WITH THE TRAFFIC SIGNS MANUAL.
4. HEDGEROWS NOT ANNOTATED ON THE OS MAPPING BUT SHOWN IN PHOTOGRAPHS.

KEY

-  Site - Refer to Croudace submission.
- Sight line X distance 2.4m.
-  Position of driver in vehicle
-  Existing x- over and access
-  Existing x- over widened.
-  Some provision on site for turning facilities.
-  Existing footway.
-  Tactile paving.
-  LC Lamp Column (some 150m apart).
-  TP Telegraph Pole
-  Photographs.
-  Tabletop ramp.
-  Public rights of way

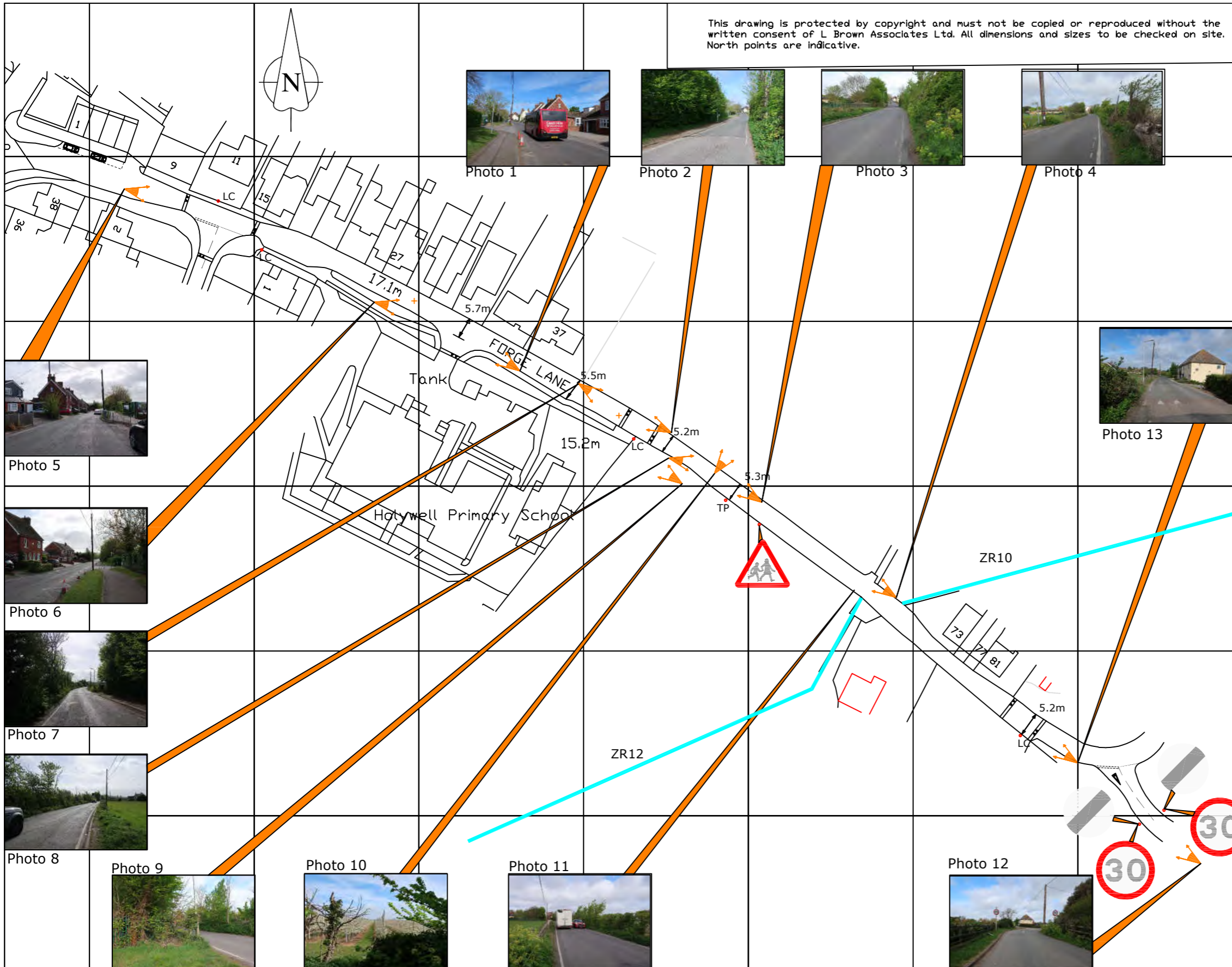
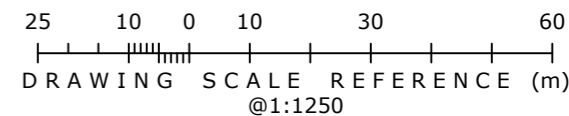


Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13

A					
Rev	Date	Description	Made	Ckd	

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Drawing Status: **INFORMATION**
 Client: **UPCHURCH PARISH COUNCIL.**
 Project: **LAND NORTH OF FORGE LANE, UPCHURCH.**

Drg Title: **LOCATION - HIGHWAY NETWORK**

Drawn/Design LAB	Checked LAB	Approved LAB	Date 17.04.2026
Scales 1:1250 @ A3		Drg No. 1478 - SK04	Rev .

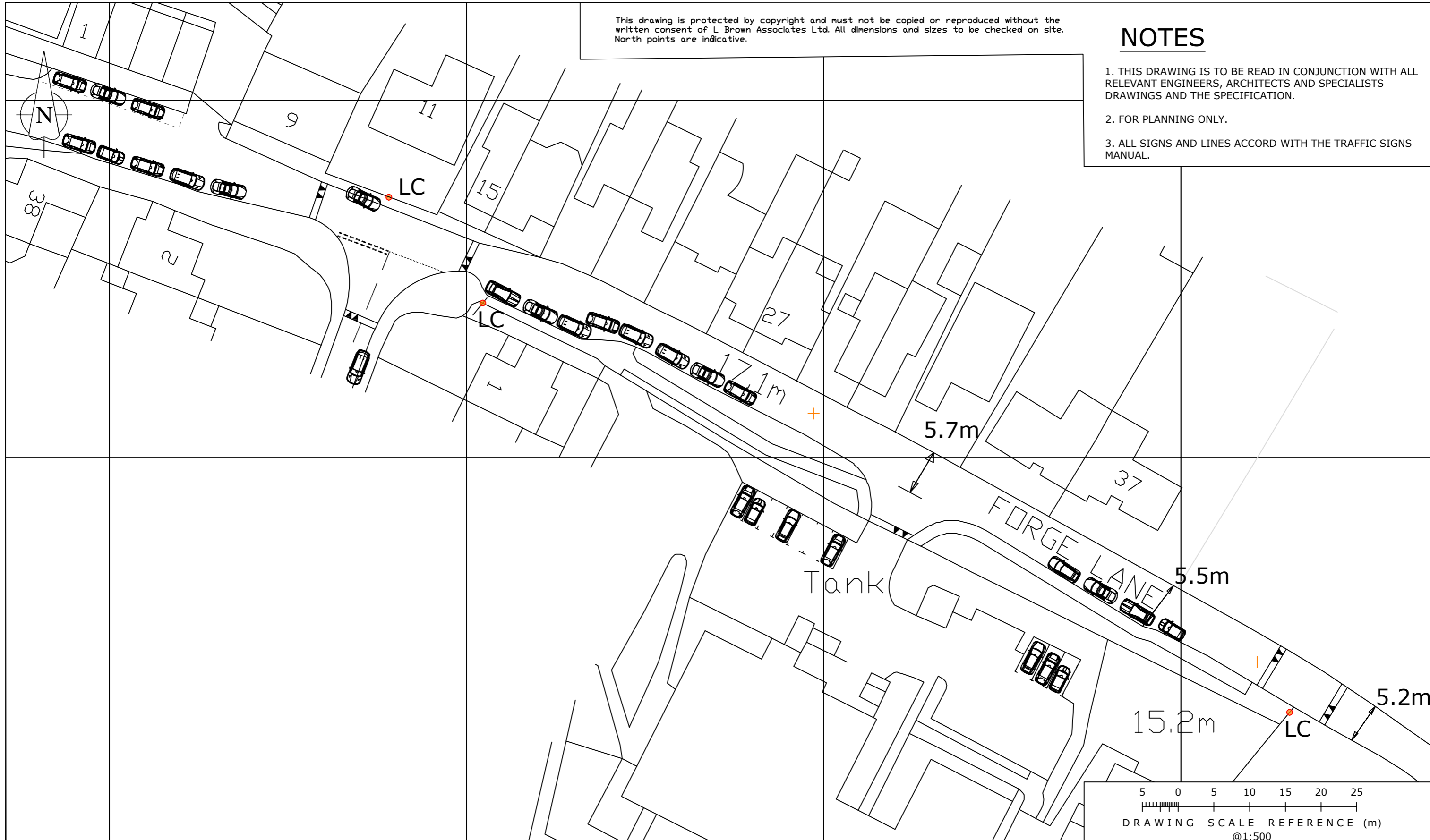
APPENDIX 5

SK05 – ON ROAD PARKING DURING THE SCHOOL TERM

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Drawing Status: **INFORMATION**

Client: **UPCHURCH PARISH COUNCIL.**

Project: **LAND NORTH OF FORGE LANE, UPCHURCH.**

Drg Title: **ON ROAD PARKING - 0830HRS**

Drawn/Design LAB	Checked LAB	Approved LAB	Date 23.04.2026
Scales 1:500 @ A3	Drg No. 1478 - SK05		Rev .

APPENDIX 6

PLANNING APPEAL – BROKE HILL GOLF COURSE



Appeal Decision

Inquiry Held from 26 October – 5 November 2021

Site visit made on 2 November 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/G2245/W/21/3273188

Former Broke Hill Golf Course, Sevenoaks Road, Sevenoaks, TN14 7HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Quinn Estates Ltd against the decision of Sevenoaks District Council.
 - The application Ref 19/02616 OUT, dated 11 September 2019, was refused by notice dated 29 January 2021.
 - The development proposed is residential development of up to 800 dwellings, including affordable housing units and self build plots, retirement care community for up to 180 C2 units, primary school hub with associated sports facilities/outdoor space, sports hub including rugby and hockey pitches with separate car park and club house areas, 2ha of commercial B1 use, local centre including commercial, retail and community facilities and undercroft car parking for Knockholt station, country park/open space including landscaping, infrastructure and ground works with all matters reserved except for access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with all matters reserved apart from access. I accepted as part of the appeal a series of indicative plans which cover matters such as the extent of open space, the location and use of development platforms, their indicative height and densities. These are consistent with the submitted Design and Access statement. The matters addressed in these plans are not prejudicial to any future determination of reserved matters.
3. The Inquiry was managed as a blended event with the majority of evidence being heard via internet link with a single day to hear representations from interested parties in person.
4. After the Inquiry I received completed Statements of Common Ground dealing with the substantive issues involved in this appeal. I also received a draft Section 106 (S106) agreement during the Inquiry. Following discussion during the Inquiry, I received completed bi and tri lateral Agreements, dated 23 November 2021. These two agreements were submitted to account for differences in funding between the County and District Council involving CIL¹. I refer to these agreements later in this decision.

¹ Community Infrastructure Levy

5. During the Inquiry, in consultation with the parties, I deleted a main issue which had been agreed during the Case Management Conference in August relating to the provision of affordable housing as there was agreement between the parties on this matter.
6. In addition to the main parties, there were 2 Rule 6 (R6) parties. Whilst one of these, the Halstead Parish Council and Green Belt Futures Group made representations throughout the Inquiry, the other, Tarmac Trading Limited, was not actively involved in the proceedings following completion of Statements of Common Ground with the Council and appellant.
7. During the Inquiry I was referred by the Council to an email from a local bus operator regarding the difficulties in setting up new bus services. I did not accept this because this raised new evidence and could have been prejudicial to the appellant's case.
8. Given the size of the proposed development the appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Main Issues

9. The appeal raises the following main issues:
 - the effect of the proposal on the Green Belt, including any effects on openness and the purposes of including land within the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on transport networks and the extent to which it would support the objective of promoting sustainable transport;
 - the nature and extent of any economic, social and environmental benefits which would result from the proposal; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such as to provide the very special circumstances required to justify development in the Green Belt.

Policy background

10. The Council's Local Plan includes its Core Strategy (2008) and its Allocations and Development Management Plan (ADMP) 2015. Policies L01 and L08 of its Core Strategy which relate to Settlement Strategy and Green Belt respectively are the only policies identified in its reason for refusal. Together they seek to direct new development to existing settlements and protect the countryside and the Green Belt. I regard these as the most important policies for this decision.

11. The Council's Regulation 19 draft Local plan was withdrawn in 2020 following comments by the Examining Inspector² (EI). Work is currently underway on a new draft plan, although at the time of writing a new Local Development Scheme has not been agreed by the Council. Many of the background papers used in the preparation of the withdrawn plan were referred to by each main party during the Inquiry.
12. Given the withdrawal of the Plan I do not accord its draft policies weight.

Reasons

The effect of the proposals on the Green Belt

13. It is not disputed by the parties that the site is inappropriate development within the Green Belt as defined by the National Planning Policy Framework (the Framework).
14. The major part of the appeal site was occupied by the former Broke Hill golf course which closed in 2012. Apart from an area of previously developed land located around the site of the former club house, since demolished, and a parking area, the whole site is open land. The alignment of fairways marked by incidental bands of deciduous and evergreen trees are still discernible. At the northwest of the site is a belt of Ancient Woodland (0.6ha) and open fields are located along Stonehouse Lane.
15. Although submitted in outline the DAS³ identifies a series of parameters for the proposed scheme with suggested heights of up to 22m for the commercial centre, 15m for the C2 retirement complex and 12.5m for the sports hub located along Stonehouse Road. Each of the residential development platforms would have heights of between 10-13m height and the employment site on London Road would have a height of 9m. The appeal scheme would have a density at around 35-50dha⁴.
16. It is estimated that around 47% of the total site area would be fully developed with the remainder laid out as public open space including a Green Grid of spaces and a Green Belt Park.

Impact on Openness

17. Although there is no definition of 'openness' within the Framework, the Guidance⁵, refers to assessments of openness as being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated. Whilst only a suggested framework for consideration it is useful to inform consideration of issues involved in this appeal.
18. The scale of development proposed in terms of both its spatial and visual impacts would be significant on the site and by extension the surrounding Green Belt when compared to the extent of previous development which comprised a single club house with parking area.

² CD E19

³ Design and Access statement

⁴ Dwellings per hectare

⁵ Planning Practice Guidance 001 reference ID:64-001-020190722

19. The immediate geography of the site is determined by its proximity to 3 settlements, Pratts Bottom, Halstead and Badgers Mount. These are located outside the Green Belt. However, Pratts Bottom to the west partially coalesces with Chelsfield around the junction of the A21, Sevenoaks Road and Chelsfield Hill. Chelsfield is a suburban extension to Orpington which itself forms part of the London conurbation.
20. A Green Belt study⁶ prepared for the withdrawn local plan identifies that the appeal site forms part of Parcel 76. This scores the parcel against the 5 purposes of the Green Belt included in Paragraph 138 of the Framework. The study concludes that the overall score for the parcel in Green Belt terms is 'strong'. The study recognises that the parcel checks the unrestricted sprawl of large built up areas (Paragraph 138a) and scores 3, 4 and 5 respectively for criteria 138b)-d) on a scale of 0-5 with 5 being the greatest impact.
21. The appellant's study submitted with the application⁷ focusses on the Green Belt function of the site using a different nomenclature and concludes that the site makes a 'contribution' to each of the criteria included in Paragraph 138 a-c).
22. For the appellant, the identification of the 3 surrounding settlements as 'towns' by the Arup study, despite them being described by the Council as 'villages', is evidence that the study cannot be relied on and is particularly suspect in respect of its conclusions regarding Paragraph 138b).
23. The appellant points to the letter of the EI which, amongst other matters, seeks further evidence on the Green Belt assessment, its methodology and the range and sizes of the parcels. However, in the absence of evidence to the contrary, I treat this as a request for further evidence which should not be used to completely undermine the study's findings.
24. Parcel 76, included in the Arup study, is one of several, identified by the assessment, which lie on the north or north west edge of the district, closest to Greater London. The appeal site lies towards the western edge of the parcel. Given this context the Arup study provides a sound assessment of the role of the Green Belt in this location.
25. In my view, the critical point is not that appeal site area makes up around 8.9% of the whole parcel area (the built up proportion of the scheme being only 4%) but the geography of the site in relation to Pratts Bottom and Greater London to its north west. Chelsfield Lakes Golf Club which forms part of the Green Belt lying north of the A21 does not extend sufficiently west to break the extent of development in this area as the appellant states⁸.
26. The eastern edge of the appeal site would extend to the existing strip of housing along Cadlocks Hill. The site would have a separation distance of around 410m to Halstead to the south.
27. Although amendments to the appeal scheme have involved reducing the extent of the development platforms on the west side of the site to broaden the gap to around 300m between the housing parcels and Pratts Bottom, this separation distance is not significant given the scale of the proposed scheme and does not

⁶ Arup Green Belt study 2019

⁷ CD B.27 Green Belt Assessment for Stonehouse Park Wood 2019

⁸ CD B27

- adequately account for the intensively developed sports hub located on the site's western edge which would abut the existing settlement.
28. The sports hub would comprise 2no. 2 storey club houses (of up to 12.5m height) each served by 100 parking spaces with both natural and artificial floodlit pitches. Whilst Paragraph 149b) of the Framework identifies sports facilities as not inappropriate development within the Green Belt, the extent of the proposed sports hub is significant and would, in my opinion, if considered as a standalone development, fall outside the provisions of Paragraph 149b).
 29. The sports hub would have a highly urbanised character extending the whole scheme to Pratts Bottom. The result would be that the whole development represents a finger of development from London into the heart of this part of the Green Belt. It represents inappropriate development which would not preserve openness. It is a form of development which Green Belts were established to prevent.
 30. Whilst Inquiry time was spent in debating the use of the words 'town', 'village' or 'hamlet' with reference to the Arup report as a means of coming to an understanding of Paragraph 138b), a holistic view of the proposed scheme is that its overriding impact would be to morph the settlement pattern to the detriment of openness. In my opinion this is something which the Framework's Green Belt policies seek to resist.
 31. Although a large part of the site was a golf course it still retains the essential character of its former use as fields, apart from the site of the clubhouse and car park. The site retains perimeter hedgerows and tree belts within the site. This is in contrast to the scale and massing of development proposed which represents significant encroachment into the countryside.
 32. Whilst the appellant places weight on the conclusions of the Green Belt report, even this recognises 'that a combination of factors including the former use, the extent of urbanising influences along London Road and existing sprawl along Stonehouse Lane, London Road and Caldocks Hill would detract from the rural nature of the site'⁹. These concerns would be exacerbated by the scale of the appeal scheme in leading to further reductions in openness.
 33. I do not agree with the appellant's¹⁰ description on the extent of the scheme's impact on the physical openness of the Green Belt as 'moderate to limited'. The appeal scheme would result in definitional harm to the Green Belt and by reason of its inappropriateness to other harms through the activities which would arise on the site. There would be substantial harm.
 34. For the above reasons, I conclude on this main issue that the appeal scheme would be in conflict with Policy L01 which seeks to direct new development to existing settlements and Policy L08 which seeks to preserve the extent of the Green Belt. Furthermore, the nature of the proposal is in conflict with Paragraph 137 of the Framework which identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Of the 5 purposes included in Paragraph 138, the scheme would undermine a) and c) which seek to restrict the sprawl of large built up areas and assist in safeguarding of the countryside from encroachment.

⁹ CD B.27 Section 4.4

¹⁰ Evidence of Mr Burley-paragraph 5.34

Character and appearance of the area

Landscape

35. The appeal site is located just beyond the western edge of the North Downs National Character Area (NCA 119) and is within the setting of the Kent Downs AONB. The site itself lies within the Halstead Wooded Down (LCA) and the County Character Area, Knockholt Downs. It is not within a protected landscape.
36. The site occupies a broad plateau of land which rises steeply by around 35m from London Road on its northern edge. There is a gentle downward slope southwards towards Halstead. The site is almost entirely occupied by the former golf course, apart from the agricultural land and land on the escarpment. Within the site there are areas of hardstanding, the site of the demolished club house and car park.
37. Within the wider landscape, the settlement pattern is low density and reflects an organic form of development. Halstead is a long established settlement.
38. Despite the site's previous use it still retains important features reflecting the national and local assessments, cited above, including a well wooded dip slope at its northern edge which includes a belt of ancient woodland, hedgerows interspersed with mature trees and on its western edge, agricultural land.
39. I accept that the appellants use of a ZTV¹¹, that is the distance over which the scheme would be seen, of around 2kms, is appropriate given the constraints placed on longer views resulting from both local topography and the location of tree belts. The limited intervisibility which the site currently has with its surroundings would be significantly altered by the scale of the appeal scheme.
40. Both parties broadly acknowledge that the construction phase would have the greatest landscape impact but they differ on the extent to which these would diminish overtime as the effects of the proposed mitigation measures take effect.
41. Mitigation measures include 'strategic open spaces'¹² developed as part of a 'Green Grid' of open space across the site and a Green Belt Park on the dip slope and a range of enhancement measures including additional tree planting and strengthened landscaped boundaries. These measures should be balanced against the loss of around 30 tree groups (17 of which would be category B) with a further 7 partially affected¹³.
42. Although built development would occupy around 47% of the site area, there would be a substantial impact on its landscape. Many of the landscaping features threaded throughout the site would be secondary resulting in the creation of landscape belts around each development platform.
43. The impact of new development platforms for housing, the commercial centre and care home would be extensive in area extending across the whole site with a major impact on its existing topography. The whole character of the site

¹¹ Zone of Theoretical Visibility

¹² Mr Williams PoE para 4.10

¹³ D Webster PoE para 4.21

would change. In this respect the magnitude of change on landscape would be moderate/adverse as the introduction of strategic accessible open space throughout the site could not fully mitigate for the extent of change even after 15 years.

44. For these reasons the extent of change resulting from the appeals scheme would be moderate/adverse impacts.

Visual

45. Around 36 viewpoints which lie both within and around the site have been agreed by the parties for the visual assessment.
46. There are 3 public footpaths which extend across parts of the site including SR61, SR62, SR63. These are the most sensitive receptor points to assess visual impacts. Given how each of these thread their way through the site the impacts would be considerable on these receptors. Mitigation in the form of additional planting as suggested in the parameter plans could not alter the extent of impact which would, even after 15 years, be substantial adverse.
47. I acknowledge that the landscape proposals, designed to strengthen the existing perimeter hedges, would apart from several exceptions, prevent distant views into the site from surrounding roads and from along footpaths to the south along footpaths SR65 and SR67. Harm arising from visual effects would be minor adverse from along these footpaths.
48. Given the elevation of viewpoints located in the Kent Downs AONB¹⁴, Chelsfield Lakes Golf Course (footpath 262) both the proposed care home and commercial centre would be seen due to their proposed height and location at the northern edge of the site. The existing belt of deciduous trees located close to the ridge edge, just north of the former car park, of between 18-26m in height would not have sufficient canopy thickness to allow adequate cover for these aspects of the appeal scheme. The effect of the scheme on these views would be moderate adverse.
49. There would be considerable adverse impacts arising from the location of the proposed club houses and flood lighting located along Stonehouse Lane. Although there is already an extensive boundary hedge which would be enhanced by a broad landscaping strip of around 8m depth, this would not allow sufficient mitigation given the height of these proposals. The predicted visual effects along PROW SR64 and Stonehouse Road would be moderate/substantial adverse even with the proposed embedded mitigation.
50. Whilst the phasing programme includes the development of landscape features in Phase 1, to ensure planting becomes established, I do not consider that given the scale of development by Year 15 this would have provided sufficient cover to provide adequate mitigation to address the impacts on all visual receptors.

Conclusions

51. Given the scope of Policy L08, there is an implicit objection to the proposal on landscape grounds. I acknowledge the conclusions contained within the officer's report in respect of the appearance of the area and its wider landscape¹⁵ and

¹⁴ Area of Outstanding Natural Beauty

¹⁵ Officers report to Committee 27 January 2021

that the extent of harm was not considered so great as to warrant a reason for refusal in itself. However, there would be harms to both landscape and visual receptors arising from the appeal scheme which could not be sufficiently mitigated for. This is considered further in the planning balance.

Transport infrastructure

52. There is no issue between the parties on road capacity but only the extent to which the proposed measures would provide genuine choice in transport modes.
53. The location and scale of proposed development would result in around 2,300 people living on the site who would require a range of services to support their every day needs. Given the outline nature of the scheme it is unclear exactly what services would be part of the commercial centre although reference was made during the Inquiry to a possible small food store and leisure offer. However, it is unclear whether a GP surgery would be located on site although this was assumed in the TA¹⁶. Given the limited services available on site there would be a considerable demand for services located beyond the site requiring a large number of trips.

Private transport

54. The Transport Assessment (TA) indicates that the proposed scheme would generate traffic of around 459 and 504 2 way trips¹⁷ in the morning and evening peaks respectively. I accept that at the time these figures were produced the scheme was still assumed to be 850 dwellings and so proportional adjustment is required.
55. In contrast, the number of rail trips generated would be around 152 and 125, 2 way trips and for buses the figure would be around 118 and 105, 2 way trips for the morning and evening peaks respectively.
56. The TA assumes a proportion of linked trips between the different uses on the site and that the primary school would serve the proposed scheme involving few if any trips by car. However, whilst the assessment does not account for the extent of modal adjustment which may arise from the measures included in the S106 agreement, the figures included in the TA are indicative of the relative scale of private transport compared to other modes likely to be generated from the site. This would be considerable.
57. It is instructive to note that the S106 agreement includes a range of measures to address capacity issues at local road junctions including that of Sevenoaks Road/London Road and Hewitt's Roundabout¹⁸. The provision of around 200 parking spaces serving the proposed hockey and rugby clubs and the relocation of station parking in the undercroft of the commercial centre is indicative of the large number of private vehicle trips which would arise from this scheme.
58. These matters point to dependence on private transport.

¹⁶ Clinical Commissioning Group

¹⁷ CD B34 Peter Brett Transport Assessment para 7.13.6

¹⁸ Appendices to Mr Heard's PoE

Rail

59. The proposed residential areas across the site would lie between 3-11 minutes walking distance of Knockholt Station. The appellant's¹⁹ research demonstrates that the site's Green Belt location is almost unique given its proximity to this station²⁰.
60. The station is served by 2 services an hour rising to 3 in each direction during the peak hours to/from central London allowing a door to door travel time of around 40 minutes. Services to Sevenoaks would take around 8 minutes or a door to door time of around 27 minutes assuming a location in the centre. Travelling to Bromley via rail would take between around 33 or 28 minutes depending on the R6 and appellant's evidence respectively. At peak times these journeys compare favourably with travel by car.
61. The R6 party's evidence identifies that around 34% of journeys to work are made to destinations within Greater London²¹. Although this evidence disregards a proportion of the total sample, I consider that it represents a broad picture of where residents of the MSOA²²_008 travel to work.
62. The proximity of the station to the appeal site and its location within Zone 6 of London's fare zoning where I understand, fares are relatively cheaper than for other stations in the MSOA_008, would result in a higher proportion of residents using the station for their daily commute into Greater London in comparison to other parts of the MSOA_008.
63. For these reasons, I accept that the percentage of residents of the proposed scheme who are likely to use rail would be higher than the 23% of commuters identified in the MSOA_008 area²³. However, drawing on the figures included in the TA there would be around 152, 2 way rail trips in the morning and just 125 in the afternoon peaks respectively.
64. It is likely that private transport would still be the dominant form of transport for commuters to destinations other than central London given the reliance on the car by residents in the District to local centres²⁴. This is demonstrated by the peak hour figures included in the TA.
65. I regard the appellant's suggestion that additional commuters arising from the proposed scheme together with those from the recently permitted scheme for 635 dwellings at Fort Halstead to the south of the appeal site, could result in increased rail services to address congestion as speculative.
66. The proposals in the station included in the S106 agreement involving capital investment in lighting, CCTV, fencing, cycle parking, cycle parking signage and customer information would allow for localised improvements but, in my judgement, would be unlikely to lead to a significant shift in modal use for occupiers of the appeal site. Of greater significance in this respect would be those measures identified in the appellant's evidence regarding how capacity

¹⁹ Evidence of Paul Cheshire

²⁰ CD E15

²¹ Mr Giles PoE Table 5.1

²² Middle Layer Super Output Area - an area used for reporting small area statistics

²³ Sustainability Appraisal for the withdrawn plan

²⁴ PoE M r Giles Table 5.2

could be addressed by rail operators²⁵. These matters remain outside their control.

Bus Services

67. There are just 4 bus services which each operate 2 times a day each weekday. The 431 service between Sevenoaks and Orpington was cancelled during the C-19 pandemic although it was included in the TA. I understand that there are no plans to reinstate this.
68. The phased development of the site would be supported by new investment in public transport through planning obligations. In the initial stages of the development, a demand responsive transport (DRT), effectively a form of taxi service, would operate until 100 dwellings are completed.
69. Between 100-400 dwelling completions, an hourly service from 07:00 – 10:00 and 15:00 – 20:00 Monday to Saturdays would be introduced and beyond the completion of 400 dwellings, this service would be extended hourly to 20:00-22:00. The route would be taken through the site.
70. The appellant has given some consideration to the route of the new service which would run between Sevenoaks and Orpington²⁶, connecting to other stations, services and amenities. Given that the proposed service could be a substitute for that withdrawn (which the TA assumed was still in operation), its impacts would be unlikely to significantly reduce dependence on private transport.

Active travel modes

71. Whilst the commercial centre would be developed as part of the first phase of development, residents would require a broader range of services than could be offered on site or in Pratts Bottom and Halstead²⁷. There are few services²⁸ within the 800m -2km of the site defined by Manual for Streets²⁹ as 'walkable', although this would be determined by quality of footways and street lighting.
72. Accordingly, a broad variety of services would continue to be accessed in the main centres of the District, including Sevenoaks but this is around 5 miles from the appeal site.
73. The proposed investment in cycleways included in the S106 Agreement would have only a localised impact being unconnected to routes which connect to settlements which include a broader range of services. Many of the roads in the local area do not have footways on each side and/or are unlit. This situation will not change markedly despite the capital investment included in the S106 agreement.

Conclusions

74. To conclude on this matter the appeal scheme includes a range of measures within the S106 agreements for improvements to local transport infrastructure.

²⁵ Mr Heard's evidence - 3.4.17-19

²⁶ CD B57 Technical Note

²⁷ Mr Heard PoE paras 3.2.21

²⁸ Mr Giles PoE Figure 2

²⁹ Department of Transport 2007

75. The main advantage of the site's location is its proximity to the rail station. Many of the obligations included in the S106 agreement would improve the attractiveness of the station for commuters, public transport and by active travel. A larger percentage of commuting trips would be made by train from the site when compared to the rest of the district because of the ease of access by walking and potentially cycling to the station. The rail station, managed by TfL³⁰ benefits from the zonal fare system which would further encourage rail travel.
76. However, the typical household makes many more journeys than the daily commute. Under cross examination the appellant's witness agreed that genuine choice requires a qualitative assessment of issues such as journey times, convenience, reliability and frequency.
77. When assessed against these factors the proposed measures for active travel and bus services would be limited in the degree to which they would offer genuine choice. The suggested measures included in the S106 agreement would be unlikely to materially increase their use.
78. The appellant acknowledges that outside peak times car journeys are quicker than public transport³¹. Whilst this is caveated with reference to the additional time required to park and walk, it does not undermine my conclusions on this matter given the number of trips that would be made in addition to those for work.
79. The impact of the travel plan, outlined in the TA, designed to reduce the anticipated amount of vehicular traffic generated from the site by 10% over 5 years would not be effective in reducing reliance on private transport, even if they could be achieved, given the lack of genuine choice in alternative modes.
80. In my view, it is doubtful whether an hourly bus service would be sufficient to create the right conditions to increase patronage to such an extent that it would be an attractive option when compared to the convenience of the car.
81. The obligations included in the S106 agreement would, in my view, be insufficient to overcome the site's poor location in relation to existing services and facilities. Although Paragraph 105 of the Framework identifies that different conditions can apply between rural and urban locations in how 'genuine choice' should be measured, the appeal scheme represents a major urban development which is counter to Paragraphs 73 and 105 of the Framework which require the active management of patterns of growth to ensure that new housing is well located to allow a genuine choice.
82. The large amount of traffic generated results reflects the site's location away from existing settlements contrary to Policy L01. Furthermore, the additional traffic generated by the appeal scheme would be in conflict with Policy L08 which seeks to protect openness as defined by the Guidance.

Economic, social and environmental benefits of the appeal scheme

83. The appellant's case is predicated on the range of benefits arising from each distinct element of the proposed scheme. I address each of these in turn.

³⁰ Transport for London

³¹ Mr Heard PoE Paragraph 2.3.23

Housing

84. Foremost amongst the benefits ascribed to the scheme by the appellant is the provision of 800 new homes which include 320 affordable homes which comply with adopted policy. Both parties acknowledge that there is chronic under provision of housing supply within the District; a situation which continues to decline³².
85. Furthermore, it is evident that this undersupply has persisted for many years exacerbated by an out of date local plan which includes housing targets based on the Core Strategy requiring 165dpa (dwellings per annum), a point made by the appellant and not challenged by the Council³³. This contrasts with the LHN³⁴ of 698dpa for the period 2015-2035. In the period 2010-20, the District had the lowest figure for net additions to stock when compared to other Kent districts. The HDT figures indicate that this has been a matter of concern for the last 3 years.³⁵
86. The parties diverge on the extent of likely future land supply over the next 5 years. These range from around 2.8 and 1.9 years supply³⁶ for the Council and appellant respectively. Whilst these figures were not the subject of a forensic analysis during the Inquiry, they indicate a serious and chronic undersupply which undermines the Government's objective of securing 300,000 dwellings per annum.
87. This has led to a situation where the median affordability ratio³⁷ for the period 2018-20 is around 13.53³⁸. This is considerably higher than for some other districts in the County, cited by the appellant which also have high levels of designated Green Belt. The Council accept that the number of affordable housing units needed is around 422dpa³⁹. Delivery continues to average around 70dpa.
88. The Council acknowledges that the situation is 'unacceptable'⁴⁰. Although at the time of writing the Council does not have an agreed local development scheme for the new plan, it maintains that the only way to address this issue is through a plan led approach⁴¹. However, the programme for the production of the new plan has yet to be agreed and so a new plan is some years away⁴².
89. There is little doubt that the Council's difficulties in identifying housing allocations largely stem from the high percentage of protected land in the District with around 93% designated as Green Belt and 60% AONB. This represents one of the highest figures for a Kent District. To address undersupply, it recognises that the site allocations included in the ADMP⁴³ will have a higher number of units than originally envisaged.

³² Housing Delivery Test results 2021 (issued January 2022)

³³ Paul Cheshire PoE

³⁴ Local Housing Need in CD ED23

³⁵ Housing Delivery Test 2019-2021

³⁶ Rebuttal of Ms Henshaw and Mr Burley as amended though XX

³⁷ Defined as the ratio of median earnings to house prices

³⁸ Table 4 PoE Cheshire

³⁹ Mrs Henshall PoE para 4.4

⁴⁰ Mrs Henshall in XX

⁴¹ Mrs Gooden PoE

⁴² Ms Gooden XX

⁴³ Ms Henshall PoE para 5.4

90. Furthermore, the Council acknowledges that a route to addressing undersupply is through the release of sites from the Green Belt⁴⁴. The withdrawn plan included sites at Sevenoaks Quarry, land at Pedham Place (which also lies within the AONB) near Swanley and Fort Halstead with the latter having recently been granted planning permission.
91. Key parts of the appeal scheme formed the suggested housing allocation (MX41) included in the Regulation 18 draft plan. Following further consideration through the Sustainability Appraisal (SA) the site was not included in the Regulation 19 draft because its infrastructure requirements did not outweigh the harm to the strongly performing Green Belt⁴⁵. This is despite it being recognised as 'deliverable' within the SA.
92. For the appellant, the exclusion of the appeal site from the housing allocation points to a postponement of the inevitable demonstrated by the permissions at Fort Halstead and Four Elms Road, Edenbridge. Whilst references were made in the appellant's evidence to other housing allocations included in the withdrawn plan, it is not my role to inform comparison and determine future policy.
93. Given these circumstances, I acknowledge that the appeal scheme could make a significant contribution to addressing the under provision of both market and affordable housing across the District.

Self build and custom-made housing

94. The provision of this form of housing is included in statute⁴⁶ and requires Councils to establish and publish a local register of custom house builders who wish to acquire suitable land on which to build their own home. There is a requirement that authorities must give suitable permissions to allow a supply of serviced plots to meet demand. These requirements have been given greater impetus by the recommendations of the Bacon Report⁴⁷.
95. Although the Council does not have a specific planning policy for this form of housing or clear knowledge of future demand, it has granted planning permission for 111 plots and at March 2020 there were 114 persons registered.
96. However, the absence of an adopted policy and understanding of demand is a similar situation from that identified in the the Colney Heath appeal⁴⁸. Although it is unclear in that decision whether any units had been granted permission, this is not the situation in respect of this Council. However, I still recognise that the provision of 25 units would be a considerable benefit of the scheme.

Specialist housing for older people

97. Both parties agreed that the starting point for the calculation of specialist housing for older people starts with the particular demographic of the local population although they differ in the forecasting models to determine future demand.
98. The District's population is ageing with the percentage of those aged over 65 years significantly higher than other Kent Districts. The SHMA⁴⁹ identifies that

⁴⁴ Ms Gooden XX

⁴⁵ Ms Henshall PoE Appendix

⁴⁶ Self Build and Custom Housebuilding Act 2015

⁴⁷ CD E41

⁴⁸ ID4

⁴⁹ Strategic Housing Market Assessment

- this age group would grow from 20% in 2021 to 25% by 2035⁵⁰ with a significant growth in the over 75 years cohort. With an ageing population care needs become increasingly complex caused for example, by an increase in dementia and infirmity. This places greater demand than in the past for extra care⁵¹ provision.
99. Across the District, levels of home ownership are around 80% for those of 65 years and above. This continues to be a major driver for those wishing to stay in their homes, adapted to address their personal needs or seeking other forms of market care accommodation⁵².
100. The SHMA⁵³ estimates a need for 66 dwellings and 25 units of specialist older persons accommodation each year.
101. The appellant identifies that the high levels of owner occupation across the District point to considerable demand for market extra care whereas the Council's provision is concentrated on affordable units. This is despite the County Council identifying that that it is keen to work with a range of providers in the provision of this form of accommodation⁵⁴.
102. The Council have identified an existing supply of around 2,874 units across the whole District of which 34% are in the Sevenoaks urban area and 24% in the north west of the District⁵⁵ where the appeal site lies. The Council's evidence demonstrates that the North west area has the greatest choice of provision.⁵⁶
103. The appellant's witness⁵⁷ identified that demand for market care provision is increasingly being met by large scale developments for around 150 units. This form of development involves high initial capital costs resulting from the provision of a range of services which can include beauticians, pools, bars and shops as well as care facilities. The levels of care/facilities at these sites marks a maturing of the market in this sector and can be compared to the average number of bed spaces for C2 care which has in the past included only around 60 beds⁵⁸.
104. The appellant's evidence identifies to the difficulties which such schemes have in competing for sites with house builders given the amounts of upfront capital investment required. For this reason, the allocation of a site for C2 use as part of a larger scheme is particularly attractive to operators.
105. It is unclear the extent to which the County has up to date evidence on the true picture of demand for market extra care. The Market Position Statement 2021-26⁵⁹ doesn't distinguish between affordable and market sectors making the County's assessment of demand for market extra care unclear⁶⁰ as referenced in its Social Care Accommodation Strategy⁶¹.

⁵⁰ CD E03 Regulation 19 draft Local Plan

⁵¹ A bespoke form of accommodation for elderly people involving the provision of range of services which can be drawn on as personal needs change

⁵² CD D25 LHN 2017

⁵³ Strategic Housing Market Area

⁵⁴ CD E39 Market Position Statement

⁵⁵ PoE Ms Henshall para 6.4 with an uplift of 100 from the Edenbridge appeal decision APP/G2245/W/21/3271595

⁵⁶ Mr Henshall PoE para 6.7

⁵⁷ Mr Garnett

⁵⁸ CD E38

⁵⁹ CD E39

⁶⁰ KCC Adult Care and accommodation strategy

⁶¹ E38 page 21

106. The County's assessment is based on the SHOP@TOOL which for a short time in 2019 was advocated by the Housing LIN⁶². This still forms part of the Planning Practice Guidance. This was withdrawn by the Housing LIN given concerns that it understates future demand due to its reliance on current supply increased by an anticipated rise in cohort population. This ignores existing need. The County's updated position⁶³, based on data from the ONS⁶⁴ identifies a need for a further 132 units above existing supply from 2021-31 for both the affordable and market sectors above the annual requirement identified in the SHMA.
107. In contrast the appellant's witness drawing on considerable experience in the sector, adopts a rule of thumb based on 3% and 1.5% for the market and affordable sectors for extra care⁶⁵. This identifies an unmet need of around 375 units which rises to around 480 units by 2040 for market extra care for those aged over 75 years. Whilst it is unclear exactly how these percentages have been derived from the published material presented by the appellant, they point to a level of demand more in line with the District's demographic.
108. The Council identifies that there is a pipeline of extant permissions of around 65 extra care market units⁶⁶. In this context the appeal scheme would make a significant contribution to meeting demand. Even allowing for some leeway in how the application of the appellants 'rule of thumb' operates, in my opinion the Council's latent supply figure is well short of the likely demand.
109. The proposed home could free up around 180 dwellings from the existing housing stock as people transfer accommodation, although given that all these units are likely to come on the market in what is likely to be a short period of time, residents of the new home are likely to be drawn from beyond the District's boundaries⁶⁷. However, freeing up of a proportion of existing dwellings should be factored into the broader planning balance given the state of the housing land position.
110. It is instructive to note however, that whilst the proposed C2 scheme has many benefits its location would still result in development which does not allow easy access to services despite the dedicated 'village' transport service⁶⁸ proposed by the appellant. This is still an important factor despite the nature of the proposed scheme involving a range of on site services designed to support a retirement community.
111. It is my understanding that the scheme suggested by the appellant's witness⁶⁹ in this appeal would operate on a similar basis to that suggested in the Edenbridge appeal⁷⁰ which includes services provided on site with a 'village' transport service. However, in contrast the appeal site would be even further away from existing local centres than the Edenbridge site and for this reason the degree of weight in support of this aspect of the appeal scheme is reduced.

Sports facilities

⁶² Housing Learning Improvement Network

⁶³ Market Position Statement (MPS)

⁶⁴ Office for National Statistics

⁶⁵ CD E34

⁶⁶ Ms Henshall revised table included at paragraph 6.8

⁶⁷ Mrs Henshall PoE

⁶⁸ Mr Garnett PoE

⁶⁹ Mr Garnett

⁷⁰ APP/G2245/W/21/3271595

112. The appeal scheme would provide additional facilities for Sevenoaks Hockey and Rugby clubs.
113. Both clubs are thriving. The Hockey Club has 1,000 playing members, 11 Men's teams, 8 Women's teams and over 700 junior members coached by over 100 coaches. The Rugby Club has 5 adult teams, 5 academy squads and 7 mini and junior squads. Both clubs have outgrown their respective facilities with waiting lists for membership. The proposed facilities would allow expansion of their current offer to better cater for their present needs and future demand. For example, the Hockey Club has aspirations to become a 'centre of excellence' and the Rugby club to develop wheelchair rugby.
114. With growing membership, facilities for both clubs are at breaking point. The Hockey Club has a club house shared with a local cricket club, located away from its pitches on Holly Bush Lane in Sevenoaks. The clubhouse lacks adequate shower, changing facilities and floodlighting and the club uses pitches located at other locations in the District. Holly Bush Lane does not have sufficient parking to accommodate demand.
115. The Rugby Club presents a similar picture with its club house located at Knole Paddock with 3 full size pitches of which one half of one pitch is floodlit. The club has to use facilities in local schools to accommodate existing demand.
116. The appeal scheme includes 4 England Hockey standard artificial grass pitches (AGP) including a Category 1 pitch, and with artificial lighting for 3 of them. There would be 2 RFU⁷¹ size compliant pitches of which one would be grassed and one AGP, 2no. junior sized pitches which would be shared with the proposed primary school. Two club houses of 4,000 sq.ft. and 2,500 sq.ft are proposed for the hockey and rugby clubs respectively. Each club house would be served by 100 parking spaces.
117. I heard from representatives of both clubs during the Inquiry who confirmed the importance of the proposed scheme to meet the growing unmet demand for each sport. The advantages of new facilities is identified by the appellant's Needs Assessments⁷² for each sport.
118. Both local and national policy recognises the importance of sport and recreation to support health and well being⁷³. These benefits are consistent with Sport England's⁷⁴ drive to increase participation. There is no dispute between the parties on the importance for young people of recreational opportunities in terms of improving their mental and physical well being and combatting anti-social behaviour. In these circumstances the provision of new facilities at no capital cost to each club would be significant and would allow each of them to increase revenue.
119. The Council's Playing Pitch Strategy (PPS)⁷⁵ identifies that there will be continued demand for both sports in the Sevenoaks area to the extent that the shortage of pitch provision would be exacerbated. However instead of seeking additional pitches as the only solution, the strategy identifies that existing capacity issues could be better addressed through both improved drainage and

⁷¹ Rugby Football Union

⁷² CD B83

⁷³ Paragraph 98 of the Framework and CS Key Issues and Policy 5.6

⁷⁴ Planning for Sport Guidance 2019

⁷⁵ Paragraph 5.8.2

maintenance. The Council considers that the demand for new facilities is in the Sevenoaks area and not in the north west of the District where the appeal site lies.

120. Despite these findings, I do not entirely accept the Council's case. Both clubs rely on pitches in a number of locations around the District with club houses divorced from pitches located around the District. For this reason, if only existing pitches were improved, operations would continue in only a marginally improved situation when compared to existing. Provision would continue to frustrate the ambitions of each club to deliver on their plans which are consistent with the Government's drive to improve 'well being'.
121. Set against these advantages are a number of issues which lead me to question the extent to which the scheme would fully address the needs of each club. Both would continue to operate on several sites around the District. For example, the existing Rugby club house would be retained for the first team on its existing site. Furthermore, the appeal scheme would not result in improvements to existing facilities.
122. The draw of each club extends beyond the District boundary⁷⁶ and at weekends the attraction of private transport is likely to appeal, given that roads would be likely to be less congested compared to rail travel. The TA does not include the numbers of traffic movements for those times when the 2 clubs would experience greatest demand, for example, at weekends and in the evenings. At these times car dependency would be likely to be high given that increased participation will arise in part from school age children who require chaperoning by parents. For this reason, the site's location close to Knockholt rail station is unlikely to be as attractive as the appellant states for parents and children who are more likely to use private transport.
123. The purported advantages arising from the co-location of the 2 clubs on a single site is undermined by the fact that one club house would have had less spatial impact. I am not convinced by the appellants arguments why this would not be possible⁷⁷. The opportunities for car sharing are overstated by the appellant.
124. I recognise, however, that the provision of both hockey and rugby pitches in this location would be of considerable benefit to both clubs and in turn, through the community use obligation included in the S106 agreement to the health and well being of the wider community. The measures identified by the Council regarding improved management and drainage for the supply of existing pitches in the District would be insufficient to address the demand being experienced by both clubs.

Education

125. The appeal scheme includes a single form entry primary school given the anticipated child yield of around 224 children from 800 dwellings. It is agreed between the parties that the school is only required to service the proposed development.
126. The appellants have included within the primary school site, Specialist Resource Provision (SRP) to partly address the significant growth in the last 5

⁷⁶ Mr McColgan PoE

⁷⁷ Mr Burley XX

years across the County of children with Education, Health and Care Plans (EHCP) and in particular of children identified with the autistic spectrum condition (ASP). Around 31% of EHCPs for ASP across the County concern children within the 5-10yrs age group. The proposed ASP would allow a dedicated resource co-located within the setting of a mainstream school to prevent children with the condition being isolated which would in turn support their integration into school life.

127. Over the next 5 years the Education Authority estimates that demand for such units will increase by around 78% from 35 to 62 pupils within Sevenoaks District. Presently, there is no provision although it is understood that some schools plan to develop such units. However, there was an absence of clarity on this point from both the County and Council and no clear understanding of which schools would be able to accommodate the SRPs and in what timeline. The commitment within the appeal scheme to provide a units is of significant benefit.

The business hub

128. The appeal scheme includes a small business centre for starter units located on the north east edge of the site, accessed from London Road.
129. The withdrawn Local Plan identified the need for additional employment uses across the District and included 3 potential sites all of which lie in the Green Belt.
130. This further emphasises a point made earlier that for the Council to adequately address future growth there may have to be selective release of Green Belt land. I am satisfied that the proposed site would be well located close to the station and the local road network and for these reasons could be developed to accommodate small starter units.

Planning Obligations

131. The appeal includes completed bi-lateral and tri lateral S106 agreements. These differ to the extent to which obligations would be met either through developer contributions or through the CIL. Both the County and the District Councils included CIL compliance schedules identifying how each obligation is in accordance with adopted policy and the Regulations. The main provisions are outlined below.
132. The S106 agreements cover the transfer of land to the County Council, contributions for the development of the primary school and the provision of places, the cost of land transfer for secondary education at another site in the District. Other provisions address community learning, libraries, social care and waste disposal.
133. The S106 agreement covers the transfer of land to the sports clubs and the redevelopment of the club houses, facilities and parking areas.
134. Other matters include the provision of affordable housing, station improvements, measures to support active travel and the establishment of a Management Company for the open space, car club, a Travel plan, marketing of the commercial centre and measures around the operation of the 'retirement

village'. Finally, as the scheme involves the loss of an existing sports facility, the appellant has agreed a contribution of £970k in line with Sport England's metric towards community sports projects which I understand, could be directed to the redevelopment of the Swanley leisure centre.

135. As I am dismissing this appeal, I do not have to consider these agreements in any greater detail.

Whether very special circumstances exist

136. Both parties agree that the proposed scheme amounts to inappropriate development in the Green Belt as stated at Paragraph 149 of the Framework. I agree with that position. National policy is clear, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

137. The appellant cites a range of matters which they consider represent the very special circumstances to warrant an exception to normal policy in this regard. Whilst the appellant's case is represented by weighing every aspect of the proposed scheme with finely balanced nuance⁷⁸, the Courts have made clear that a mathematical exercise is not required. Rather a single exercise of judgement is required to assess whether the very special circumstances exist to warrant the grant of planning permission.

138. This is a large residential led, mixed use scheme with a location primarily determined by its proximity to an existing rail station. The proposed scheme would partly address the severe under supply of housing land and contribute to the stock of market and affordable housing in the District.

139. There is a need for both C2 housing and self-build and custom built housing included in the scheme to address existing under supply and future demand. The C2 accommodation would address the growing demand from the District's ageing population. Given the size of the scheme, the primary school would be an essential component but the inclusion of the SRP would be of particular benefit to the District. The employment area is modest in scale but could in part serve the development and address future demand for such space.

140. To my mind the inclusion of the 2 sports clubs would support health and well being. However, the proposed pitches and club house would serve only to exacerbate some of the club's existing problems such as their operation across a range of sites within the District. The large number of parking spaces proposed belies the lack of sustainable travel options as required by the Framework for this use.

141. I acknowledge that the appeal scheme would result in a net gain in biodiversity of around 11%; this would be significantly higher than current requirements.

⁷⁸ PoE of Mr Burley

142. However, these benefits have to be balanced against the harms which would arise from the scheme. These undermine the appellants arguments in favour and relate to the principle of a major scheme located away from existing settlements and its adverse impact on the essential purposes of the Green Belt.
143. Although there is no definition of 'openness' within the Framework, the Guidance⁷⁹, refers to assessments of openness being informed through consideration of spatial and volumetric aspects, the duration of the development and the degree of activity likely to be generated. Whilst only a suggested framework it is a useful guide given the issues involved in this appeal.
144. The scale of proposed development involving 30ha is significant. The appellant in cross examination acknowledged that alone the provision of housing is not in itself an argument that overcomes the harm to the Green Belt⁸⁰. The site's location is critical given how it would morph the settlement pattern in this location. The separation distances so carefully calibrated by the appellant would be insufficient to prevent the strategic significance of the Green Belt being undermined in this area.
145. The scale and massing of the development suggested by the parameter plans, involving heights of up to 15m and 22m on the highest part of the site, would be visible from surrounding areas, particularly from the north including from receptor points within the North Downs AONB. These impacts would be particularly intrusive. Other harms would arise from the scale of the sports hub; this would be intensively developed and there is insufficient mitigation included in the scheme to overcome the resultant landscape harm.
146. Other harms to openness would arise from the amount of traffic and domestic activity associated with around 2,300 people which would occur across the site. Given its location within walking distance of the station modal choice would be provided for commuters to London. However, a typical household makes many other trips for shopping, leisure and to access essential services. These services and facilities lie beyond the site and private transport would be the more convenient option even accounting for the new investment included in the S106 agreement and those measures for active travel. The conclusions of the TA in respect of dependence on private transport are telling in this regard.
147. Although the Council accepts that the release of Green Belt land will be necessary to fulfil its housing land requirements and has in fact already made some decisions in this regard, the appeal scheme conflicts with both its Green Belt and settlement policies which require that new development is located in existing settlements where services are located.
148. I find that the other considerations including the recent HDT score, in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify development do not exist.

⁷⁹ Planning Practice Guidance 001 reference ID:64-001-020190722

⁸⁰ Mr Burley XX Mr de Feu

Planning balance and Conclusions

149. Both parties recognise that there is a severe deficit of housing land as required by the Framework. These circumstances, together with the age of the most important policies deems that they are out of date. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include the Green Belt, and provides a clear reason to dismiss the appeal.
150. The fact that policies have to be considered as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219, which amongst other things, states that the closer that local policies are to policies in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date for reason of an inadequate land supply to still carry significant weight.
151. Policy L01 still carries significant weight as it is predicated on the principles underpinning the Framework in seeking to direct new development to sites in line with the hierarchy of existing settlements in the District. The fact that it was predicated on a smaller housing target does not undermine its importance in this regard. For this reason, I accord the degree of conflict between the appeal scheme and the policy substantial weight.
152. Policy L08 seeks to protect the Green Belt and AONB from new development. These aspects are in line with the Framework although it seeks to go beyond Paragraph 174 in seeking to protect the countryside for its own sake. Whilst these aspects of the policy are only partially consistent with the Framework those regarding the Green Belt are. For this reason, I accord the degree of conflict between the appeal scheme and the policy significant weight.
153. The scheme would have many benefits. These would include market and affordable housing which would in part address the Council's housing land supply position and affordability. The proposed C2 accommodation would cater for the District's ageing population. The inclusion of custom and self build housing would accord with local demand. I recognise that the scheme could potentially commence on site within the next 5 years to address these matters.
154. Social benefits would include a dedicated education resource in the SRP. Furthermore, the sports hub would address to some degree the issues of sports provision for the rugby and hockey clubs. The money for the local sports centre could also be a social benefit.
155. Economic benefits would include the 200 construction jobs available each year during the 8 year build programme together with permanent employment at the care home, retail and employment hub. There would be increased spend in existing local services and shops, arising from the new residents
156. Environmental benefits include biodiversity net gain. This would be achieved through the range of planting schemes to create habitats and through ecological management. However, there would be adverse impacts from the scale of the development arising from its visual impacts from Stonehouse Lane and to the north.
157. However, set against these benefits would be harms to the Green Belt including definitional harm, harm to its essential purposes and harm to

openness arising from the proposed scheme. These would result in conflict with the development plan and with Paragraphs 138 a) and c) of the Framework which aim to check the unrestricted sprawl of large built up areas and assist in safeguarding the countryside from encroachment.

158. Furthermore, the scheme would result in a significant rise in traffic movements by private vehicles which would be counter to Paragraph 105 of the Framework. This requires that new development is focussed on locations which are or can be made sustainable through reducing the need to travel. The limited range of services/facilities for such a large number of residents would result in the majority of journeys being made by car. This is despite its location close to Knockholt rail station and the proposed measures included in the S106 agreement.
159. Overall, I conclude that the harm caused in this case would significantly and demonstrably outweigh the benefits identified when assessed against the policies in the Framework taken as a whole. As such the proposed development does not benefit from the Framework's presumption in favour of sustainable development.
160. Bearing all of the above in mind, there are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR

Documents received during the Inquiry

ID 1	Appellant openings
ID 2	Council openings
ID 3	Rule 6 party openings
ID 4	Appeal decisions APP/B1930/W/20/3625925 and 3225926
ID 5	Brochure extract on Emerson Park retirement apartments
ID 6	E mail of 28 October 2021 from Kent County Council to Montagu Evans
ID 7	HLIN re SHOP@TOOL note sent by the appellants
ID8	Revised table re future supply from Ms Henshall's proof of evidence
ID 9	GLVIA 3 extracts
ID 10	Summary of Landscape assessment
ID 11	Securing Developer Contributions for Education – Department of Education 2019
ID 12	Inspector's site visit itinerary
ID 13	Representations from interested parties
ID 14	Appeal decision APP/G2245/W/21/3271595
ID 15	Completed Statement of Common Ground 3 November 2021
ID 16	Broke Hill local plan submission
ID 17	KCC compliance schedule
ID 18	Suggested planning condition re ecological surveys
ID 19	Council Closings
ID 20	R6 Closing Statement
ID 21	Appellant Closing statement
ID 22	Section 106 Agreement

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Robert Green	Of Counsel
He called	
Aaron Hill	Development Manager
Emma Henshall	Senior Planning Officer, Policy
Hannah Gooden	Planning Policy Team Leader
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David Williams	David Williams, Landscape Consultancy Ltd
Gary Heard	Director of Transport Planning, Stantec UK Ltd
Nigel J. W. Appleton	Executive Chairman of Contact Consulting (Oxford) Ltd
Stuart Garnett	Land and Planning Director for Inspired Villages
Iain Johncock	Senior Associated at the Learning Crowd
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CBE	
Paul Burley	Partner at Montagu Evans LLP
Donna Mattfield	Solicitor, Knights

FOR THE COUNTY COUNCIL:

Graeme Keen	Of Counsel
He called	
Sarah Bonsor	
Richard Kidd	

FOR THE RULE 6 PARTY: Halstead Parish Council and Green Belt Futures Group

Ben De Feu	Of Counsel
He called	
Stephen Giles	Motion Consultants
Robert McQuillan	Robinson Escott Planning LLP

INTERESTED PERSONS:

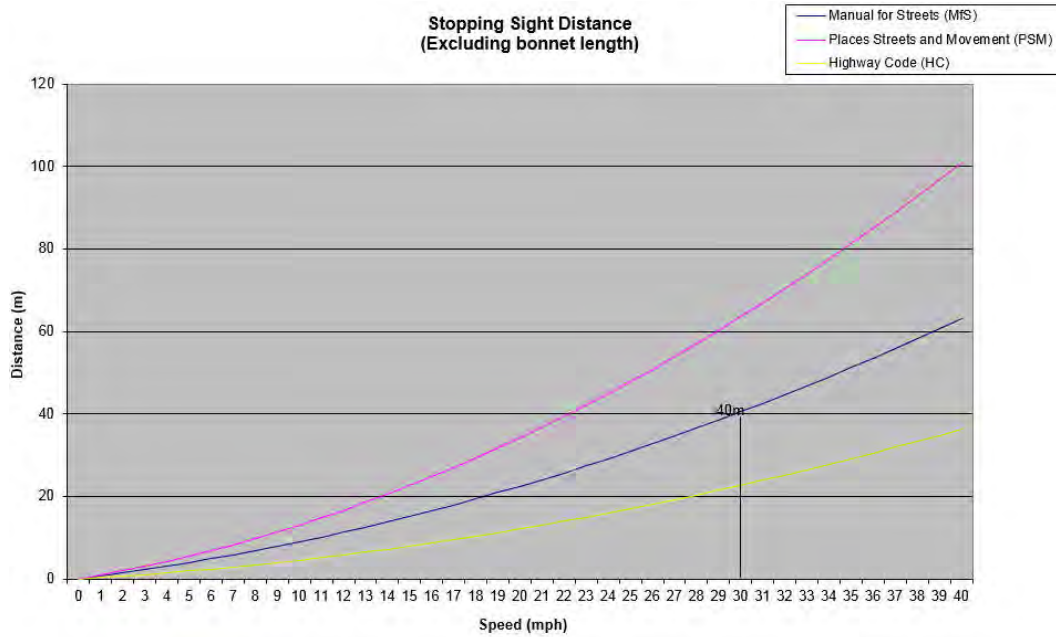
Laura Trott MBE MP	
(representations presented by	
Cllr Peel)	
John Escott	Resident
Richard Bennett	Resident

Nigel Britten	Trustee CPRE Kent
Cllr John Saynor	Co-Chair Shoreham Society
Cllr John Grint	Badgers Mount
Andy Tamworth	Resident
Helen Brown	Chair of Halstead Halstead and Green Belt Futures Group
Cllr Rita Radford	Halstead Parish Council
Trevor Nichols	Sevenoaks Rugby Club
Lisa Kendel-Beaton	Resident
Frank Desmond	Trustee of Sevenoaks Hockey Club
Cllr Roger Davenport	Halstead Parish Council
Cllr Roger Sales	Halstead Parish Council
Cllr Mike Botting	LB Bromley
Alec Lauder	Resident
Tony Slinn	Chair of the Knockholt Society
Cllr Jean Peel	Halstead Parish Council
Geoffrey Kitchener	Resident
Cllr Tony Marshall	Halstead Parish Council

APPENDIX 7
VISIBILITY SIGHT LINES GUIDANCE

VISIBILITY SIGHT LINES

GUIDANCE FOR ARCHITECTS AND ENGINEERS



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JULY 2025 (Ver7)

1. INTRODUCTION

1.1 This document provides guidance to engineers and architects in respect of sight lines and associated highway safety issues.

Extract from Manual for Streets published in 2007 – Sight Lines Recommendations

Table 7.1 Derived SSDs for streets (figures rounded).

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
SSD (metres)		9	12	15	16	20	22	31	36	40	43	56
SSD adjusted for bonnet length. See 7.5.4		11	14	17	18	23	25	33	39	43	45	59

Additional features will be needed to achieve low speeds

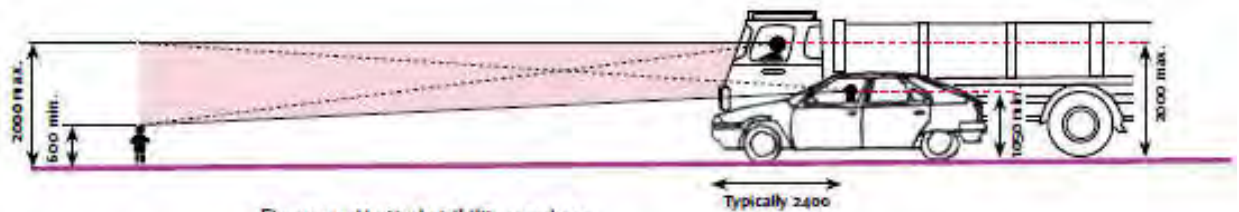


Figure 7.17 Vertical visibility envelope.

Scope of MfS

The following key areas of advice, derived from principles contained in MfS, can be applied based on speed limits, subject to a more detailed assessment of local context, as shown below in Table 1.1

Speed Limit	20mph	30mph	40mph	50+mph
User Hierarchy	●	●	●	●
Team Working	●	●	●	●
Community Function	●	●	●	●
Inclusive Design	●	●	●	●
Ped/Cycle Support	●	●	●	●
Master Plans/Design Codes	●	●	●	●
Stopping Sight Distance	●	●	●	●
Frontage Access	●	●	●	●
Minimise Signs & Street Furniture	●	●	●	●
Quality Audits	●	●	●	●
Connectivity/Permeability	●	●	●	●

Table 1.1 Application of key areas of MfS advice

Note: ● yes ● subject to local context

Recommended values for X and Y distances

An X distance of 2.4m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of a car and the driver's eye.

Longer X distances enable drivers to look for gaps as they approach the junction. This increased junction circumstances, but it also increased the possibility that drivers on the minor approach will fail to take account of other road users, particularly pedestrians and cyclists. Longer X distances may also result in more shunt collisions on the minor arm. TRL Report No. 184 found that collision risk increased with greater minor-road sight distance.

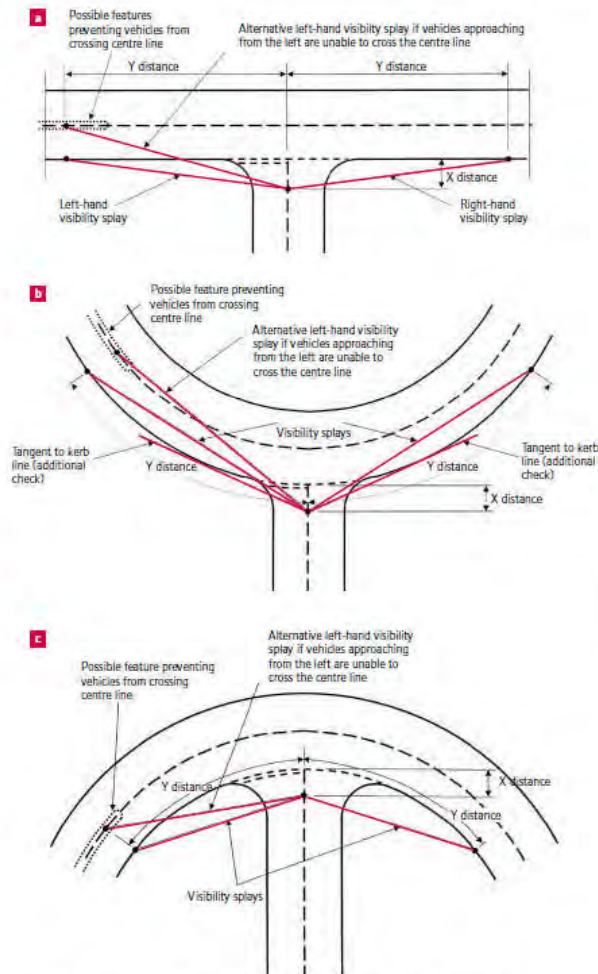


Figure 7.18 Measurement of junction visibility splays (a) on a straight road, (b) and (c) on bends.

Sight lines -Y Distances Manual For Streets Para 10.4 and 10.5

The measurement of Y distances changed based on the above guidance in MfS2. In paragraph 10.4.2 under "Site Visits"

Site Visits

Two investigators visited each location, and measured visibility to the left and right, from a point on the side road, 2.4m back from the main road channel line. Visibility was measured from a height of 1.05m, to a point at the kerb edge and a second point 1m out from the kerb edge, where observations showed that visibility increased.

10.5.3 The Y distance represents the distance that a driver who is about to exit from the minor arm can see to the left and right along the main alignment. For simplicity it has previously been measured along the nearside kerb line of the main arm, although vehicles will normally be travelling at a distance from the kerb line. Therefore a more accurate assessment of visibility splay is made by measuring to the nearside edge of the vehicle track. The

Most Highway authorities use 1m. Winchester City Council recommend a planning condition to this effect.

H120 – Visibility splays. (To a point measured 1.0m from edge of carriageway)

Before the development hereby approved is first brought into use, visibility splays of 2.4 metres by 160 metres (to a point measured 1 metre within the road from the edge of carriageway) shall be provided at the junction of the new access infrastructure road and public highway and visibility splays of 2.4 metres by 70 metres (to a point measured 1 metre within the road from the edge of carriageway) shall be provided at the new field gate entrance. The splays shall be kept free of obstacles at all times.

Highways England do not use a 1m offset for sight lines they use the centreline of the approaching carriageway lane. On a 3.65m wide lane the offset would therefore be 1.825m.

Extract from Volume 6 Section 2 Part 6 TD 42/95 Geometric Design of Major/Minor Priority Junctions

Design Speed of Major Road		'y' Distance
(kph)	(Mph)	
50	30	70
60	37	90
70	40	120
85	50	160
100		215
120		295

The above technical guidance has been superseded by CA 185 Vehicle speed measurements, which requires all speed measurements are taken in dry weather, however the formula for converting between wet and dry has been retained but reversed. The sight line distances are now set out in CD 109 Highway Link Design.

Extract from CD109 Highway Link Design

Table 2.10 Design speed related parameters

Design speed kph	120	100	85	70	60	50	V2/R
Stopping sight distance (metres)							
Desirable minimum	295	215	160	120	90	70	-
One step below desirable minimum	215	160	120	90	70	50	-

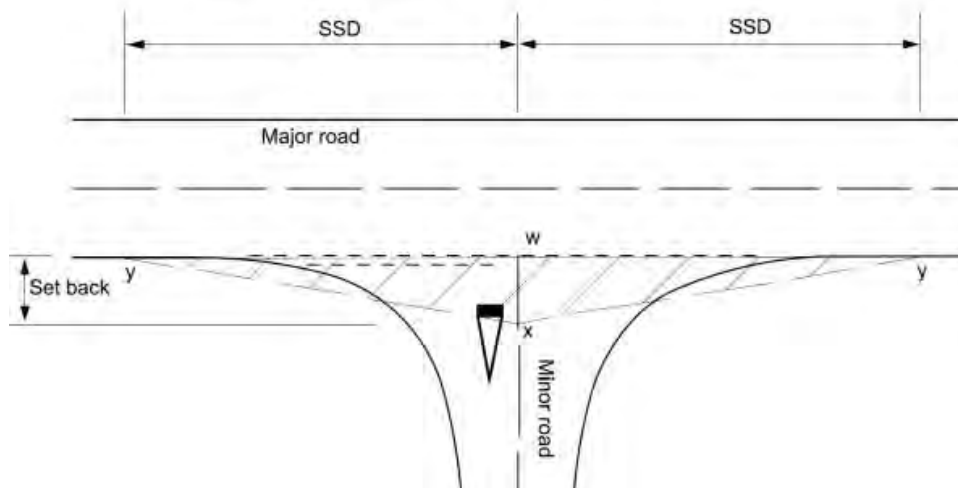
CD 109 Revision 0

The "X" distance set back from the Give Way line is as follows:-

- 3.8 The minimum distances used to locate point X and therefore generating the visibility splay shall be:
- 1) 2 metres for direct accesses;
 - 2) 2.4 metres for simple priority junctions; and
 - 3) 4.5 metres for all other priority junctions.

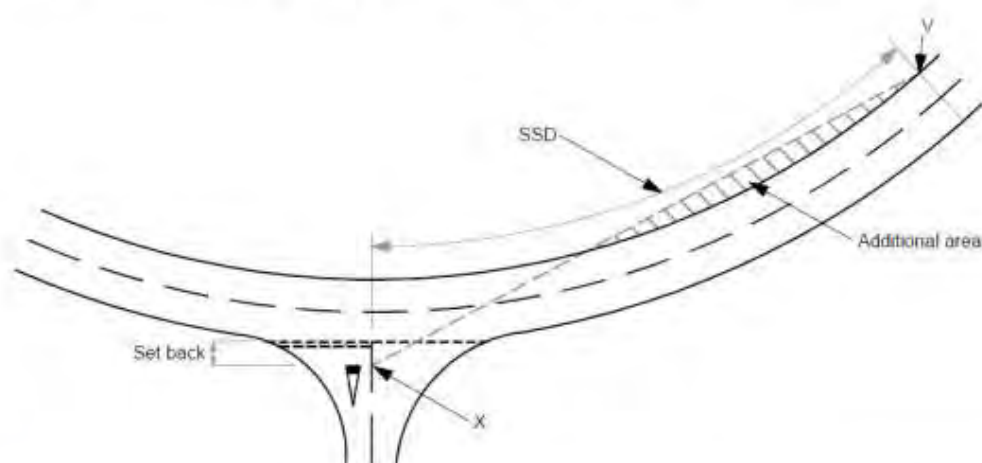
The current geometry and sight lines in the document is shown below.

Figure 3.4 Priority junction visibility splays



In the revised CD 123 (version 2.1.0) guidance is given below.

Figure 3.10 Additional area of visibility on the inside of a curved major road



NOTE 1 The additional area of visibility on the inside of the curve (as illustrated in Figure 3.10) applies to both the left and right of a priority junction/direct access.

Consistency – Application of Sight Lines

Many Highway Authorities and subsequently Planning Inspectors accept a certain amount of flexibility in their approach and application. Highway safety based on

site conditions are more important than the strict letter of the recommended standards.

Using a rigid approach normally results in planning permission being allowed on appeal. Six examples are shown below. They were all allowed. There are also a very few that were rejected but are not listed below.

Planning Appeals in Gravesham – Vehicle Crossovers

<p>Gravesham (Kent) Date: 2018-11-14 Postcode: DA130EJ Appeal Number: 3209889 Outcome: APPROVED [Appeal]</p> <p>APPROVED: 1 Rowan Close, Meopham, Demolish Garage formation of a vehicle access. Two Storey side extension.</p>	<p>Gravesham (Kent) Date: 2020-06-26 Postcode: DA124AA Appeal Number: 3244216 Outcome: APPROVED [Appeal]</p> <p>APPROVED: 1 Chenays Cottages, Thong Lane, Shorne, Gravesend, removal of hedge to provide a vehicle access.</p>
<p>Gravesham (Kent) Date: 2022-09-05 Postcode: DA117BB Appeal Number: 3295879 Outcome: APPROVED [Appeal]</p> <p>APPROVED: 43 Nursery Grove, Gravesend, Formation of hardstanding and extended crossover to create a vehicular access.</p>	<p>Gravesham (Kent) Date: 2024-10-12 Postcode: DA110LH Appeal Number: 3351002 Outcome: APPROVED [Appeal]</p> <p>APPROVED: 37 Old Road West, Gravesend, Formation of a Vehicular Access B261.</p>
<p>Gravesham (Kent) Date: 2021-01-08 Postcode: DA117DY Appeal Number: 3248991 Outcome: APPROVED [Appeal]</p> <p>APPROVED: Land at 28 Hartshill Road, Northfleet, Gravesend, proposed new dropped kerb over a grass area.</p>	<p>Gravesham (Kent) Date: 2021-11-01 Postcode: DA117LG Appeal Number: 3277340 Outcome: APPROVED [Appeal]</p> <p>APPROVED: 8 Hillingdon Road, Gravesend, Excavate front garden for a parking area with crossover.</p>

Quoting from one appeal, in Swale, 20/3262303 Rides House, Warden Road, Eastchurch, for 2 No semi-detached dwellings plus access and parking. It was allowed.

Highway safety

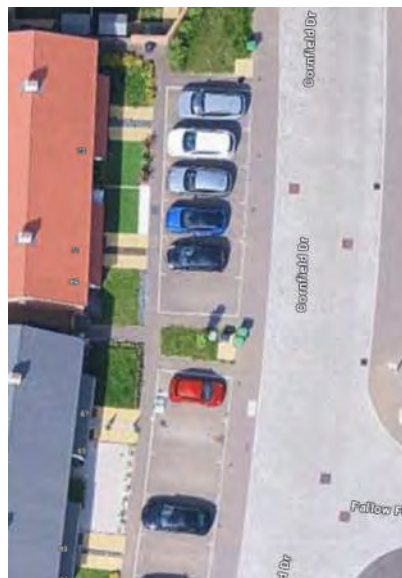
- The highway authority seeks visibility splays in excess of 50m by 2.4m in both directions along Warden Road. Semi A would be served by an existing access. The number of vehicle movements using it would be equivalent to those that occurred in connection with the former Rides House. Therefore there is no need to insist that details be provided.
- Semi B would be served by a new access. Vision in both directions over and round the existing front boundary hedge would be reasonable. It may be that the full standards sought cannot be met on land controlled by the appellant or within the public highway. However, no evidence has been provided to explain what the deficiencies would be or why use of this access would be hazardous. My own observations, albeit over a limited period of time, are that traffic along Warden Road is light and that speeds are modest. Furthermore, that drivers

There are examples in Kent and across England where sight lines are not provided on new estate roads. An example is shown below. This layout was approved in Kent recently. Sight lines to junctions were conditioned but internal pedestrian sight lines were not conditioned. The development is for up to 700 dwellings. KCC requested sight lines to be provided at a height of 0.9m, not from 600mm.



The parking spaces to neighbouring properties do not have 2m by 2m sight lines as vehicles are taller than 0.9m and parked vehicles also obstruct sight lines. This is no different to town centre and out of centre car parks serving retail development.

Developments with parking to the front serving more than 2 properties also have sight lines that are not under the control of the householder. The site below is in Gravesend. It was reviewed by KCC highways and permitted by Gravesham.



The above provides an evidence base that highway authorities and planning authorities are not consistent in their approach.

A recent case dated July 2023 in the High Court is referred to below. It is Widdington Parish Council the claimant and Uttlesford District Council the defendant. The legal principles of consistency is at the very root of development control.

(1) Legal Principles

105. The legal basis for this part of the challenge relies on the application of the principle of consistency of previous decisions in the context of challenges to Inspectors' decisions arising from the decision of the Court of Appeal in North Wiltshire DC v Secretary of State for the Environment (1992) 56 P&CR 137 at 145 in which Mann LJ stated:

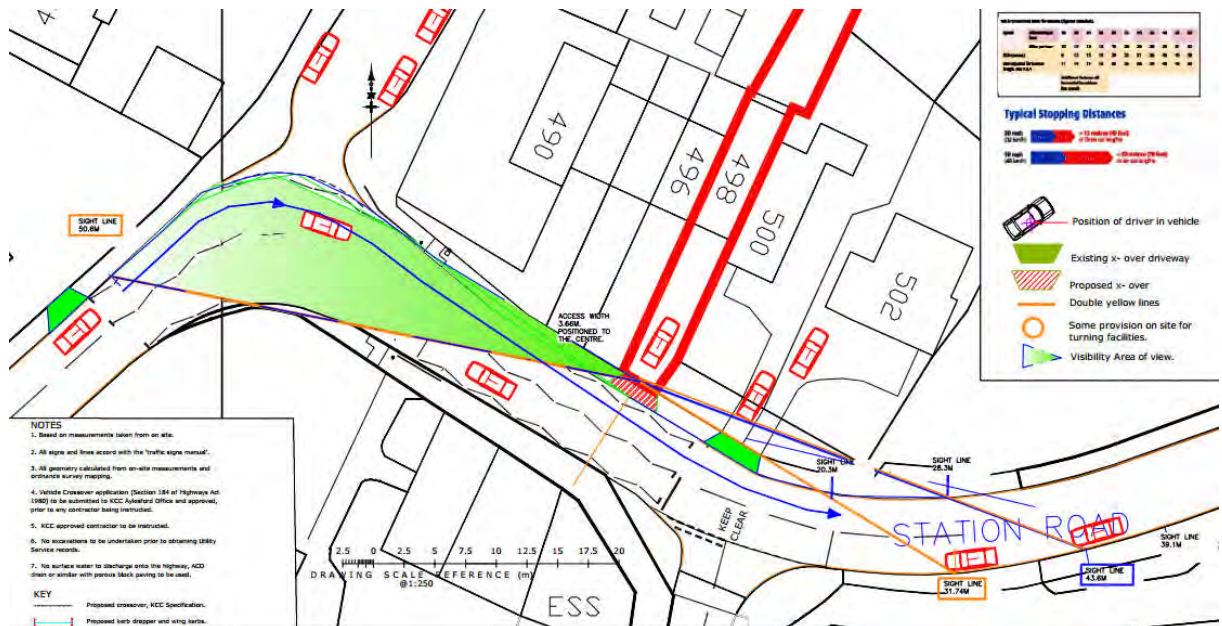
"Consistency is self-evidently important to both developers and development control authorities. But is also important for the purpose of securing public confidence in the operation of the development control system. I do not suggest and it would be wrong to do so, that like cases must be decided alike. An Inspector must always exercise his own judgment. He is therefore free upon consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and give his reasons for departure from the previous decision".

106. In R (Irving) v Mid Sussex DC [2019] EWHC 3406 (Admin), Lang J confirmed (§75) that it *"is now well-established that a local planning authority ought to have regard to its previous similar decisions as material considerations, in the interests of consistency. It may depart from them, if there are rational reasons for doing so, and those reasons should be briefly explained."*

Some developments are close to bends and close to pedestrian crossings. The site below obtained permission and took into consideration that the pedestrian crossing and bend would slow traffic down to enable vehicles to exit the parking area. It showed flexibility without affecting highway safety.

An example is shown below from a project that obtained consent.





Vertical Requirements

The vertical alignment of any roads, new access points have to be checked to ensure they accord with general sight lines being 1.05m above carriageway level. This standard was first set out in Roads in Urban areas published in 1966, although in 1936 reference is made to a height of 5 feet. The pictures below show that 1.05m should be reviewed by Consultants/CIHT tasked with a revised MfS.



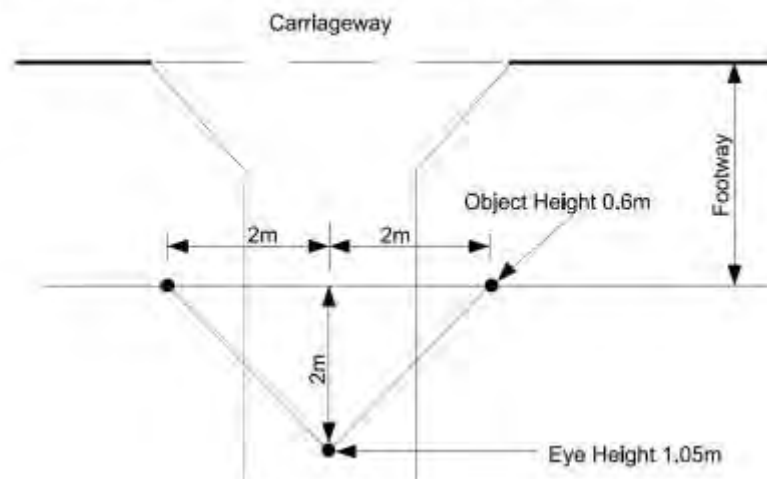
The photograph below highlights that sight lines from an access close to roads or over bridges with vertical curves can restrict sight lines.



Extract from CD 123 Geometric Design of at-grade Priority and Signal Controlled Junctions.

The standard sets out guidance in respect of access across a footway. KCC use a different approach as they seek either 1m x 1m or 2m x 2m pedestrian sight lines as set out in the Kent Design Guide.

Figure 3.3 Visibility at the back of footway crossing



This is the policy document CD 123, that refers to the centreline of each lane is to be used.

- 3.2 Desirable minimum stopping sight distance shall be available between any two points in the centre of each lane within the horizontal and vertical extents of the visibility envelope (measured for each carriageway in the case of dual carriageways and motorways).

Relaxations are permitted and in Table 2.10 above 1 step below is permitted.

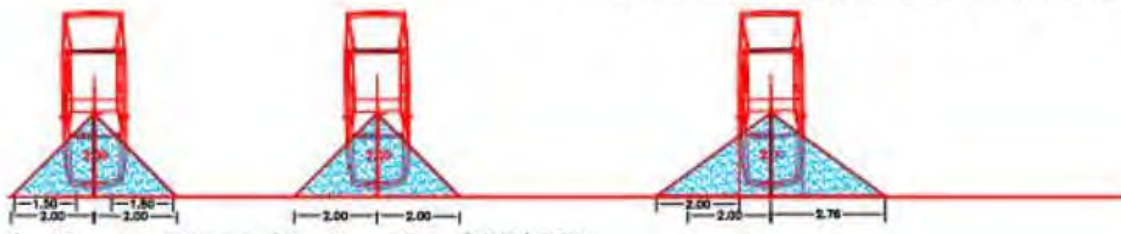
Sight Lines for pedestrians

Sight lines to enable pedestrians to observe vehicles reversing out of a driveway is also a requirement. Sight lines to figure 3.3 above are generally 2m x 2m in size. The photograph below shows how this can be achieved in practice. The house has chamfered walls. The standards above relate to an eye location from the vehicle hence the sight lines in the photograph are overly robust.



Various methods can be used to show pedestrian sight lines. They vary throughout the Country. Some examples are shown below.

Extract from DB 32 Second Edition April 1992



Stopping Distances

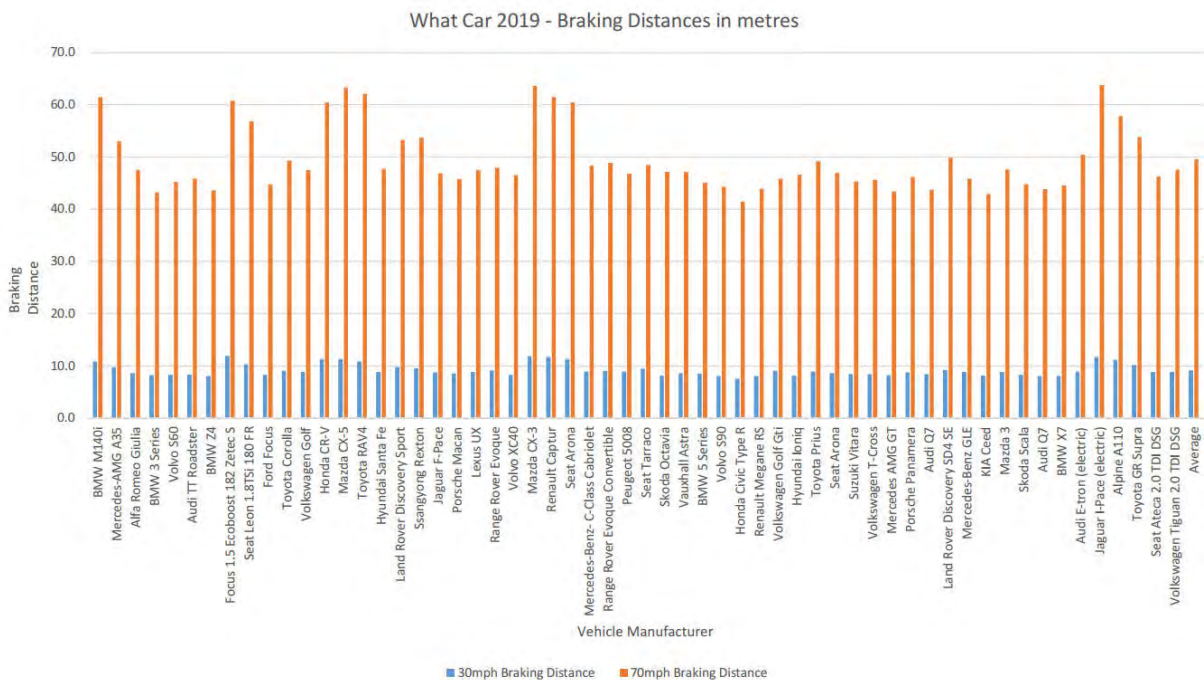
The details from Highway link Design has already been set out above. This is based on design standards that go back to the 30's and relies upon deceleration rates that are "comfortable" and not emergency stops or anything close to these rates. However, the Highway Code provides more practical distances.

Extract from The Highway Code showing typical stopping distances

Typical Stopping Distances



Recent research undertaken by L Brown Associates shows that cars over the past few years have shorter “braking Distances” than the Highway Code; as shown in the graph below. KCC in their Kent Design Guide: Interim Guidance Note 2 have also agreed with the premise that “recent research has demonstrated what the Highway Code has long suggested: visibility distances in guidance spanning many years are unreasonably high.”



Recent data suggests electric cars have longer braking distances than normal petrol/diesel vehicles. This may be due to their weight and/or low profile tyres.

Junction Turning Radii – HGV’s and Pedestrian Sight lines

The photographs below shows that stopping distances and sight lines can interact close to a junction for pedestrians. HGV’s are assumed by many to turn immediately close to the kerbline thereby creating a danger for pedestrians. The pictures confirm this is not the case.

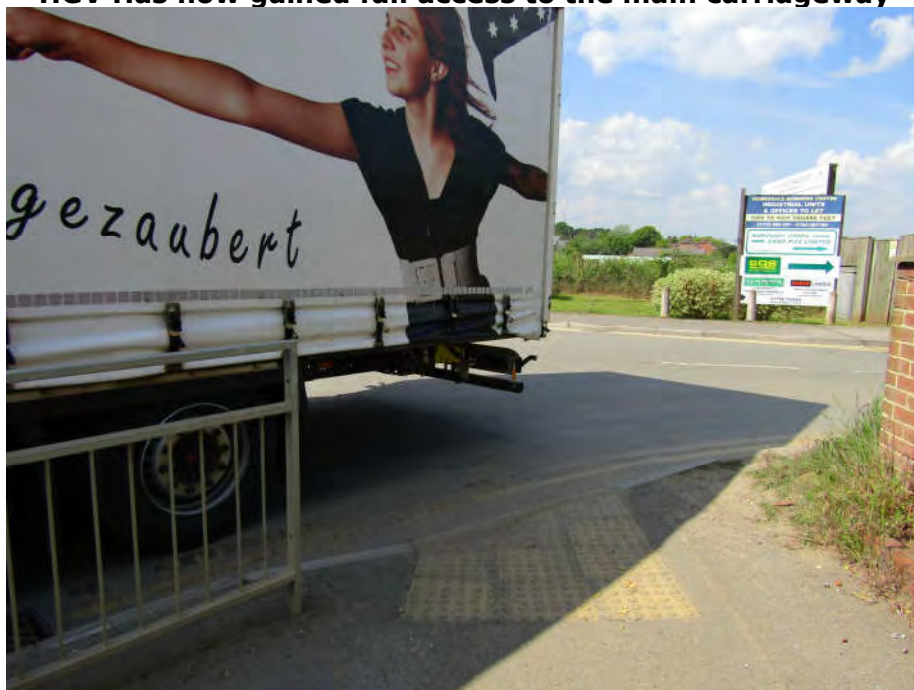
HGV at Give Way Line



HGV turning out of Junction – Away from kerblin



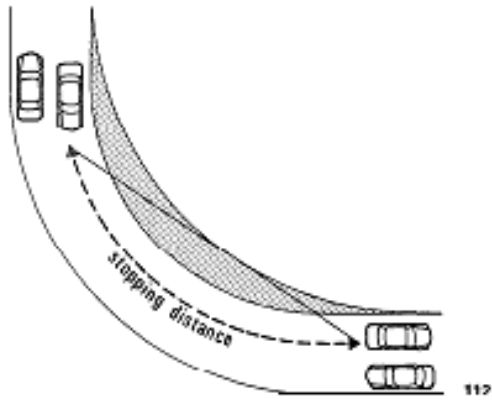
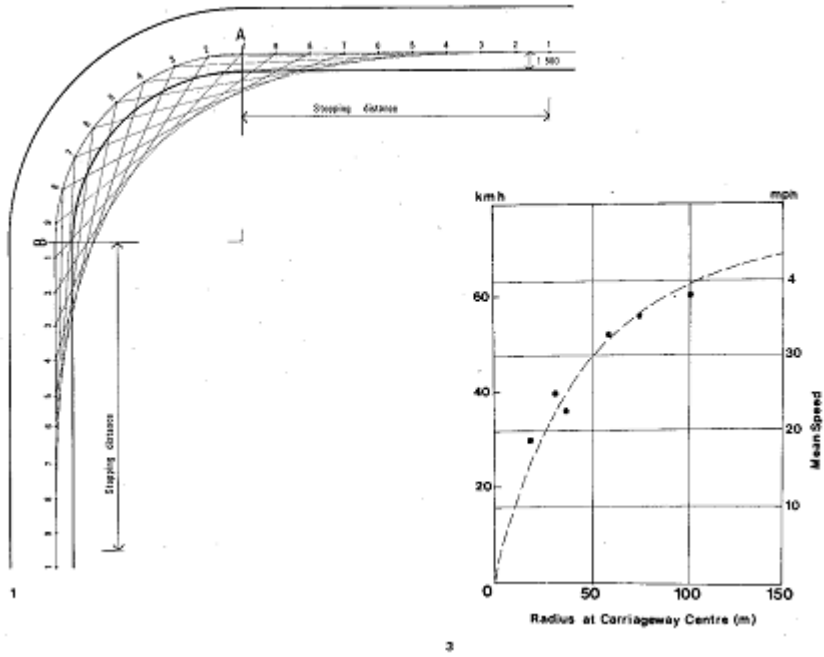
HGV Has now gained full access to the main carriageway



Only now are the tyres close to the kerblin

Forward Visibility & Junction Sight Lines

Extract from DB 32 1977 Plus also referred to in MfS2 Figure 10.1



The following pictures provide some examples of substandard sight lines.





Knoll Park Access - Sevenoaks



Research in Manual for Streets confirms statistically that substandard sight lines do not correlate.

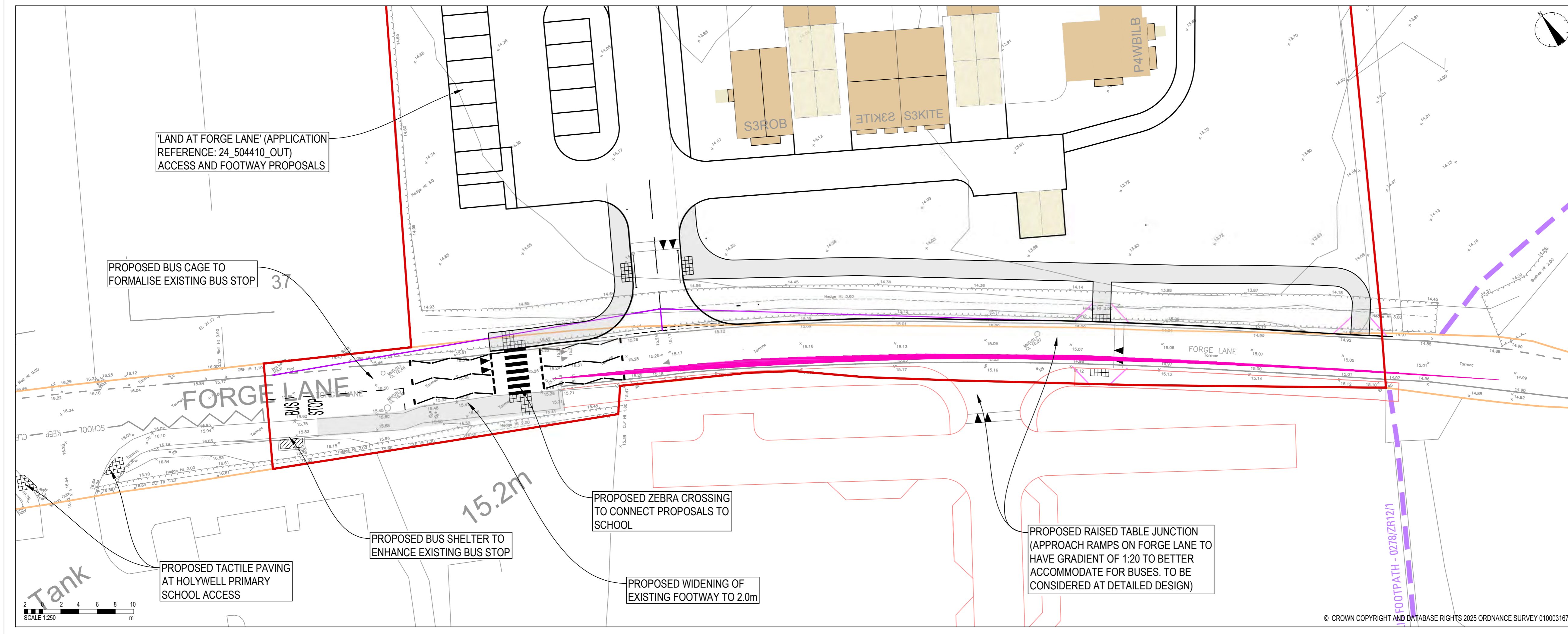
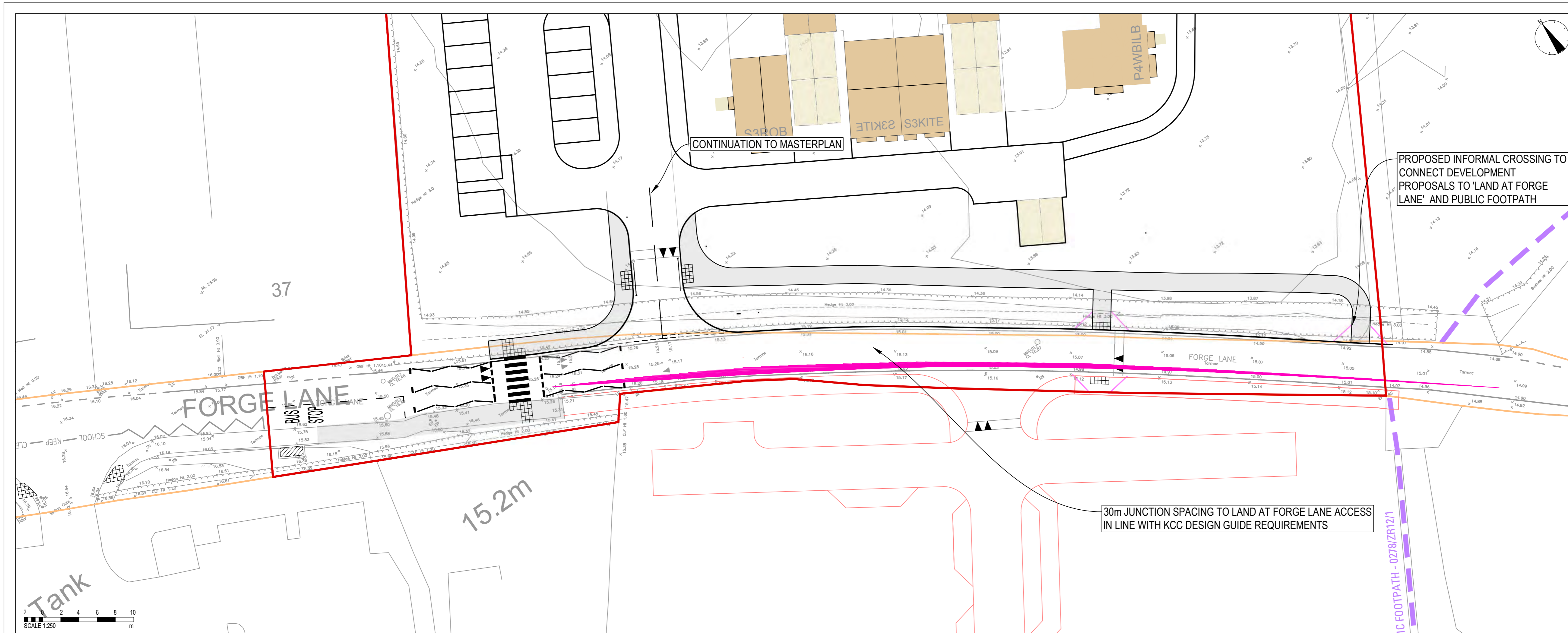
Conclusions

- results were unable to demonstrate that the road safety concerns regarding reduced Y distance visibility are *directly* associated with increased collision risk at high risk sites
- collision risk is one aspect of road safety – perception of risk and driver “comfort” also matter



APPENDIX 8

DRAWING 5026808 RDG XX XX DR H 0005 Rev P03

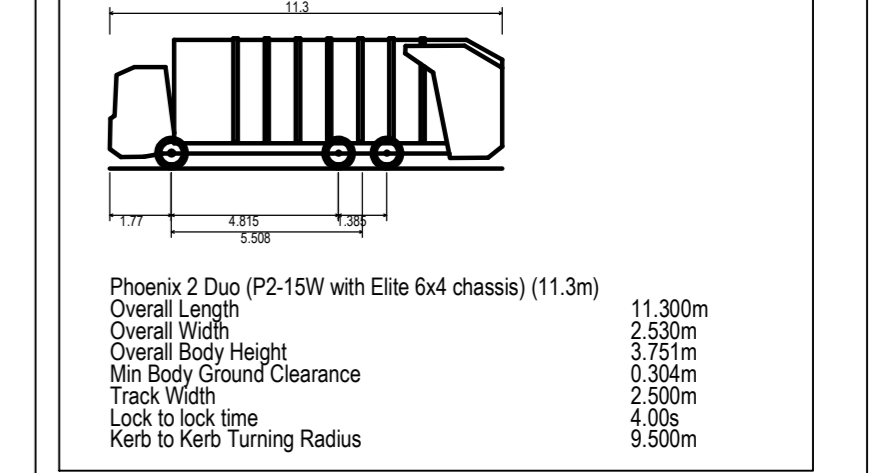


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- KEY:**
- CROUDACE HOMES REDLINE BOUNDARY
 - KCC PUBLIC HIGHWAY EXTENTS
 - - - KCC PUBLIC RIGHT OF WAY
 - PEDESTRIAN FOOTWAY
 - JUNCTION VISIBILITY SPLAYS (SEE NOTE 4.)
 - PEDESTRIAN VISIBILITY SPLAYS
 - PLANNING PROPOSALS (24_504410_OUT)

- NOTES:**
- CONCEPT PROPOSALS SHOWN ARE TO INFORM PRE-APPLICATION DISCUSSIONS ONLY, AND ARE SUBJECT TO REVIEW AND DISCUSSION WITH THE HIGHWAY AUTHORITY.
 - CONCEPT PROPOSALS SUBJECT TO STAGE 1 ROAD SAFETY AUDIT
 - PUBLIC HIGHWAY EXTENTS DRAWN BASED UPON PLANS PROVIDED BY KCC ONTO ORDNANCE SURVEY MAPPING.
 - JUNCTION VISIBILITY SPLAYS SHOWN AT POSTED SPEED LIMIT OF 30mph APPLYING MANUAL FOR STREETS STOPPING SIGHT DISTANCE REQUIREMENTS. VISIBILITY SPLAYS SUBJECT TO REVIEW OF 85TH PERCENTILE SPEEDS TO BE RECORDED IN FUTURE TRAFFIC SURVEYS ON FORGE LANE.
 - 'LAND AT FORGE LANE' (APPLICATION REFERENCE: 24_504410_OUT) ACCESS PROPOSALS APPROXIMATELY DRAWN BASED UPON PROPOSED SITE PLAN (DRAWING REFERENCE: 22.110.100.00.P.J)



P03	REDLINE ADDED	24 10 2025	JD	BH
P02	FOR PLANNING	12 08 2025	RC	BH
P01	FIRST ISSUE - FOR CLIENT REVIEW	01 08 2025	KV	BH

REV DESCRIPTION DATE BY CHKD
ORIGINATOR: www.ridge.co.uk



PROJECT NUMBER: 5026808
CLIENT: croudacehomes

IN ASSOCIATION WITH:

PROJECT: LAND NORTH OF FORGE LANE, UPCHURCH, SWALE

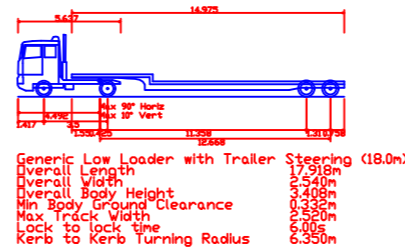
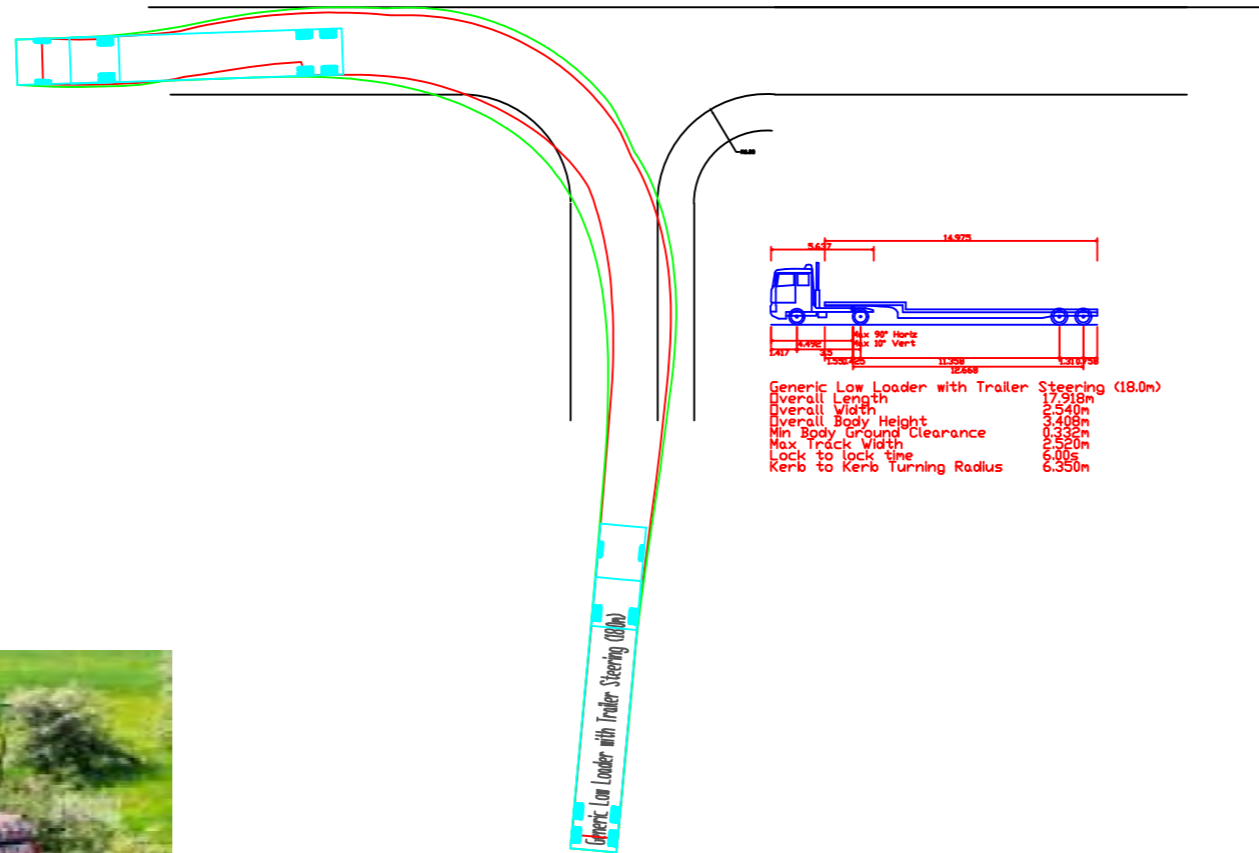
TITLE: ACCESS PROPOSALS AND ASSOCIATED HIGHWAY IMPROVEMENTS AT FORGE LANE (OPTION 2)

DRAWN BY:	KV	CHECKED BY:	BH	APPROVED BY:	SM
SCALE @ A1:	1:250	DATE OF REVIEW:	01 08 2025		
ISO 19650 STATUS:	FOR PLANNING				
DRAWING No:	5026808-RDG-XX-DR-H-0001				
PROJECT:	5026808	ORG:	RDG	FUNCTION:	XX
		SPATIAL:	XX	DISCIPLINE:	DR
				NUMBER:	H
				0006	P03

APPENDIX 9

SK07 – AUTOTRACKING LOW LOADER AND GRAB LORRY.











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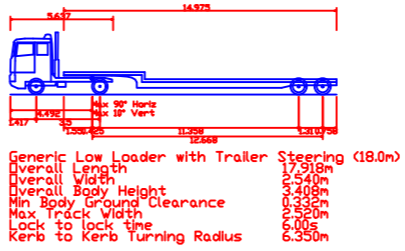
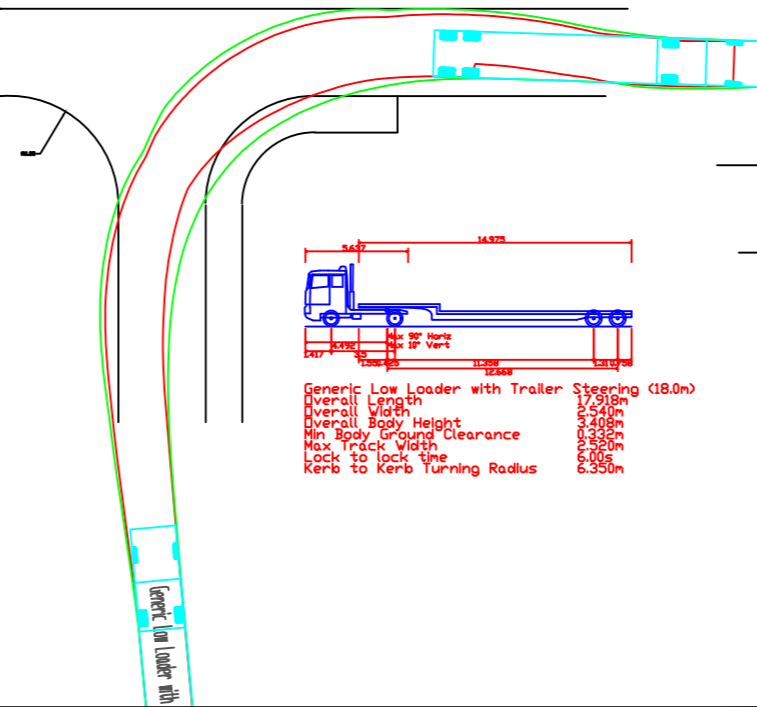


NOTES

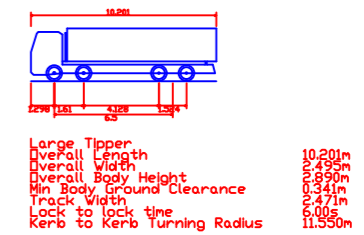
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3. ALL SIGNS AND LINES ACCORD WITH THE TRAFFIC SIGNS MANUAL.

KEY

-  Site.
-  BUS STOP.
-  STATION.
-  400M WALK DISTANCE.
-  800M WALK DISTANCE.
-  PUBLIC RIGHTS OF WAY.
-  DOUBLE OR SINGLE YELLOW LINES.
-  FOOTWAY - EXTENT.
-  NEW JUNCTION.
-  EMERGENCY ACCESS.



Large Tipper



<h1 style="text-align: center;">LBA</h1> <p style="text-align: center;">L BROWN ASSOCIATES LTD DEVELOPMENT PLANNING, HIGHWAY AND TRANSPORTATION ENGINEERS 34 Fallowfield, Chatham, Kent, ME5 0DX Telephone 01634 301082.</p>					Drawing Status:		<h2>INFORMATION</h2>			Drg Title													
					Client		UPCHURCH PARISH COUNCIL.			LOW LOADER - FOR TRACKED VEHICLES													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> <th>Made</th> <th>Ckd</th> </tr> </thead> <tbody> <tr> <td>A</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Rev	Date	Description	Made	Ckd	A					Project		LAND NORTH OF FORGE LANE, UPCHURCH.			Drawn/Design	Checked	Approved	Date
					Rev	Date	Description	Made	Ckd														
A																							
NTS		@ A3		Drg No. 1478 - SK07				27.04.2026		Rev													

APPENDIX 10

KCC'S PRE APP LETTER.



**Non LPA
RIDGE
Milena Martinez**

Highways and Transportation

Kroner House
Eurogate Business Park
Ashford
TN24 8XU

Tel: 03000 418181

Email: sarah-jayne.ellcock@kent.gov.uk

Date: 12 May 2025

Oak Lane, Upchurch

Dear Milena

Thank you for your request for pre-planning highway advice regarding a potential residential development at Forge Lane Upchurch. The primary access to the development is proposed via a new junction off Forge Lane with a secondary pedestrian only route to be created to the North of the site onto The Street for onward travel to amenities in Upchurch. Following our online discussion, I have the following comments to make.

It is noted that the site in question is not subject to a site allocation in the current Swale Local Plan .

The applicant has provided details of Personal Injury Collision Data to which the study area can be agreed. The data provided was for a 5 year period up to 2023 and it is requested that the latest available PIC data is to be submitted within the Transport Assessment.

Details have been provided outlining potential off site highway works on both Forge Lane and The Street. It is noted that there is an undetermined planning application for Land East of Holywell School 24/504410/OUT, whereby 16 dwellings are proposed. Indicative highway improvement plans have taken this into consideration and I am satisfied that these works, are complimentary to this scheme and can be delivered regardless of the planning decision. In addition to this, we discussed enhancements to the existing bus shelter outside the school. It is advised that further discussions take place with the local bus company to see what improvements can be made to the existing bus services, infrastructure, including potential service enhancements and improvements to bus stops.

There is currently a raised table on Forge Lane, and the indicative plans show a zebra crossing to allow passage from the development site to the school and into the village. It is requested that a road safety audit accompanies the planning application, to determine the suitability of these off site highway works.

It was discussed at the meeting that plans for The Street, pedestrian access may need to be reconsidered as full visibility may be difficult to achieve due to the hedgerow. It is recommended that a build out at this location may be more suitable, to give pedestrians a

better line of view for oncoming vehicles. This could double up as a gateway into the village but again this would be subject to an RSA. An informal crossing point at this location may be difficult to achieve due to existing dropped crossings and therefore further investigative work will be required to determine the most suitable location. Additional dropped kerbs are recommended at the junction with The Poles.

Details regarding adoption extents, and road hierarchy plans will need to be provided as part of the submission documents. In regard to the primary access, this is required to be designed in accordance with Kent Design Guide with a minimum road width of 4.8m. Please follow guidance within the Kent Design Guide for road layouts and dimensions.

It is noted that swept path drawings have been provided however this will need to be done again using an 11.34m refuse vehicle. In addition to this, a servicing strategy will need to be provided which shows waste collection areas, and drag distances. Maximum bin drag distances are 15m for refuse collectors and 30m for residents.

Any proposed long straight sections of road may require some form of speed attenuation features, to ensure low driven speeds here.

I am able to provide limited advice regarding parking as the internal layout has not been shown in detail and a schedule of accommodation has not been provided however the scoping note does touch on the Swale parking standards and this guidance will need to be applied and agreed as a reserved matter. I would like to take this opportunity to recommend that rural guidance is applied.

Having looked at the full traffic assessment that has been provided, I am satisfied that the parameters selected for this study are appropriate and the trip rates agreed for the size and location of the development. We touched upon distribution at the meeting, and this can be done using census 2011 Travel to Work data and real time journey planning software. From this, it can be determined which, if any further junction capacity assessments will need to be carried out.

Important Notes

Any advice given by Council officers for pre-application enquiries does not indicate a formal decision by the Council as the Highway Authority. Any views or opinions are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application.

The final decision on any application that you may then make can only be taken after the Planning Authority has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by senior officers or by the respective Local Planning Authority and will be based on all of the information available at that time.

You should therefore be aware that officers cannot guarantee the final formal decision that will be made on your application(s).

Any pre-application advice that has been provided will be carefully considered in reaching a decision or recommendation on an application; subject to the proviso that circumstances and information may change or come to light that could alter that position.

Kent County Council has now introduced a formal technical approval process for new or

altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. To assist developers and designers, KCC offer a free outline technical review of proposals affecting highway assets. This is separate from the planning process but will help ensure that your proposals will be acceptable to the highway authority at the implementation stage. To find out more and request an application form, email: assetmanagement@kent.gov.uk

It should be noted that the weight given to pre-application advice will decline over time.

Yours faithfully

Sarah Ellcock
Development Planner

APPENDIX 11

TWO LETTERS FROM KCC IN RESPECT OF CARRIAGEWAY WIDTHS.



Swale Borough Council

Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Highways and Transportation

Kroner House

Eurogate Business Park
Ashford

TN24 8XU

Tel: 03000 418181

Date: 18 November 2024

Our Ref: SE

Application - SW/20/503223/OUT

Location - Barrow Green Farm, Frenchs Row, Barrow Green, Teynham, ME9 9EH

Proposal - 30/10/2024 - Outline application for the demolition of existing light industrial buildings and construction of 9no. two bedroom bungalows with associated parking (Access being sought, all other matters reserved for future consideration).

Previously -Outline application for the demolition of existing light industrial buildings and construction of 13no. three bedroom houses with associated parking (Access being sought, all other matters reserved for future consideration).

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

It is noted that there is extensive planning history for this site, and the proposals differ to those whereby highways commented on previous applications however the access strategy remains the same. The principle of residential development on this site would appear acceptable from a traffic perspective, as I concur that the number of vehicular movements generated by the residential scheme would be similar to the previously approved use of the site for industrial purposes. In that respect the level of vehicular activity at the access would be comparable, and it is therefore considered acceptable to replace one use with the other.

The Design and access statement gives details of the proposed access arrangement onto Lower Road, however the previously approved scheme specified a 5.5m road width and indicated the sight lines on the drawing, whereas the current submission does not show these, and the Design and Access Statement refers to a 4.8m wide road. The road will need to be designed so that it can accommodate the movement of vehicles in and out of it, so it is likely that a 5.5m width will be required at the junction to provide sufficient turning space and allow two vehicles to pass one another. The full extents of the visibility splays will need to be shown on a plan.

Swept path drawings will need to be provided showing access and turning for a fire tender and an 11.4m refuse vehicle.

I would be grateful if you could forward any amended plans to me for my further consideration.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

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

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

Yours faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.



Swale Borough Council

Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 16 July 2020

Application - SW/20/502715/OUT

Location - Bobbing Car Breakers, Sheppey Way, Bobbing, Sittingbourne, Kent

Proposal - Outline application for the redevelopment of the site for residential use (All matters reserved).

I refer to the above planning application and would comment as follows with respect to highway matters:-

The application is made in Outline form, with all matters reserved, including access, although the submitted indicative layout plan does suggest what form the access to the site will take. As opposed to the previous application on this site that was refused, reference 19/500837/OUT, the indicative plan now proposes just the single vehicular access point serving the whole development, with all dwellings subsequently accessed directly from the internal road layout. This would address the concern previously raised regarding some houses having direct vehicular access onto Sheppey Way without adequate turning space to allow vehicles to enter and exit the classified road in a forward gear, and this would also reduce the likelihood of on-street parking occurring on that section of the existing highway.

I am satisfied that the level of vehicular activity associated with a proposed development of 16 dwellings would not be considered severe, under the terms of the NPPF, particularly when compared against the current commercial uses on the site as a car breakers and vehicle recovery business. The submitted transport statement has referenced a development of up to 16 dwellings, as per the indicative layout, but I note that the application description and the text within the planning statement merely seek residential uses. The Highway Authority response assumes a development of 16 dwellings, so I would ask that any approval of this application does restrict the amount to no more than that figure.

The consolidation of the exiting accesses along the site frontage would reduce the proliferation of access points that currently dominates the highway environment. This will focus all the movements associated with the site into a single point and decrease the opportunity for conflicting turning movements. Whilst the transport statement suggests that the sightlines calculated from the speed survey data would be available, I also appreciate that the proposed access location is already used in connection with the commercial operations, and the proposed use is likely to generate less activity. The access location and sightlines are therefore considered acceptable, although the design of the junction itself would need to be refined at the reserved matters stage, as I consider that the initial access roadwidth should be 5.5m in this instance instead of the 4.8m indicated. As all matters are reserved, this amendment would not

be required as part of the current application.

In order to provide pedestrian and cycle links from the development to local amenities and the wider community, a footway is proposed along the site frontage, extending south across the front of Pheasants Farmhouse, and the continuing further south on the eastern side of Sheppey Way to connect to the existing footway and Bramblefield Lane. This would provide a pedestrian route of approximately 1km to access the shops and train station in Kemsley. However, although the proposals suggest the provision of an on-carriageway cycle route along Sheppey Way by means of advisory cycle lanes, this does not align with the existing aspirations of this Authority to provide an off-carriageway footway/cycleway between Bobbing and Iwade. In order to accommodate this, it will be expected that the proposed footway should be designed as a shared footway/cycleway measuring a minimum of 3m wide.

Although the site is just within the 400m walking distance of existing northbound bus stops, it is located 550m from the southbound bus stop. It would therefore be appropriate to consider the provision of additional stops that would be more convenient to serve this development.

Consequently, I would have no objection to the proposed development and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- The development be restricted to no more than 16 dwellings.
- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - (g) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision of Electric Vehicle charging for each dwelling prior to their occupation in accordance with details to be submitted to and approved by the Local Planning Authority.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Closure of the existing accesses no longer required to serve the site, prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision of a 3m footway/cycleway between the existing footway north of the application site and Bramblefield Lane in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision of northbound and southbound bus stops with associated pedestrian hardstanding adjacent to the application site in accordance with details to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Alun Millard
Senior Development Planner