

For the attention of Susan Field, Principal Planning Officer, Tonbridge and Malling Borough Council

Ref: TM/26/01252/FL

Land South of Church Lane, East Peckham, Kent — Full application for 64 dwellings (Wealden Land Ltd)

Response of East Peckham Parish Council

Summary

East Peckham Parish Council (EPPC) OBJECTS to this application. This is the second application by the same applicant on substantially the same site, following the refusal of TM/21/03353/FL on 10 October 2024 on Green Belt and countryside character grounds. The Parish Council has objected consistently since February 2022 and the concerns raised in those representations remain unresolved. In summary:

- Green Belt. The Borough Council's October 2024 refusal found that development here "would result in a visible merging of separate settlements and encroach into the countryside" (refusal reasons, quoted at Planning Statement para 3.2.6). The physical circumstances of the site are unchanged. The applicant's "grey belt" case fails on the same evidence, and the NPPF definition of grey belt expressly excludes land where flood risk policy provides a strong reason for restricting development (NPPF, Annex 2).
- Prematurity. The site is one of three separately-owned parcels within draft allocation EP2 (396 dwellings) in a Regulation 18 Local Plan which the applicant itself accepts "carries limited weight in decision-making" (Planning Statement para 5.7.2). The proper route for testing this site is the Local Plan Examination.
- Flood risk. No borough-wide Sequential Test has been undertaken. The safe access and egress case rests on fluvial modelling alone, while the FRA's own record of Environment Agency Recorded Flood Outlines shows Church Lane — the proposed evacuation route — flooded from main rivers in November 1960 and September 1968 (FRA para 4.4, Figure 4-2), and shows most of Church Lane at medium risk, with areas at high risk, of surface water flooding (FRA para 4.16).
- Drainage evidence. The Soakage Testing Letter Report submitted with this application still describes the refused 69-dwelling scheme with a medical facility (LEAP report LP2298, p.1); its field testing dates from 4 August 2020, and no winter groundwater monitoring — sought since February 2022 by the Parish Council, residents and the Upper Medway Internal Drainage Board — has been submitted with this application. The Drainage Strategy states the site is underlain by the Weald Clay Formation in Sections 1–2 but by the Ashdown Formation sandstone in Section 7.
- Water supply. The application was submitted without the Potable Water Demand Technical Note required by the Council's published guidance (Planning Statement paras 6.3.113–

6.3.114). East Peckham is supplied from South East Water's Cranbrook water resource zone (WRZ7) — a zone whose other demand centres (Paddock Wood, Staplehurst, Cranbrook, Tenterden) all lie outside the Borough. SEW's statutory WRMP24 final plan tables show that zone in baseline deficit throughout the planning period, balanced to a final-plan margin of 0.00 Ml/d for most years to the mid-2030s only by delivery of planned interventions. This development's demand (~0.023 Ml/d on the applicant's own occupancy figure) has no planned zonal margin to absorb it, and it is unclear whether SEW's borough-level engagement with TMBC addresses this zone at all.

- Sustainability of location. The village's day-to-day services (Co-op, pharmacy, library) are 1.05–1.2km from the site by the shorter walking route (along the unlit Church Lane and Pound Road) and 1.65–1.8km by the alternative via Hale Street — 13–15 and 20–22 minutes each way respectively, against a CIHT preferred maximum of 800m. The village is served by a broadly hourly daytime bus (Monday–Saturday, no Sunday service), finishing in the early evening with nothing later and with an afternoon gap of around three hours towards Maidstone (Arriva AKSS registered timetable, April 2026). For the older and less mobile residents the scheme's bungalows and ground-floor apartments imply, the development will be car-dependent.
- Undisclosed ground and floor levels. The application provides no existing-versus-proposed levels plan or cut-and-fill balance, yet its finished floor levels of 13.8–14.1m AOD sit up to approximately 1.5m above existing ground on the lower, eastern parts of the site (FRA paras 3.2, 5.3) — raising unresolved questions of both visual prominence and flood displacement that only a levels drawing can answer.
- Best and most versatile agricultural land. The site is 100% Grade 2 "very good quality" agricultural land (applicant's ALC report, Table 1), whose permanent loss weighs against the proposal.
- Accessibility. The Parish Council can find no commitment anywhere in the application to Building Regulations M4(2) accessible/adaptable or M4(3) wheelchair-user dwellings.
- Design and construction standards. The Schedule of Accommodation does not demonstrate compliance with the National Described Space Standard (four-person units at 80.2 m²/2.0 m² storage fail the storage minimum on any reading); car parking falls at least nine spaces short of the Kent County Council Rural standard (Jan 2025); cycle parking (c.175 spaces required) is not provided; and the applicant proposes that the streets and drainage are not adopted but privately maintained in perpetuity (Section 14).

Principal grounds, in order of weight

The Parish Council's objection rests on the following principal grounds, which it considers determinative and ranks in order of weight. The sections that follow set these out in full, together with supporting matters. A recurring theme is that the application is, in several material respects, internally inconsistent and incomplete, and that key information required to determine it has not been submitted.

1. Green Belt / grey belt — the site is not grey belt, and the harm found in October 2024 is unchanged (Section 2).
2. Prematurity — determining one parcel of draft allocation EP2 ahead of the Local Plan and Neighbourhood Plan (Section 3).
3. Flood risk — no borough-wide Sequential Test; safe access and egress not demonstrated; undisclosed ground and floor levels (Section 4).
4. Drainage — infiltration evidence outdated, non-compliant and describing the wrong scheme; unquantified discharge to the Coult (Section 5).
5. Water supply — required capacity evidence not submitted; no demonstrated resource margin in the Cranbrook zone (Section 6).
6. Sustainability and accessibility of the location — car-dependent; services not realistically walkable; bus and rail provision overstated (Section 9).

1. Introduction and history

This application follows TM/21/03353/FL (69 dwellings, refused 10 October 2024). EPPC's representations of 8 February 2022, 18 July 2022 and 2 March 2024 are maintained in full and should be read alongside this response. The applicant characterises the 2024 refusal as relating "solely" to Green Belt and countryside matters (Planning Statement para 3.2.7); the Parish Council observes that those grounds were sufficient for refusal in themselves, and that the absence of other refusal reasons is not a positive finding that all other matters were acceptable.

The application was prepared under a Planning Performance Agreement with the Borough Council (Cover Letter, Stantec, 25 June 2026). EPPC requests confirmation that the statutory and technical consultees — the Environment Agency, the Lead Local Flood Authority, KCC Highways, Southern Water and South East Water — will each be consulted afresh on the current submission documents, rather than positions from the previous application being carried forward, given the changes to the technical evidence identified in this response.

2. Green Belt and the "grey belt" claim

The site remains in the Metropolitan Green Belt. The October 2024 reasons for refusal found harm to openness, "a visible merging of separate settlements", and encroachment into the countryside contrary to two of the Green Belt purposes (quoted at Planning Statement para 3.2.6). The physical circumstances of the site are unchanged.

The applicant now argues the site is "grey belt" under paragraph 155 of the NPPF (February 2025). EPPC disagrees, for three reasons:

- Green Belt purpose (b) — preventing settlements merging. The Borough Council concluded in October 2024 that development here would result in "a visible merging of separate settlements" (East Peckham and Hale Street). Land performing that function contributes strongly to the purposes of including land in the Green Belt. The applicant relies on Planning

Practice Guidance commentary that purpose (b) concerns towns rather than villages (Planning Statement para 6.2.12(a)); however, the Council's own recent decision on this site addressed the merging of these settlements directly, and that finding of fact has not been revisited by any subsequent evidence.

- The footnote 7 exclusion. NPPF Annex 2 defines grey belt so as to exclude land "where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development". Footnote 7 includes areas at risk of flooding. Parts of this site lie in Flood Zones 2 and 3 (Planning Statement para 2.1.4); no borough-wide Sequential Test has been undertaken (Section 4 below); and the safe access case is not made out for all flood sources. On this basis the site does not meet the grey belt definition.
- Effect on the remaining Green Belt. Releasing one parcel in advance of the Local Plan, while the remainder of draft allocation EP2 is unresolved, would alter the Green Belt boundary at East Peckham in an ad hoc way rather than through the plan-led review the NPPF envisages.

2.1 The applicant's own documents concede the settlement-merging point

The application is internally inconsistent as to which settlement this development belongs to, and the inconsistency is not incidental — it goes to the heart of the Green Belt case.

- The applicant's landscape evidence places the site in Hale Street. The LVIA describes the site as lying on "the south-western edge of Hale Street, East Peckham" (LVIA, Introduction), states that "the Site is located on the settlement edge of Hale Street, which is located to the north-east of East Peckham" (LVIA, The Character of the Site, following para 4.26), and concludes that "the completed scheme will be perceived as an extension [of] the settlement edge of Hale Street" (LVIA para 7.12).
- The applicant's sustainability evidence treats the same development as part of East Peckham. Every walking claim in the Design and Access Statement, and every service relied upon in the Planning Statement's accessibility case — the Co-op, the primary school, the village halls, the pharmacy — is in East Peckham village, on the far side of the open land between the two settlements.

The application cannot simultaneously rely on Hale Street for its landscape case and East Peckham for its sustainability case. One of those positions must be wrong — and either way a limb of the application fails. If the scheme is, as the LVIA says, an extension of Hale Street, then its claimed access to services depends on residents routinely crossing to a different settlement more than a kilometre away, and the "sustainable location" case collapses. If instead the scheme functions as East Peckham development — as its entire marketing and accessibility case assumes — then it extends East Peckham's functional footprint up to the edge of Hale Street, which is precisely the "visible merging of separate settlements" the Borough Council found in refusing TM/21/03353/FL in October 2024. On either reading, one limb of the application fails.

The separateness of the two settlements is not merely EPPC's characterisation. The Council's own Stage 2 Green Belt Assessment (Arup, September 2025) assesses "East Peckham and Hale

Street" as distinct settlements with separately-scored sub-areas. The application site falls within sub-area HS-03 — a Hale Street sub-area — which the assessment scores 5 out of 5 against Green Belt purpose (c), safeguarding the countryside from encroachment, and rates as "Strongly" performing against the NPPF Green Belt purposes overall (Stage 2 GBA, Main Report, p.26 summary table). Encroachment into the countryside was the second ground of the October 2024 refusal; the Council's own consultants have since confirmed that this land performs strongly in precisely that role. Core Strategy Policy CP6 (Separate Identity of Settlements) exists to prevent development that erodes the identity of settlements such as these, and the Neighbourhood Plan evidence base records the role of the open land and path network in preventing the "coalescence (merging) of the distinct historic settlements" (NDP Transport Topic Paper 6).

EPPC anticipates that the applicant may point to the same table's "Provisional Grey Belt: Yes" entry for HS-03. Three observations apply. First, the flag is expressly provisional and mechanical: it records only that the sub-area did not score strongly against purposes (a), (b) or (d) under Arup's methodology, in which purpose (b) is confined to the merging of towns. It is not a finding that the land is grey belt for decision-making purposes. Secondly, the NPPF definition additionally excludes from grey belt any land where footnote 7 policies — including flood risk — provide a strong reason for refusing or restricting development; that application-specific exclusion is outside the scope of the GBA screening and, for the reasons in Section 4, is engaged here. Thirdly, and in any event, the same table rates HS-03 as strongly performing Green Belt overall: the release of strongly performing Green Belt is exactly the kind of judgement that paragraph 155(a) requires to be tested against the purposes of the remaining Green Belt across the plan area — a plan-making exercise, currently under way, whose outcome this application seeks to pre-empt (Section 3).

Finally, consistency in decision-making is itself a material consideration: where a council has recently determined the planning merits of the same land, it should reach a consistent conclusion or give clear reasons for departing from it (the principle in *North Wiltshire DC v Secretary of State for the Environment* (1992)). The October 2024 refusal made findings of fact — visible merging, encroachment — that no subsequent evidence has revisited. A change in national policy labels does not change the land, and those findings apply with equal force to the paragraph 155 assessment.

If the site is not grey belt, the proposal is inappropriate development requiring very special circumstances. The considerations relied on — housing land supply, affordable housing and the emerging allocation (Planning Statement paras 6.4.4–6.4.5) — are borough-wide factors that were before the Council when it refused the previous scheme, and the emerging allocation carries limited weight by the applicant's own acknowledgement. They do not clearly outweigh the harm to the Green Belt together with the other harms set out in this response.

3. Prematurity and draft allocation EP2

Draft allocation EP2 comprises 396 dwellings across three land parcels in different ownerships (Transport Statement para 2.3.3; Planning Statement para 3.1.10), of which this site is one parcel with an indicative capacity of 86 dwellings (Planning Statement para 5.7.3). The allocation has not been tested at Examination. EPPC and residents made substantive representations on EP2 during the Regulation 18 consultation (November 2025 – January 2026) and are entitled to have those representations determined through the plan process.

This application would deliver one parcel on a stand-alone basis, with its own access, drainage and open space strategy. Determining it now risks prejudicing the comprehensive planning of the wider allocation — a coordinated flood risk and drainage solution, coordinated accesses onto Church Lane and Hale Street, and infrastructure obligations scaled to the whole allocation — and would pre-empt decisions on the scale and location of development that are properly for the emerging plan. The Planning Practice Guidance recognises refusal on grounds of prematurity where a proposal is so substantial, or its cumulative effect so significant, that granting permission would undermine the plan-making process; in the context of East Peckham (a village of some 1,400 dwellings) a 64-dwelling consent on one parcel of a three-parcel draft allocation meets that description.

Prematurity arises at two levels. First, the Borough Local Plan: TMBC's spatial strategy — including which strategic sites are allocated, and in what combination — is still being settled, with the Regulation 19 plan expected in 2026 (Planning Statement para 5.7.1). Secondly, the East Peckham Neighbourhood Development Plan: the Parish Council is preparing an NDP, with its evidence base (including the Transport Topic Paper cited in this response) before committee and a referendum scheduled for December 2027. A permission for 64 dwellings on this site now would predetermine the central site-selection and spatial questions that both plans exist to answer. The applicant's reliance on the emerging plan is also selective: it invokes the draft EP2 allocation to support the principle of development, while the scheme does not meet the emerging plan's own design requirements — for example the NDSS compliance required by Draft Policy D1(4e) and the Secured by Design regard required by D1(5a), both addressed in Sections 12.1 and 14. Nor does awaiting the plan-led route unduly prejudice the applicant: the site has been promoted continuously since 2016 (Planning Statement paras 3.1.3, 3.1.7), the previous application was refused as recently as October 2024, and if the allocation survives examination the applicant's position is preserved.

4. Flood risk

4.1 Sequential Test

No borough-wide Sequential Test has been undertaken. The Planning Statement (paras 6.3.30–6.3.40) argues the test is satisfied by the site's draft allocation status and by two appeal decisions elsewhere. Paragraph 180 of the NPPF disapplies the Sequential Test only for sites

"allocated in the development plan through the sequential test"; a Regulation 18 draft allocation is not an allocation in the development plan, and the applicant does not suggest that the emerging allocation was itself sequentially tested. Indeed, the Council's own Strategic Flood Risk Assessment data for draft allocation EP2 shows 74% of the allocation within Flood Zone 2 and 14% within Flood Zone 3a/3b, with only 16% in Flood Zone 1. With a housing requirement of approximately 1,103 dwellings per annum (Planning Statement para 6.2.2), reasonably available sites at lower flood risk exist across the Borough, and the emerging plan process exists to identify them. As set out in EPPC's representation of 18 July 2022 (citing KCC's Flood Risk to Communities report), East Peckham has the highest proportion of properties at risk of flooding in the Borough — over 800 of approximately 1,400 properties.

4.2 Safe access and egress

The FRA concludes that occupants can evacuate westwards along Church Lane, where it predicts peak flood depths of approximately 15cm and a "low" hazard rating in the design fluvial event (FRA paras 5.10–5.11). That conclusion rests on fluvial modelling alone. The FRA's own evidence records that:

- the Environment Agency's Recorded Flood Outlines show flooding from main rivers along Church Lane in November 1960 and September 1968 (FRA para 4.4 and Figure 4-2);
- most of Church Lane is at medium risk of surface water flooding, with areas of high risk north of the site (FRA para 4.16), which the FRA discounts on the basis that such flooding "will be flashy in nature over a short period of time" (FRA para 4.18); and
- the site lies within the reservoir breach extents when combined with fluvial flooding (FRA para 4.25).

EPPC's July 2022 representation, drawing on the flood mapping submitted with the previous application, recorded flood depths of up to 900mm on Church Lane at the site entrances. The 2013 floods demonstrated that fluvial and surface water flooding occur concurrently in East Peckham. National guidance requires flood risk to be considered from all sources. A route that is itself subject to recorded main-river flooding and mapped medium-to-high surface water risk has not been demonstrated to be a safe means of access and escape for the lifetime of the development, and the applicant has not consulted the Parish Council's Community Resilience arrangements on the emergency plan on which its case relies.

4.3 Age and scope of the flood modelling

The flood zones and design levels derive from the Environment Agency's 2015 Medway modelling, with site-specific refinements made in 2021/22 limited to topography, grid size and software version (FRA paras 4.5, 4.9–4.10). No dedicated surface water modelling has been undertaken for the upper-end pluvial climate change allowance: the FRA instead adopts the 0.1% AEP surface water mapping "as a proxy for the 1% AEP plus 45% climate change event" (FRA para 4.17). For a development whose safety case depends on the condition of a single evacuation route, EPPC considers this evidence base insufficient, and requests that the

Environment Agency and Lead Local Flood Authority specifically consider the adequacy of the modelling underlying the egress assessment.

4.4 Finished floor levels, existing ground levels and the absence of a levels plan

The application seeks to avoid the ground-raising and floodplain-compensation problems that arose on the previous scheme by asserting that "no development or ground raising is proposed within the extent of the 1% AEP plus 35% climate change event" (FRA paras 4.14, 5.5, 7.6). That narrow statement — directed at avoiding floodplain compensation — does not address how the development's finished floor levels are to be achieved relative to the existing ground, and the application contains no existing-versus-proposed levels plan, cross-sections or cut-and-fill balance from which the Council, the Environment Agency or the Lead Local Flood Authority could assess the point.

The FRA's own figures show why this matters. Finished floor levels are to be set at a minimum of 13.8m AOD, and, for dwellings with ground-floor accommodation, at 14.1m AOD (600mm above the design flood level) (FRA para 5.3 and the Environment Agency mitigation schedule at Appendix B). Yet the existing survey levels across much of the developable area are lower than this: the site slopes from around 14.3m AOD at the north-west down to around 13.6m AOD to the east, with the Church Lane frontage itself falling from about 13.5m AOD in the west to about 12.6m AOD where it meets Hale Street (FRA para 3.2). Over the eastern and frontage parts of the site, therefore, finished floor levels of 13.8–14.1m AOD would stand materially above existing ground — by up to approximately 1.5m at the lower, eastern end near Hale Street.

This has two consequences the application does not confront. First, achieving those floor levels without raising ground appears likely to require either suspended/void floor construction on visible plinths, or localised imported fill around the building footprints, unless demonstrated otherwise by a levels plan; the former would amplify the very prominence that the applicant's own LVIA already assesses as Major (adverse), by lifting suburban dwellings well above the datum of a historic rural lane, while the latter — if placed at or near the flood-extent boundary — would risk the displacement of flood storage that the "no ground raising" assertion is said to avoid. Secondly, the previous application on this same land required ground raising of up to 400mm together with floodplain compensation; the claim that neither is now necessary rests entirely on the proposition that all built development sits clear of the flood extent and at acceptable levels, which only a proper levels drawing can demonstrate. EPPC requests that no permission be granted until the applicant has submitted existing and proposed levels plans, representative cross-sections through the Church Lane frontage, and a cut-and-fill balance, and until the Environment Agency and Lead Local Flood Authority have confirmed that the finished floor level strategy neither raises ground within the floodplain nor relies on undisclosed fill. EPPC further notes that the Environment Agency mitigation schedule reproduced at FRA Appendix B still refers to compensatory storage being provided in accordance with the FRA — apparently at odds with the main text's assertion that no compensation is required — and asks that this inconsistency be resolved.

5. Drainage, soakage and the Coult Stream

5.1 The soakage evidence predates and does not describe this scheme

The Soakage Testing Letter Report (LEAP Environmental, ref LP2298) submitted with this application describes the proposal as "69 No. detached and semi-detached residential dwellings with private gardens, driveways, medical facility and an access road" (LP2298, p.1) — that is, the scheme refused in 2024. It has been resubmitted unamended in support of a materially different 64-dwelling application, demonstrating that the drainage evidence base has not been reviewed against the current proposals. As to its content:

- The intrusive investigations were carried out on 4 August 2020 (LP2298, p.2), in a summer of exceptional dryness. Even then, groundwater was encountered at 2.00m below ground level at SA103 (standing level 1.95m) and 2.45m at SA102 (LP2298, p.3 and trial pit logs), with the logs for both pits recording "trial pit collapsing at base" and stability "Unstable". Winter groundwater levels in this location will be materially higher; they have never been measured.
- In two of the three BRE Digest 365 tests (SA101 and SA103) the water level "did not fall below 25% of the initial test depth" (LP2298, p.4), meaning a compliant infiltration rate could not be calculated; the report instead presents averaged rates derived from the incomplete tests. On that basis its conclusion that the River Terrace Deposits "may be suitable" for soakaways, and its suggestion of trench soakaways in soils logged as collapsing and unstable, is not soundly evidenced.
- Building Regulations Approved Document H and BRE Digest 365 require the base of an infiltration feature to sit above the seasonally highest groundwater table, and KCC as Lead Local Flood Authority applies a minimum 1m unsaturated zone. With the permeable sand layer logged from 0.9–1.8m depth and summer groundwater standing at 1.95m, that clearance cannot be demonstrated on the evidence submitted.
- The field records contain internal inconsistencies: the SA101 test sheet logs the pit depth as 2.00m yet records water level readings of 2.03m to 2.16m below ground level, and its calculation sheet states a "Maximum Water Dropdown" of 0.08m when the tabulated readings show a fall of 0.58m (LP2298, SA101 log and test sheet).

The Parish Council, residents and the Upper Medway Internal Drainage Board have sought winter-season groundwater monitoring since February 2022, and EPPC's July 2022 representation recorded that the applicant's own consultants had advised further testing. The August 2020 tests are now almost six years old, and no winter-season groundwater monitoring has been submitted with this application. EPPC requests, as a minimum, continuous groundwater monitoring spanning a full winter period (November–April) before any reliance is placed on infiltration-dependent SuDS components, including the proposed porous paving, which cannot attenuate surface water if winter groundwater rises into its sub-base.

5.2 Internal contradictions in the Drainage Strategy

- The Drainage Strategy states in Sections 1 and 2 that the site is underlain by "superficial River Terrace deposits over bedrock of the Weald Clay Formation", but states in Section 7 that the site is underlain by "bedrock of the Ashdown Formation - Sandstone" with no superficial deposits recorded. The Weald Clay (unproductive strata) and the Ashdown Formation (a Secondary A aquifer) are hydrogeologically different settings with different groundwater vulnerability consequences. The report should be corrected and its conclusions reviewed before it is relied upon.
- The water quality assessment concludes that the pre- and post-development pollution mitigation indices are identical (MI = 0.325 in each case; Drainage Strategy, Section 7). The post-development index is calculated using roof runoff characteristics only, although the scheme introduces 2,752m² of impermeable access road and 3,263m² of porous paved drives (Drainage Strategy, Section 1). Runoff from residential roads and parking carries higher hydrocarbon and metal loads than roof water; the index should be recalculated on the full post-development surface mix before conclusions are drawn about the protection of the receiving watercourse.
- A record of further shallow infiltration testing dated 10 May 2023 is appended to the Drainage Strategy, while the report's narrative remains built on the August 2020 results; the relationship between the two datasets is not explained.

5.3 Discharge to the Coult Stream

- Surface water is to discharge to the watercourse on the southern boundary — the Coult Stream — "restricted to as close to Greenfield rates as possible" (Drainage Strategy, Executive Summary and Section 2). This is not a quantified commitment. The Coult has a documented history of flooding properties directly downstream, including at Hale Street where dwellings and their gardens form the stream's north bank (EPPC representation, 18 July 2022, section 2(n)). EPPC requests: (i) the actual proposed discharge rate and its derivation; (ii) evidence that the outfall and headwall can be constructed given the limited freeboard between the public footpath (MR538) and normal water level; and (iii) an assessment of downstream impacts on the properties the Coult already affects.
- Maintenance of the attenuation basin, rainwater butts, petrol interceptor, silt trap and porous paving is assigned to "the owners" and a management company (Drainage Strategy, Section 6). The long-term performance of the strategy depends on these arrangements. A maintenance covenant with enforceable standards, secured through the Section 106 agreement, is the minimum necessary.

6. Water supply capacity — required information not submitted

The Cover Letter confirms that "the Water Infrastructure Capacity Report will be submitted following validation of the application and is therefore not included within the current submission" (Cover Letter, p.3), and the Planning Statement confirms that the Potable Water Demand Technical Note required by the Council's published guidance is "currently being

prepared" (Planning Statement paras 6.3.113–6.3.114). EPPC requests that the application is not determined until that Note has been submitted and consulted upon, and asks to be notified of its submission so that the Parish Council may comment on it.

The applicant relies on an informal confirmation that SEW's "hydraulic modellers have confirmed that we do currently have capacity for this application" (Planning Statement para 6.3.115). Hydraulic (network) capacity is not the same as water resource capacity, and the resource position for this site is specific and acute.

6.1 East Peckham is served by the Cranbrook water resource zone (WRZ7)

East Peckham is supplied from South East Water's Cranbrook zone (WRZ7). SEW's WRMP24 Water Resource Zone Integrity assessment (Annex 2B, section 2.7) describes the zone's demand centres as Paddock Wood, Staplehurst, Cranbrook and Tenterden, with a large dispersed rural community, and a baseline dry year demand of 21.43 MI/d in 2024/25. East Peckham is the only settlement within Tonbridge and Malling served by this zone: the remainder of the Borough falls within SEW's Tunbridge Wells (WRZ1) and Maidstone (WRZ6) zones. It is therefore unclear whether the Council's recent engagement with South East Water on water supply capacity — which arose from SEW's representations to the Borough-wide Regulation 18 consultation — addresses the Cranbrook zone at all. EPPC requests that the Council obtains confirmation from SEW that any capacity statement relied upon for this application relates specifically to WRZ7.

6.2 The Cranbrook zone has no forecast margin to absorb this development

SEW's WRMP24 final plan tables (sheet SEWCB7) show the Cranbrook zone in baseline supply-demand deficit throughout the planning period — beginning at –9.23 MI/d in the 2021/22 base year, deteriorating to approximately –11 MI/d by the early 2030s and to approximately –22 MI/d by 2049/50 (row 50BL, Supply Demand Balance). The final plan restores balance only through the delivery of SEW's planned interventions, and even then the planned supply-demand margin is 0.00 MI/d in every year from 2024/25 to the early 2030s, rising only to +0.04 MI/d by 2035/36 (row 50FP). In plain terms: after every planned scheme is delivered on time, the zone that supplies East Peckham is planned to balance with no surplus at all for the first decade of this development's life.

Applying SEW's base-year average household consumption for the Cranbrook zone (151.2 litres/head/day; WRMP24 tables, sheet SEWCB7, row 20BL, base year 2021/22) to the applicant's own occupancy figure of 155 residents (Planning Statement, open space assessment at para 6.3.64) gives an additional demand of approximately 0.023 MI/d. On the face of the statutory plan there is no planned zonal surplus to absorb that demand in the years to the early 2030s (the final-plan balance being 0.00 MI/d), and it would represent around 60% of the +0.04 MI/d margin forecast for 2035/36. The submitted evidence does not, therefore, demonstrate a clear zonal resource margin capable of accommodating the additional demand — a matter on which EPPC asks the Council to obtain express written confirmation from South East Water rather than relying on the informal statement quoted in the Planning Statement.

6.3 The zone's growth assumptions are stale and dominated by other districts' plans

SEW's local-authority growth assumptions underpinning WRMP24 were last refreshed on 27 March 2020 (WRMP24 Annex 7B, population and property forecast documentation). This matters twice over for the Cranbrook zone. First, the zone's principal demand centre is Paddock Wood, where substantial housing has been delivered and allocated through Tunbridge Wells Borough Council's Local Plan since 2020 — growth in the same zone, drawing on the same resources, that post-dates the assumptions on which the zero-margin balance was planned. Secondly, the zone's growth is driven predominantly by the local plans of Tunbridge Wells, Maidstone and Ashford rather than Tonbridge and Malling, so TMBC's own dialogue with SEW provides no assurance for this zone. EPPC requests that, as part of its consideration of the forthcoming Potable Water Demand Technical Note, the Council requires South East Water to confirm in writing: (i) that the capacity confirmation relied upon relates to WRZ7; (ii) how post-2020 completions and allocations at Paddock Wood are reflected in the zone's supply-demand balance; and (iii) what margin, if any, exists in WRZ7 to accommodate this development in the period to 2035.

7. Loss of best and most versatile agricultural land

The applicant's Agricultural Land Classification report confirms the site is 100% Grade 2 "very good quality" land (ALC report, Table 1: 3.2ha, 100%) — best and most versatile land as defined in Annex 2 of the NPPF. Its permanent loss is irreversible and weighs against the proposal (NPPF; Core Strategy Policy CP9). The report's observation that land around East Peckham is generally Grade 2 or 3 does not assist the applicant: it confirms that the comparative choice between sites — including sites on poorer land elsewhere in the Borough — is one for the Local Plan's site assessment process, not for a stand-alone application.

8. Landscape, character and heritage

The applicant's Landscape and Visual Impact Assessment assesses Major (adverse) effects at Year 1 on the land use and topography of the site and on the nearest visual receptors, including adjoining residents and users of the public right of way, with the effect on topography assessed as remaining Major (adverse) at Year 15 (LVIA, Sections 7 and 9 and summary tables). The mitigation case otherwise depends on structural planting reaching maturity over fifteen years.

Church Lane is a rural lane characterised by oast houses, listed buildings and traditional Kentish building forms; two listed buildings stand on its northern side facing the site (Planning Statement para 2.1.2 acknowledges their presence). The East Peckham Character Appraisal SPD identifies views over the Coult and across this land as a locally distinctive and positive feature. A 64-dwelling development of suburban form on this frontage would erode the rural setting that the October 2024 refusal (Core Strategy Policy CP24; MDE DPD Policy SQ1) sought to protect.

The retention of the WWII pillbox with an interpretation board is welcome so far as it goes, but does not offset this harm.

The Heritage Statement is directed almost entirely at the non-designated WWII pillbox and does not adequately assess the effect of the development on the setting of the two statutorily listed buildings on the northern side of Church Lane, opposite the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to have special regard to the desirability of preserving the setting of a listed building, and to give considerable importance and weight to any harm. The introduction of a suburban estate — at the elevated floor levels identified in Section 4.4 — into the open, low-lying frontage those buildings address is capable of harming their setting, and that harm has not been assessed. EPPC requests that a proper assessment of the impact on the setting of the listed buildings be provided and weighed in accordance with the statutory duty.

These effects are cumulative and mutually reinforcing, and should be assessed together rather than discounted individually. The applicant's own LVIA already finds Major (adverse) effects on the site's land use and topography and on the nearest visual receptors; those effects would be compounded by the finished floor levels of 13.8–14.1m AOD identified in Section 4.4, which raise the dwellings up to approximately 1.5m above the datum of Church Lane at its lower, eastern end, increasing their prominence in views from the lane, from the two listed buildings opposite and from the public right of way. The result is a suburban form of development, elevated above and set against a low-lying historic rural frontage, in the open gap between two settlements the Green Belt exists to keep separate. Taken as a whole, the landscape, heritage-setting and Green Belt harms are significant and attract substantial weight against the proposal.

9. Transport and accessibility of services

The applicant's Transport Statement sets out the correct policy test and then fails it. It records that "the key theme of the NPPF is to promote sustainable modes of transport, with development sustainably located" (para 2.2.3), that paragraph 109 requires "a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places" (para 2.2.4), and it asserts that opportunities for accessing the development "by means other than the private car" have been provided (para 2.2.5). The evidence in this section demonstrates that no such vision-led approach has in fact shaped the design or location of this proposal. On the measured reality of the walking network, the bus and rail services and the parish's existing travel patterns, the scheme would create an isolated, car-dependent enclave physically separated from the community of East Peckham whose services it relies upon. It does not accord with paragraphs 108–116 of the NPPF or with Core Strategy Policies CP1 and CP2.

9.1 Walking distances to village services

The Planning Statement (para 2.2.4) asserts that the village centre is "readily accessible via the existing footpath network". The Parish Council has measured the actual walking routes from the proposed site access on Church Lane, using pedestrian route analysis on the OpenStreetMap

walking network (distances will vary by up to approximately 100m with the final access position; this does not affect the conclusions). Two road routes connect the site to the village's day-to-day services:

- Westwards along Church Lane, past the primary school, then south via Pound Road: approximately 1.05km to the Co-op and 1.2km to the pharmacy — a walk of 13–15 minutes each way. Church Lane is an unlit rural lane.
- Eastwards to Hale Street, south along Hale Street, then west along Old Road: approximately 1.65–1.8km to the pharmacy, library or Co-op — a walk of 20–22 minutes each way.
- The primary school itself is approximately 430m from the site (about 5 minutes) and is genuinely walkable, consistent with the applicant's own figure (Planning Statement para 2.2.4).

CIHT guidance (Providing for Journeys on Foot, 2000, Table 3.2) gives a preferred maximum walking distance of 800m for access to local shopping and services. On the shorter of the two routes East Peckham's services are more than a kilometre away, and on the alternative more than double the guideline figure. For completeness, Public Right of Way MR538 (the footpath along the Coult Stream) offers a shorter cut through to The Freehold, but it is unlit, unsurfaced, very narrow and uneven, with prominent exposed tree roots that make it hazardous in places; it also lies within the flood extents shown in the applicant's own FRA. It is unsuitable for everyday use — particularly after dark, in winter, or by anyone with a pushchair, wheelchair or limited mobility — and cannot properly be counted as part of the access route to the village.

The Design and Access Statement (Part 1, pp.6–7) claims that "East Peckham offers a range of amenities including restaurants, shops, open green spaces and numerous community halls (village, Jubilee, Methodist) within a 10 minute walk from the proposed site". That claim rests on concentric distance rings drawn over satellite imagery and expressly marked "Not to scale" — and it is fundamentally misleading, because the rings measure direct "as the crow flies" distances, not the routes the public can actually travel. People do not walk in straight lines across private land, field boundaries and watercourses; they must use the existing paths, pavements and roads. Measured on those actual routes, the claim collapses: at a standard adult walking speed of 1.2 m/s, ten minutes covers approximately 720m, whereas the nearest convenience store is 1,051m by the shortest available route (approximately 15 minutes), and the village hall named in the claim is further still, beyond the school on Bush Road.

The position is materially worse for the residents this scheme's bungalows and ground-floor apartments imply. The Neighbourhood Plan Transport Topic Paper applies evidence-based walking speeds by age and mobility: 1.0 m/s for residents aged 65–79, 0.75 m/s for those aged 80+ or with minor mobility impairment, and approximately 0.5 m/s for users of wheeled walking aids. Applied to the measured 1,051m route to the Co-op, those speeds give one-way walks of approximately 17, 23 and 35 minutes respectively. At the 2021 Census, 25% of parish residents (821 of 3,282) were aged 65 or over and 16% were disabled under the Equality Act definition.

For a substantial share of the population this development is intended to serve, the village's services are not realistically walkable at all.

Regardless of the distances, the quality of the walking network is inadequate and reinforces the unsustainable location of the proposed development. Tonbridge and Malling Borough Council's own East Peckham Walking Audit (August 2025), undertaken for the Local Plan, records effective pavement widths frequently below 1.5m — including on Church Lane, Hale Street, Pound Road and Old Road, the very routes serving this site — together with widespread pavement parking, discontinuous footways and pinch-points that force users to "step into the carriageway". Church Lane has a footway on one side only. These are the audited conditions on both available routes from the site.

Direct measurement by a Parish Councillor of the Church Lane footway on either side of the proposed access confirms the position and is worse than the audit implies. Church Lane has a footway on one side only; on the approach towards the school it measures approximately 1.3m clear of the kerb, and towards the Hale Street end approximately 1.22m including the kerb (the kerb block being 0.10m, leaving around 1.12m of usable width). In many places vegetation encroachment reduces the usable width to approximately 0.80m. These widths fall below the 1.8m typical and 1.2m absolute minimum footway widths in the Kent Design Guide, and well below the 2.0m clear width recommended in the Department for Transport's Inclusive Mobility guidance to allow two wheelchair users, or a wheelchair user and a pedestrian, to pass. A footway of 0.80–1.12m cannot accommodate a wheelchair or mobility scooter passing an oncoming pedestrian, nor an adult beside a child or a double buggy, without one party stepping into the carriageway of a rural lane. For the older and disabled residents this scheme is intended to serve, this is not a safe or inclusive pedestrian route, and it cannot be widened within the existing highway boundary. This engages the inclusive-design objectives of the NPPF and the Equality Act 2010 public sector equality duty, and compounds the accessibility concerns at Section 13.

9.2 Bus services — provision is overstated

The Transport Statement (para 3.3.3) describes the Arriva No. 6 (Maidstone–Tonbridge Wells via East Peckham) as providing "an hourly Mon-Fri service and further provision on Saturday". Having checked the operator's registered weekday timetable (Arriva AKSS, April 2026), the Parish Council accepts that the daytime service is broadly hourly. Measured at the Church Lane / East Peckham Library stops, the service is broadly hourly in the core daytime (around 09:00–15:00), with wider gaps at the start and end of the day — and, in the Maidstone direction, an afternoon gap of around three hours (the last two inbound departures being 15:37 and 18:33). The first departures are around 06:45 and the last in the early evening, with nothing later. It is a Monday-to-Saturday service with no Sunday service at all; the Saturday service is approximately every 90 minutes (Arriva AKSS registered timetable, April 2026, independently confirmed from the operator's Bus Open Data Service files).

The point of substance nonetheless remains. A broadly hourly daytime service, finishing in the early evening and with materially wider and irregular gaps in the Maidstone direction, does not provide the range or timing of journeys required for commuting, further education or any evening activity, and is not a realistic alternative to car ownership for a development of 64 family homes — particularly given the parish's exceptional car dependency (Section 9.5). The only other registered local service, Route 208 (Go-Coach), adds a limited number of weekday and Saturday trips and terminates at Branbridges Road.

The parish's underlying accessibility deficit is quantified by two independent Government measures. The DfT Transport Connectivity Metric (2025) scores East Peckham's two LSOAs at 44.9 and 36.8 (population-weighted 40.7), against a Tonbridge and Malling average of 55.4 and an England and Wales average of approximately 64. The English Indices of Deprivation 2025 Geographical Barriers sub-domain ranks the parish at 4,641 of 33,755 LSOAs — among the most service-isolated 10–20% in England. These are structural measures of the location's ability to reach jobs, healthcare, education and shopping; they are not consistent with the "sustainable location" characterisation on which the application depends.

9.3 Rail access

The Design and Access Statement presents Yalding and Beltring stations as "located nearby... offering services to Strood via Maidstone West to the north and Paddock Wood to the south" (DAS Part 1, p.6). Neither is a realistic car-free option from this site. The nearest, Beltring, is an unstaffed halt with no car park (Office of Rail and Road usage 2024/25: 14,532 entries and exits, roughly 40 a day); its approach roads have no footway or lighting, and to reach it on foot or by cycle from the village means crossing the A228 Branbridges Bypass — a national-speed dual carriageway with no pedestrian crossing on that stretch (see the fatal collision record at Section 9.4). Yalding station is reached only by narrow rural lanes without footways, unsuitable for cycling under Local Transport Note LTN 1/20, and its car park provides just 21 spaces (verified by satellite and street-level imagery, July 2026), with no headroom for additional commuter parking. Mainline services at Paddock Wood are likewise accessed along the A228. Rail access from this site is, in practice, dependent on and constrained by the private car.

9.4 Highway assessment and the strategic network

The Transport Statement describes the surrounding lanes as "lightly trafficked" (para 3.2.2) and confines its assessment to the Church Lane/Hale Street junction. The evidence gathered for the Neighbourhood Plan Transport Topic Paper records a different picture:

- The A228 corridor carries over 20,000 vehicles per day, including more than 1,000 HGV movements associated with Paddock Wood's distribution and commercial role (DfT road traffic statistics, cited in NDP Transport Topic Paper 6). The concentration of HGV traffic on roads through and adjacent to the village creates recognised severance and safety pressures for pedestrians and cyclists.
- The danger on this corridor is not theoretical. Four people died in two separate collisions on the A228 at East Peckham in the twelve months to June 2026, including three in a single

collision involving an HGV (Kent Police appeals for information; press reports). These deaths post-date the collision data on which the Transport Statement's "no concerns" conclusion rests, and EPPC asks that KCC Highways confirm the corridor's current fatal and serious collision record as part of its consultation response. This is also the road — a national-speed dual carriageway with no pedestrian crossing on the relevant stretch — that anyone walking or cycling from the village must cross to reach Beltring station (Section 9.3 above).

- In its formal response to TMBC's Regulation 18 consultation, Maidstone Borough Council objected to the proposed East Peckham and Hale Street allocations on cross-boundary transport grounds, expressly identifying a "lack of sustainable travel options" to support new homes in East Peckham and warning that traffic from these developments would compound congestion on the shared A26 and A228 corridors and their interchange.
- The parish's internal lanes are used as peak-hour diversion routes around congestion at the A26/A228 junction and Colts Hill, and provide access to Hartlake Bridge — the only Medway crossing east of Tonbridge other than the A228 — concentrating through-traffic on narrow rural lanes without footways.
- Jacobs transport modelling commissioned by TMBC for the Local Plan evidence base identifies pressure points on the A26 and A228 corridors by 2042, particularly at peak hours.
- Against that background, the Transport Statement's reliance on 2022 traffic counts and a "simple 50% sensitivity test... as a proxy for testing against a Local Plan scenario" (paras 4.3.3–4.3.4) is not an adequate assessment of cumulative growth from the 586 dwellings proposed for East Peckham in the Regulation 18 plan (EP1, EP2, HS1) together with cross-boundary development. EPPC requests up-to-date surveys and a cumulative assessment before KCC Highways is invited to confirm its position. The Crashmap reference (para 3.4) reflects only police-reported personal injury collisions and does not capture the near-miss and unreported incident record documented in the Parish Council's community surveys.

9.5 Structural car dependency

East Peckham is already structurally car-dependent. At the 2021 Census, only 126 of the parish's 1,352 households (9.3%) had no car or van, while 758 households (56.1%) ran two or more vehicles — and the trend is rising, from 50.8% of households with two or more vehicles in 2001 to 53.4% in 2011 and 56.1% in 2021 (ONS Census, car or van availability, East Peckham parish). The Parish Council's 2026 Neighbourhood Plan household survey found 87.3% of respondents travelling as a car or van driver, with limited service frequency (39.4%) and reliability (31.8%) the most-cited barriers to bus use. Cycling infrastructure is effectively absent: the sole marked cycleway in the parish is a short, poorly segregated stretch of approximately 1km on the A228, and TMBC undertook no cycling audit of East Peckham for its Local Plan.

Against that background, the scheme's own provision for active travel is inadequate. The Transport Statement offers only that "cycle storage can easily be provided, with a bike store for the flatted area" (para 5.2.2) — secure, covered cycle storage is thus proposed only for the apartments, with nothing specified for the houses, and the statement is an assertion of feasibility rather than a committed, designed provision. The layout otherwise relies on open

parking and 3,263m² of porous paved drives, with no secure garages. Convenient, secure cycle storage for every dwelling is a basic requirement of the design and sustainable-transport policies of the NPPF and of Core Strategy Policy CP2; its absence removes even the theoretical cycling alternative on which the applicant's sustainability case depends and reinforces the car dependency described above.

Placing 64 dwellings in this location will therefore add car-dependent households to a network already under documented pressure, contrary to the objectives of Core Strategy Policies CP1 and CP2 and the vision-led approach required by paragraph 109 of the NPPF. Without prejudice to this objection, if the Council is nonetheless minded to grant permission, EPPC requests Section 106 contributions towards the safe pedestrian and cycle links identified through the Neighbourhood Plan, and conditions securing specific, covered and secure cycle storage for every dwelling.

10. Community infrastructure

- GP capacity: East Peckham has no GP surgery, so all primary care requires travel to surrounding settlements — difficult without a car, and the Yalding surgery is itself affected by flooding. EPPC requests that the Integrated Care Board is consulted on the application and that any permission secures healthcare contributions commensurate with approximately 155 additional residents.
- Education and other contributions should be assessed in the context of the whole of draft allocation EP2, so that obligations are not under-scaled by treating this parcel in isolation.

11. Affordable housing and mix

Without prejudice to the Parish Council's objection to the principle of this development, and in the event that the Council is minded to approve it, the following points arise on affordable housing. The 50% affordable offer is acknowledged; the Parish Council's concern is deliverability and enforceability: the tenure split (22 rented, 10 intermediate; Planning Statement para 6.3.5), phasing triggers and protections against subsequent viability renegotiation must be fixed in the Section 106 agreement before determination. EPPC also questions whether five-bedroom market dwellings (5 of the 32 market units; Planning Statement para 4.1.6) respond to an identified local need, and repeats its suggestion — made in its March 2024 representation and not taken up — that unmet local need at Boormans Almshouses be explored.

12. Ecology and biodiversity net gain

The Parish Council notes that the application is supported by current species survey work — reptile surveys carried out in March–April 2026 and great crested newt eDNA surveys in April 2026 (Herpetological Survey Report, KB Ecology, 14 May 2026) — and that the Preliminary

Ecological Appraisal habitat walkover, although first undertaken in 2016, was updated on 6 May 2025. EPPC does not, therefore, pursue any objection on the currency of the ecological surveys.

On biodiversity net gain: the scheme does not achieve the statutory 10% gain on site. On-site habitat units decline and approximately 9.77 units are to be secured off site (Biodiversity Gain Statement; Planning Statement para 6.3.82). EPPC requests that any off-site units be secured, so far as possible, within or adjoining the parish, and that the metric be re-run against a current habitat baseline.

12.1 Artificial lighting — no strategy submitted for a bat-sensitive site

The application is not accompanied by any lighting assessment or external lighting strategy, notwithstanding that the applicant's own ecological evidence identifies the site as sensitive to artificial light. The Preliminary Ecological Appraisal records that seven species of bat were found foraging over the site — including common and soprano pipistrelle, noctule, brown long-eared and *Myotis* species — "predominantly along the boundary hedges and trees" (PEA para 3.9). All bat species are European Protected Species under the Conservation of Habitats and Species Regulations 2017 and Schedule 5 of the Wildlife and Countryside Act 1981, and the Council is under a statutory duty to have regard to their protection.

The PEA itself acknowledges that "lighting can be detrimental to roosting, foraging and commuting bats" and recommends that any lighting scheme follow the Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08 ("Bats and Artificial Lighting") (PEA paras following 4.10). No such scheme has been provided. Moreover, the only dark buffer secured in the submitted material is a 10-metre lighting-free zone along the stream (PEA para 4.2) — yet the PEA's own findings locate the principal bat foraging routes along the boundary hedgerows, which the layout brings into direct proximity with new dwellings, streets and their lighting. The submitted evidence therefore leaves the most light-sensitive features unprotected.

This engages NPPF paragraph 185(c), which requires planning decisions to limit the impact of light pollution on nature conservation and intrinsically dark landscapes, together with paragraphs 193–196 on protecting biodiversity, and Policies NE2 and NE3 of the Managing Development and the Environment DPD. It is also directly relevant to the emerging East Peckham Neighbourhood Plan, which is preparing a specific policy on responsible external lighting (draft Policy EP/ENV1) to protect the parish's dark rural night skies and the Medway, Bourne and Coult corridors. EPPC objects to the determination of the application in the absence of an Ecological Lighting Strategy demonstrating compliance with BCT/ILP Guidance Note 08 — including fully shielded, downward luminaires, a warm spectrum ($\leq 3000\text{K}$), and a demonstrable dark buffer to the boundary hedgerows as well as the stream — and requests that no permission be granted until such a strategy has been submitted, consulted upon and secured by condition.

A reconciled lighting strategy is all the more necessary because the application's lighting must satisfy two requirements that pull in opposite directions and have not been squared. Kent

Police, as Designing Out Crime Officers (letter of 15 July 2026), recommend that all roads — main, side, cul-de-sac and parking areas — be lit to BS 5489-1:2020 in accordance with Secured by Design (recommendation 6), and that pavements be provided on both sides of the roads (recommendation 3). Draft Local Plan Policy D1(5a) requires regard to Secured by Design. Those lit-estate requirements cannot be met at the same time as the dark buffers to the stream and boundary hedgerows that the applicant's own ecologist requires under BCT/ILP Guidance Note 08, unless a single, professionally designed lighting scheme demonstrates how both are achieved. No such scheme has been submitted, so neither the crime-prevention nor the ecological requirement is currently satisfied.

13. Consistency and completeness of the application documents

- The submission documents do not agree on what is proposed: the Soakage Report describes 69 dwellings and a medical facility (LP2298, p.1); the Drainage Strategy and Planning Statement describe 64 dwellings; the Drainage Strategy gives two different bedrock geologies (Section 5.2 above).
- The Design and Access Statement's materials text states that "a number of boundary walls in key locations are to be constructed in brick with ragstone panels", while the drawing revision log within the same document records "P03 2026.03.25 — Ragstone removed as ground floor walling material" (DAS Part 3). The Council should require a corrected and internally consistent statement of the proposed materials before determination.
- The Schedule of Accommodation is itself incomplete — it omits the number of storeys, bedroom dimensions and any space-standard compliance table (Section 14.1) — and the Planning Statement is internally inconsistent as to the number of parking spaces provided (paras 4.1.17 vs 6.3.21; Section 14.2).
- Accessibility: the Parish Council can find no statement in the Design and Access Statement or Schedule of Accommodation of which dwellings, if any, will meet Building Regulations optional standards M4(2) (accessible and adaptable) or M4(3) (wheelchair user dwellings). This omission matters because of the community the scheme is designed to serve and the environment around it: at the 2021 Census 25% of parish residents were aged 65 or over and 16% were disabled under the Equality Act definition; the scheme includes bungalows and ground-floor apartments of the kind marketed to downsizers and older occupants; its predecessor was promoted substantially on older persons' accommodation; and the surrounding footway network is audited as substandard (TMBC East Peckham Walking Audit, August 2025 — Section 9.1 above). NPPF paragraph 63 requires the housing needs of older and disabled people to be assessed and reflected in decisions. EPPC requests that a quantified schedule of M4(2) and M4(3) dwellings be provided and secured by condition or Section 106 agreement before determination.

14. Design, space, parking and construction standards

Assessed against the recognised design and construction standards, the application is deficient or incomplete in several respects. These standards are cited below either as adopted requirements or, where they depend on policy adoption, as benchmarks — with the important observation that the applicant's case relies heavily on the emerging Local Plan (the draft EP2 allocation), whose own design policy (Draft Local Plan Policy D1) would apply these standards in terms. The applicant cannot invoke the emerging plan to support the principle of development while ignoring the same plan's design requirements.

14.1 National Described Space Standard (NDSS)

The Schedule of Accommodation (drawing 31261A/800 Rev K, 22 June 2026) does not demonstrate compliance with the Nationally Described Space Standard (DCLG, 2015). It omits the number of storeys and the bedroom dimensions needed to test compliance, and contains no NDSS compliance table. On the figures it does provide, several units fall short:

- Multiple four-person units are scheduled at 80.2 m² gross internal area with 2.0 m² of built-in storage. NDSS Table 1 (p5) requires 2.5 m² of built-in storage for any four-person dwelling; the scheduled 2.0 m² therefore fails on either a two-bed or three-bed reading. If, as the housetype descriptions in the schedule indicate, these are three-bedroom units, the minimum two-storey gross internal area is 84 m² and they are a further 3.8 m² short on floor area.
- Several other unit types appear to fall below the Table 1 storage minima (for example, five-person units scheduled with 2.5 m² against a 3.0 m² minimum). Because the schedule is incomplete, these cannot be fully verified from the submitted information — which is itself the point.

EPPC requests that a full NDSS compliance schedule (gross internal areas, storeys, bedroom sizes and built-in storage against Table 1 for every plot) be required before determination. NDSS is not adopted in the current Development Plan and so is a benchmark at this stage; however, Draft Local Plan Policy D1(4e) requires major residential development to demonstrate NDSS compliance, and the applicant relies on that same emerging plan elsewhere in its case.

14.2 Car and cycle parking — shortfall against KCC standards

The Kent County Council Parking Standards adopted on 29 January 2025 (superseding the Interim Guidance Note the previous application relied upon) place East Peckham in the Rural category (Table 1, p26), requiring two allocated spaces per one-to-three-bedroom dwelling, three per four-or-more-bedroom dwelling, and visitor parking at 0.2 spaces per dwelling in addition; garages are not counted towards the requirement, which the Transport Statement accepts (para 5.2.4).

- On the scheme's mix (7 one-bed, 19 two-bed, 27 three-bed and 11 four/five-bed dwellings), the rural standard requires 139 allocated spaces (53 × 2 plus 11 × 3). The Schedule of Accommodation provides 130 allocated spaces — a shortfall of at least nine — and shows

some dwellings with only one allocated space against a rural minimum of two. The Planning Statement is itself inconsistent as to whether the figure of 130 includes the 13 visitor spaces (compare paras 4.1.17 and 6.3.21); if it does, the shortfall is materially greater. The applicable 50% discount on tandem rear spaces (Table 1, Note 5) would reduce the effective provision further.

- The cycle parking standard is one secure space per bedroom (Table 25, p37) — approximately 175 spaces across the scheme. The Transport Statement offers only that "cycle storage can easily be provided, with a bike store for the flatted area" (para 5.2.2), which is neither a designed nor a compliant provision (see also Section 9.5).

These are numeric shortfalls against the current adopted Kent standard. Given the parish's exceptional car ownership (Section 9.5), under-provision would displace parking onto Church Lane and the surrounding lanes. EPPC requests that KCC Highways assess the scheme against the January 2025 standard and that compliant car and cycle parking be secured before determination.

14.3 Highway adoption and long-term maintenance

The Transport Statement confirms that "highway adoption of the site is not proposed, other than as required for the immediate junction with Church Lane" (para 4.2.4). The consequence is that the internal streets, footways, street lighting and — critically — the surface water drainage infrastructure (the attenuation basin, interceptor, silt trap and porous paving addressed in Section 5.3) would all be maintained privately, by a management company, in perpetuity, with no Section 38 Highways Act 1980 agreement and no highway authority as a backstop. On a site where drainage performance is safety-critical and directly affects downstream properties, EPPC objects to the reliance on private management for the entire street and drainage network, and requests that adoption under Sections 38 and, for the drainage, 104, or an equivalent enforceable long-term maintenance and funding mechanism, be secured as a condition of any permission. EPPC further notes that the visibility standards KCC Highways initially sought at the emergency access were, on the applicant's account, negotiated away as "over-designing" (Transport Statement para 4.2.2) — a matter of particular concern given that this same access is relied upon in the flood evacuation strategy (Section 4.2).

14.4 Energy and water efficiency

The Planning Statement states that the dwellings will be gas-free with air source heat pumps, but that photovoltaic panels will be provided only "on selected properties where appropriate" (para 6.3.105), and the submission does not explain how dwellings completed after 24 March 2027 — likely given the build-out period — will meet the Future Homes Standard then in force (a 75% reduction in carbon emissions against the 2013 baseline). EPPC requests a condition securing Future Homes Standard compliance for all dwellings not completed before that date.

On water, and directly connected to the Cranbrook water resource zone position in Section 6, EPPC requests a condition securing the optional higher water efficiency standard of 110 litres per person per day (Building Regulations Approved Document G) in place of the 125 l/p/d

default. This is a proportionate, enforceable measure that follows directly from the constrained water-resource position and should be secured on any permission.

15. Residential amenity — noise and the Agent of Change principle

The submitted Acoustic Assessment (Able Acoustics) concludes that the site is generally acceptable, but its own findings disclose an unresolved amenity and land-use conflict at the western boundary with Brook Farm. That building secured planning permission on 26 January 2024 for change of use to Class B8 storage and distribution (Planning Statement para 2.2.1); the assessment measures a night-time peak of 73.6 dB LAmax from the commercial yard.

- The assessment states that "satisfactory internal noise levels are unlikely to be achieved with windows open for the dwellings at Plots 34–37 closest to the boundary with the commercial premises" (paras 4.6.7 and 5). Those dwellings would rely on a 2.5m acoustic barrier, acoustic glazing and mechanical ventilation (MVHR) to be habitable — that is, on keeping windows closed. National Planning Practice Guidance treats reliance on closed windows and mechanical ventilation as a last resort rather than a primary design solution; good acoustic design should first be achieved through layout, orientation and separation. The application has not demonstrated that Plots 34–37 could not be re-sited or reconfigured as non-habitable buffer space to avoid the conflict.
- This also engages the Agent of Change principle (NPPF paragraph 193). By placing dwellings against an operating commercial yard such that future residents must keep windows shut, the development imports a foreseeable source of noise complaints against a lawful business, risking pressure for future restrictions on its operation. The burden of mitigation falls on the incoming development, and the layout as drawn does not discharge it.

EPPC requests that, at the least, the layout be revised to move habitable accommodation away from the commercial boundary, and that the amenity of Plots 34–37 and the Agent of Change conflict be resolved before determination rather than through reliance on permanently closed windows.

16. Conflict with the Development Plan and national policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Planning Statement asserts that the proposal accords with a series of adopted Development Plan policies. For the reasons and evidence set out in this response, the Parish Council considers that the proposal conflicts with those policies, as summarised below. Two points frame the table. First, most of the policies below are development-management policies that the applicant itself accepts remain consistent with the National Planning Policy Framework (Planning Statement paras 5.5.6–5.5.7); their breach cannot be discounted as "out-of-date" under paragraph 11(d). Secondly, the policies relating to the Green Belt and to flood risk are footnote 7 policies: under paragraph 11(d)(i) their application provides a strong reason for

refusing the development, so the "tilted balance" the applicant relies upon does not, in any event, lead to a grant of permission.

Policy	What it requires (and where the applicant claims accordance)	Where the proposal conflicts
<i>Adopted development plan — Tonbridge & Malling Core Strategy (2007) and Managing Development and the Environment DPD (2010)</i>		
CP3 — Green Belt	No inappropriate development save in very special circumstances (applicant claims accordance / grey belt, PS §6.2.12, §6.4).	Inappropriate development; not "grey belt"; VSC not made out (Section 2). Footnote 7 policy.
CP6 — Separate Identity of Settlements	Prevent the coalescence and protect the separate identity of settlements.	Merges East Peckham and Hale Street; Council's own 2024 refusal and 2025 Green Belt Assessment (Section 2.1).
CP10 — Flood Protection	Safe development; sequential approach; no increased flood risk elsewhere (applicant claims accordance, PS §6.2.11, §6.3.47).	No borough-wide Sequential Test; safe access/egress not demonstrated; levels undisclosed (Section 4). Footnote 7 policy.
CP1 — Sustainable Development	Deliver high-quality, sustainable development (applicant claims accordance, PS §6.3.59).	Car-dependent location; services not realistically walkable (Section 9).
CP2 — Sustainable Transport	Locate development where accessible by sustainable modes (applicant claims accordance, PS §6.3.22).	Broadly hourly daytime bus only, no evening or Sunday service; rail car-dependent; substandard footway (Section 9).
CP9 — Agricultural Land	Protect best and most versatile agricultural land (applicant claims compliance, PS §6.3.109).	Permanent loss of 3.2ha of 100% Grade 2 (BMV) land (Section 7).
CP24 — High Quality Environment	Respond positively to local character and heritage (applicant claims accordance, PS §6.3.59, §6.3.102).	LVIA finds Major (adverse) effects; listed-building setting unassessed (Section 8).
CP25 — Mitigation of Development Impacts	Secure the infrastructure necessary to serve the development.	Water, healthcare and long-term street/drainage maintenance not secured (Sections 6, 10, 14).
CC3 — Sustainable Drainage	Effective, evidenced sustainable drainage.	Soakage evidence outdated, non-compliant and for the wrong scheme; unquantified discharge (Section 5).
SQ1 — Landscape & Townscape Protection	Protect and enhance landscape and townscape character (applicant claims accordance, PS §6.3.59).	Suburban form on a historic rural frontage; Major (adverse) LVIA effects (Section 8).
SQ5 — Water Supply and Quality	Development supported by adequate water supply without detriment (applicant claims accordance, PS §6.3.117).	Required water capacity note not submitted; no demonstrated WRZ7 resource margin (Section 6).
SQ6 / SQ7 — Noise and Amenity / Health & Well-being	Good standard of amenity for future and neighbouring occupiers.	Plots 34–37 reliant on closed windows; Agent of Change conflict with Brook Farm (Section 15).
SQ8 — Road Safety	Safe and suitable road and pedestrian conditions.	A228 collision record; footway 0.8–1.3m; junction not reassessed for cumulative growth (Section 9).
NE2 / NE3 / NE4 — Biodiversity, Habitats and Trees	Protect habitats and biodiversity; net gain.	No lighting strategy for the recorded foraging bats; net gain exported off site (Section 12).
<i>Emerging Local Plan (Regulation 18) — relied upon by the applicant for the principle of development</i>		
Policy D1 — Design Quality	Demonstrate NDSS compliance (D1(4e)); have regard to Secured by Design (D1(5a)).	NDSS not demonstrated (Section 14.1); no reconciled Secured by Design / ecology lighting scheme (Sections 12.1, 14.3).

National Planning Policy Framework (February 2025) and legislation		
Paras 152–155 (Green Belt); para 11(d)(i) & fn 7	Green Belt and flood-risk policies provide a strong reason for refusing development.	Sections 2 and 4 — tilted balance disapplied.
Paras 170–181 (flood risk)	Sequential/exception approach; safe for lifetime; no increased risk elsewhere.	Section 4.
Para 174 (agricultural land)	Recognise the benefits of the best and most versatile land.	Section 7.
Paras 108–116 (sustainable transport)	Vision-led; genuine choice of sustainable modes; secure cycle storage.	Section 9; parking/cycle shortfall Section 14.2.
Para 135 (well-designed places); para 185(c) (light pollution); para 193 (Agent of Change); paras 207–216 & s.66 LBCA Act 1990 (heritage)	Good design; limit light pollution; protect existing businesses; preserve listed-building settings.	Sections 8, 12.1, 14, 15.

The proposal is therefore in conflict with the Development Plan read as a whole, and the material considerations — including the emerging plan the applicant relies upon — reinforce rather than outweigh that conflict. The application should be refused.

Conclusion

The Borough Council refused a materially similar scheme on this site in October 2024 because it harmed the Green Belt, visibly merged separate settlements and encroached into the countryside. The present application reduces the scheme by five dwellings and re-frames the site as "grey belt", but the land, its function in the gap between East Peckham and Hale Street, its flood context, its Grade 2 agricultural quality and its contribution to the rural character of Church Lane are unchanged. The grey belt definition is not met where flood risk policy provides a strong reason for restricting development, and the proper route for considering this site is the examination of draft allocation EP2 through the Local Plan — not a stand-alone application submitted before the Regulation 19 plan is published and before the required water capacity evidence has been provided.

For the reasons above and in its previous representations, East Peckham Parish Council objects to application TM/26/01252/FL and requests that it be refused. Should the case officer be minded to recommend approval, EPPC requests that the application be determined by Planning Committee, and that EPPC be notified of the submission of the Potable Water Demand Technical Note and the Water Infrastructure Capacity Report and afforded the opportunity to comment before determination.

Documents and sources referred to

- Application documents (TM/26/01252/FL): Planning Statement incl. Affordable Housing Statement and Sequential Test (Stantec, June 2026); Cover Letter (Stantec, 25 June 2026); Flood Risk Assessment (Arden, ref 2501280_A-ACE-XX-XX-RP-C-0301A, June 2026); Drainage Strategy Report (RCD); Soakage Testing Letter Report (LEAP Environmental, ref

LP2298); Transport Statement (Stantec, June 2026); Landscape and Visual Impact Assessment (Pegasus Group); Agricultural Land Classification Report (Kernon Countryside Consultants); Preliminary Ecological Appraisal (K B Ecology, 14 May 2025); Biodiversity Gain Statement (K B Ecology); Design and Access Statement Parts 1–3 (Clague Architects).

- TMBC decision notice, TM/21/03353/FL, 10 October 2024 (reasons for refusal as quoted in the applicant’s Planning Statement, para 3.2.6).
- EPPC representations on TM/21/03353/FL: 8 February 2022; 18 July 2022; 2 March 2024.
- South East Water, Water Resources Management Plan 2024 — final plan tables, sheet SEWCB7 (Cranbrook zone WRZ7: rows 50BL/50FP Supply Demand Balance; row 20BL average household consumption, base year 2021/22); Annex 2B, Water Resource Zone Integrity assessment, section 2.7 (zone composition and baseline demand); Annex 7B, Population and property forecast (local authority growth assumptions last refreshed 27 March 2020).
- TMBC Draft Local Plan (Regulation 18, November 2025), Policy SP2 (housing requirement 19,746 dwellings, 2024–2042) and draft allocation EP2.
- Arriva AKSS registered timetable for service 6 (Maidstone–Tunbridge Wells via East Peckham), effective April 2026 — Bus Open Data Service files 2325187–2325192 (Monday–Friday and Saturday operating profiles; no Sunday profile), cross-checked against the operator’s published timetable and the EPPC Bus Services Reference (June 2026); Go-Coach service 208.
- KCC, Flood Risk to Communities (Tonbridge and Malling), as cited in EPPC’s representation of 18 July 2022.
- CIHT, Providing for Journeys on Foot (2000), Table 3.2; Department for Transport, Local Transport Note LTN 1/20, Cycle Infrastructure Design (2020).
- Bat Conservation Trust / Institution of Lighting Professionals, Guidance Note 08 — Bats and Artificial Lighting (2023), referenced in the applicant’s own Preliminary Ecological Appraisal.
- Nationally Described Space Standard (DCLG, March 2015), Table 1, p5.
- Kent County Council, Kent Parking Standards (adopted 29 January 2025), Table 1 (p26), Table 25 (p37), Table 28 (p39).
- Kent Police, Designing Out Crime Officer response, ref 26/01252/FL/AH.1/TM-212, 15 July 2026 (recommendations 2, 3, 6, 7).
- Able Acoustics, Acoustic Assessment (paras 4.6.7, 5); DfT Inclusive Mobility guidance (footway clear widths); Kent Design Guide footway widths (1.8m typical / 1.2m minimum).
- Church Lane footway widths: direct measurement by an East Peckham Parish Councillor, July 2026 (≈1.3m clear towards the school; ≈1.22m including a 0.10m kerb towards Hale Street; ≈0.80m where vegetation encroaches).
- Herpetological Survey Report (KB Ecology, 14 May 2026: reptile surveys March–April 2026; great crested newt eDNA April 2026); PEA habitat walkover updated 6 May 2025.
- Building Regulations Approved Document G (water efficiency: 110 l/p/d optional, 125 l/p/d default); Future Homes Standard (in force 24 March 2027).

- TMBC Draft Local Plan (Regulation 18), Policy D1 — Design Quality (D1(4e) NDSS; D1(5a) Secured by Design).
- East Peckham Neighbourhood Plan evidence base: Transport Topic Paper 6 — Transport and Connections (committee draft, June 2026), including DfT road traffic statistics for the A228 corridor, age/mobility walking speed analysis, and the 2026 household survey; Maidstone Borough Council's formal response to the TMBC Regulation 18 consultation, as recorded therein.
- TMBC, East Peckham Walking Audit (August 2025), prepared for the Local Plan evidence base.
- TMBC / Ove Arup & Partners, Tonbridge and Malling Stage 2 Green Belt Assessment (September 2025), Section A.6 (East Peckham and Hale Street) and Main Report p.26 summary table — sub-area HS-03 (2.94 ha): purpose (c) score 5/5, Overall NPPF Purpose Performance "Strongly".
- North Wiltshire District Council v Secretary of State for the Environment (1992) 65 P&CR 137 (consistency in decision-making).
- TMBC Strategic Flood Risk Assessment data for draft allocation EP2 (flood zone proportions).
- Office of Rail and Road, Estimates of Station Usage 2024/25 (Beltring); National Rail Onward Travel Map, Beltring (July 2024); Kent Online (January 2021); EPPC site visit, June 2026.
- DfT Transport Connectivity Metric 2025 (LSOAs E01024743, E01024744); English Indices of Deprivation 2025, Geographical Barriers sub-domain.
- ONS Census 2001/2011/2021, car or van availability, East Peckham parish (2021: 1,352 households — no vehicle 126; one 468; two 487; three or more 271); Census 2021 residents aged 65+ (821 of 3,282) and disability under the Equality Act.
- Yalding station car park capacity: verified by satellite and street-level imagery, July 2026 (21 spaces: 20 standard, 1 disabled bay).
- A228 fatal collisions at East Peckham, twelve months to June 2026: Kent Police, "Appeal for information after fatal collision in East Peckham" (kent.police.uk); Horse & Hound, "Man arrested: police appeal after fatal collision, East Peckham" (horseandhound.co.uk); official confirmation of the corridor's collision record requested from KCC Highways.
- Pedestrian route analysis: OpenStreetMap walking network routing (FOSSGIS/OSRM foot profile), July 2026, from the proposed site access on Church Lane; distances rounded.

East Peckham Parish Council

Date 14th August 2026