

When this application came before the Committee in 2014 the Parish Council and local members tried to make a strong case that the loss of this LDF protected employment site outweighed any housing gain in an extremely crowded village, and that Isles Quarry already met any need for Affordable housing in the area.

The applicant said they had tried to market the site commercially, but as they had been asking £3.5M for a commercial site worth less than half that, its not surprising they had no takers. £3.5m is the value of a hectare of clean land with permission for housing.

The applicant's planning statement highlighted TMBC's failure to keep Affordable Housing supply ahead of demand, and the statement makes a good dozen references to affordable housing to persuade you to allow this valuable employment site to be destroyed. I won't waste your time reading them all out, but they are at paras 3.6.20, 3.6.21, 3.6.26, 3.4.1, 3.4.3, 4.2.3, 4.5.3, 4.11.4, 4.11.5, 4.11.6, and 5.1.1.

And now they come to us saying they have suddenly discovered site contamination, and the cost of remediation will makes the affordable housing provision unviable, so they want us to let them off that condition. I believe the provision of Affordable Homes was the main reason Members were minded to approve this application in the first place - without the affordable housing there is no justification for losing the employment use of the site.

But there is some further intriguing evidence to be found by reading the various reports submitted with the application.

In the planning statement para 4.5.3 the applicant clearly states " A contamination report ... demonstrates that there is no basis for concern".

This directly contradicts the Soils Ltd report which says in 5.1.1 when discussing contamination " This monitoring has not been sanctioned by the Client"

The Officer's Report at that time confirms this when it says at 6.37 " Despite on-site and adjacent landfilling, and the installation of ground gas monitoring boreholes, **the monitoring was not sanctioned by the client and as such was not undertaken.** It is considered necessary for this sampling to be undertaken. Soil samples revealed elevated levels of arsenic, lead, nickel and zinc which could pose a risk to human health if not dealt with appropriately"

A later site investigation by Southern Testing limited in March 2015 confirms that and also notes : Of greater concern is the positively identified instances of asbestos, including Chrysolite, Crocidolite, and Amosite, in the form of cement, board, as loose fibres and as lagging, the latter form requiring the site to be notified to the HSE, given that asbestos was identified in nearly 50% of the samples". Southern Testing also note that this may rise once the buildings and hardstandings that cover the bulk of the site are removed. If you look at the testing maps, they have only been possible on the periphery of the site.

I think we have an applicant who is trying to manipulate the system to save the expense of providing affordable housing, and to improve the sales status of his development, and who has quite deliberately refused to assess the site properly before his application, knowing how important Affordable Housing provision is to this Council and this committee, and that a heavily contaminated site might not be approved for housing, and kept for employment use.

He is attempting to invoke the current planning rules that allow a relaxation of affordable housing provision if that provision makes the site financially unviable. I would say that it is the developers deal with A-Z that is flawed, and that is what needs to be addressed by him to make the site viable.

The financial benefits to A-Z and Fernham Homes should not be at the expense of the people of Tonbridge & Malling.. Current planning rules already give developers a Golden Charter, they must not be allowed to erode the system any further.

I ask the committee to refuse this application to alter the previously agreed conditions.